

Brian H. Bornstein
Alan J. Tomkins *Editors*

Motivating Cooperation and Compliance with Authority

The Role of Institutional Trust

Nebraska Symposium on Motivation

Volume 62

Series Editor

Debra A. Hope

Department of Psychology

University of Nebraska-Lincoln

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*In loving memory of Marilyn Bornstein
and Lois Lipsett.*

Preface

We are pleased to offer this volume from the 62nd Nebraska Symposium on Motivation.

The volume editors are Brian Bornstein and Alan Tomkins. In addition to overseeing this book, the volume editors coordinated the 62nd Symposium, including selecting and inviting the contributors. My thanks to Professors Bornstein and Tomkins and to the contributors for an outstanding series of papers on institutional trust.

This Symposium series is supported by funds provided by the Chancellor of the University of Nebraska-Lincoln, Harvey Perlman, and by funds given in memory of Professor Harry K. Wolfe to the University of Nebraska Foundation by the late Professor Cora L. Friedline. We are extremely grateful for the Chancellor's generous support of the Symposium series and for the University of Nebraska Foundation's support via the Friedline bequest. This symposium volume, like those in the recent past, is dedicated to the memory of Professor Wolfe, who brought psychology to the University of Nebraska. After studying with Professor Wilhelm Wundt in Germany, Professor Wolfe returned to this, his native state, to establish the first undergraduate laboratory in psychology in the nation. As a student at Nebraska, Professor Friedline studied psychology under Professor Wolfe.

Lincoln, NE, USA

Debra A. Hope

Acknowledgments

This volume is the final product resulting from the 62nd annual Nebraska Symposium on Motivation, which was held on April 24–25, 2014. In truth, however, it is much more than that, representing the culmination of roughly seven years of collaborative research on trust, spanning several grants, multiple projects and papers, and personnel. We are especially grateful to the core members of our “trust team” at UNL: Joe Hamm, Mitch Herian, Chris Kimbrough, Tess Neal, Lisa PytlikZillig, and Ellie Shockley. All of our work on the topic has benefited greatly from their intellectual contributions, and they played a large part in helping us organize the Symposium, as well as a National Science Foundation-funded interdisciplinary workshop on institutional trust. The workshop immediately followed the Symposium and allowed us to bring a large number of trust scholars together for the two related events. Sarah Michaels and David Rottman have also been key intellectual partners in much of our work.

It takes a small army to organize a symposium and another small army to produce a book. A few lucky individuals even get to be members of both armies. To belabor the military metaphor—and why not, for few institutions are larger or more powerful than the military—we could not have won the battle without the efforts of the following people: Jennifer Heetderks, Jennifer Klein, and Kathy Moline at the University of Nebraska Public Policy Center; Lori Byrne, Jamie Longwell, and Pam Waldvogel in the UNL Department of Psychology; and Morgan Ryan at Springer. A number of students and other staff members at UNL and Springer played a role as well, and we appreciate their contributions to the nitty-gritty part of getting things done, for both the Symposium and the resulting book. Thanks to Clint Chapman and Lisa PytlikZillig for their artistic help in designing the Symposium logo and also to Lisa for reviewing an earlier draft of the introductory chapter.

We feel fortunate to work at an institution that has supported this project from the beginning. We gratefully acknowledge the moral and financial support of Debra Hope, Chair of the UNL Motivation Symposium Committee and Series Editor; Rick Bevins, Chair of the UNL Psychology Department; Nancy Shank, Acting Director of the University of Nebraska Public Policy Center; Prem Paul, UNL Vice Chancellor for Research and Economic Development; Harvey Perlman, UNL Chancellor; and Susan Sterett and Marjorie Zapf, Law and Social Science Program Officers at the

National Science Foundation, which has provided funding for much of our work on trust, including the workshop that accompanied the symposium (SES-1353980).

We are particularly thankful for the support of our families, especially our spouses, Christie Emler and Vicky Weisz. Their encouragement in all of our efforts, personal and professional, is unwavering. Finally, we thank our mothers, Marilyn Bornstein and Lois Lipsett. As Erik Erikson observed, the first experience all mammals have with trust is with their mothers. We were blessed with two unusually trusting and trustworthy ones. Sadly, we lost them both in the course of working on this project. We dedicate it to their memory.

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Chapter 1

Institutional Trust: An Introduction

Brian H. Bornstein and Alan J. Tomkins

Institutional Trust: An Introduction

In developing the materials for the symposium on which the present volume is based—the 62nd Annual Nebraska Symposium on Motivation—we needed to create a graphic for advertising and publicity purposes. It was surprisingly difficult to come up with something that evoked the multifarious facets of institutional trust (i.e., trust in institutions); Fig. 1.1 shows the final product. One of the reasons we chose it is that it incorporates elements of both interpersonal trust (Does he trust her? Does she trust him?) and institutional trust, suggested by the columns in the background. These columns are meant to represent a generic institution; it could be a courthouse, a government agency, a legislative branch, a university administration building, or even a private business like a bank. Of course, not all institutions have a physical manifestation; some are more conceptual (e.g., the Internet, the media, science). Institutions also frequently have authority over the lives of ordinary citizens. This volume explores the role of trust in motivating individuals to cooperate and comply with institutions.

Trusting an Institution

What does it mean to trust an institution, as opposed to an individual? Suppose that the couple shaking hands in Fig. 1.1 is engaging one another on the steps of a Capitol: The woman is a state legislator, and the man is a citizen who came to listen

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Fig. 1.1 A visual representation of institutional trust

to a hearing about some pending legislation. Is trusting her as an individual legislator different from trusting the state’s legislature as a general entity or trusting the “role” of a legislator? Does it matter whether he has had dealings with the legislature before? Is his attitude toward the state legislature likely to be the same as his attitude toward the U.S. Congress, or other branches of government, such as the governor who might (or might not) sign the pending law; local, state, and federal courts that may be called on to interpret the law; the police who may be required to enforce the law; or a business sector that might need to alter its practices to comply with the law?

These are just some of the kinds of questions covered in the present volume. Additional questions include: What *is* trust? What are its antecedents and consequences? How should we measure it? What model best explains trust and changes in trust? Is trust the same across individuals, institutions, societies, and time? Needless to say, the book does not provide definitive answers to these questions, but it does offer clear suggestions for how to think about and research them, which is the first step toward answering these critical questions, and all the authors in this volume support their perspectives with an abundance of data.

Some of the chapters address interpersonal trust—that is, trust between individual persons—but the overarching focus is on trust in institutions themselves. Trust in others as well as in institutions has been on the decline in recent years (Twenge, Campbell, & Carter, 2014). Because institutions are necessarily comprised of individuals, the two forms of trust are intertwined (Möllering, 2014; Williamson, 1993). Nonetheless, the two forms of trust are separable to some extent. At the very least, they are separable in that they refer to different levels of analysis—trust in an individual versus a group of individuals—but they also seem to differ qualitatively.

In the constellation of public and private institutions, trust toward governmental institutions has been studied extensively, perhaps none as much in the U.S. as the federal Supreme Court (see Chapter “Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority”). Individual justices come and go—albeit not very frequently—yet the Supreme Court as an institution endures. One’s trust in Justice Ruth Bader Ginsburg or Justice Antonin Scalia almost certainly influences one’s trust in the Court as a whole; yet trust in the Court, often referred to as the Court’s legitimacy, transcends opinions about individual justices.¹ Similarly, one’s trust in President Barack Obama is related to, yet distinct from, one’s trust in the Presidency itself (see Chapter “Political Trust in Polarized Times”).

Even if many would claim to have little direct contact with governmental agencies, most citizens have had at least some experience with law enforcement; and even if not with tax collection personnel, at least with a tax collection agency. Virtually all of us have extensive experience with schools, a distinct type of public institution, even if we have not had direct experiences with City Hall, the courts, state and federal legislatures, and so on. Furthermore, media portrayals of various institutions and their representatives provide us with a sense of experiencing those institutions even in the absence of direct and personal interaction. It would be impossible to list all of the institutions that we observe or have experience with on a regular basis and that inspire varying levels of trust. Table 1.1 contains a partial list of institutions on which trust research has been conducted. The category of governmental institutions includes

Table 1.1 An incomplete list of trusted (or not) institutions

| |
|---|
| Government |
| Courts (state and federal, trial and appellate, international) |
| Law-making bodies (municipal, state, federal) |
| Executives (mayor, governor, president) |
| Law enforcement (police, prosecutors) |
| Regulatory agencies (Internal Revenue Service, natural resource agencies) |
| Other public (or quasi-public) institutions |
| Education providers (K-12, higher education) |
| Organized religion (churches, synagogues, mosques) |
| Mass media (print, TV, Hollywood, Internet) |
| Scientists (American Medical Association, Centers for Disease Control and Prevention) |
| Private sector |
| Employers (large and small businesses) |
| Providers of goods/services (for-profit companies interacting with consumers) |

¹Of some interest is that although those who trust Justice Ginsburg might seem to be different people than those who trust Justice Scalia, these two justices apparently delight and trust in one another quite deeply, despite their ideological and jurisprudential differences (Rosen, 2007).

judicial, legislative, and executive branches at all levels. For example, research exists on trust in trial courts (see Chapter “Who Trusts the Trial Courts, To What Extent, and Why?”), appellate courts (see Chapter “Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority”), and even international tribunals (e.g., McMahon & Miller, 2014). Considerable research has been done on trust in law enforcement (see Chapter “On the Dual Motivational Force of Legitimate Authority”), in large part because of the close connection between trust in the police and compliance with the law (e.g., Tyler, 2006).

The next category, of other public (or quasi-public) institutions, includes institutions that have some governmental component, but the state element tends to be more diffuse. As institutions, they are also harder to compartmentalize. For example, science is more of a process, engaged in by a diverse array of disciplines, than it is a single monolithic institution; nonetheless, there are both public (e.g., the Centers for Disease Control and Prevention) and private (e.g., the American Medical Association) scientific organizations. Moreover, trust in the scientific enterprise and other kinds of experts is a measurable construct (or perhaps constructs) that can be raised or lowered depending on a number of factors (see Chapter “The Epistemic Contract: Fostering an Appropriate Level of Public Trust in Experts”).

Finally, people interact with private institutions in a number of capacities. They work for organizations that can have anywhere from a few employees to many thousands, and employees’ trust in the organization has significant consequences for the organization’s success, as well as the employees’ wellbeing (Colquitt, Scott, & Lepine, 2007; Greenberg & Colquitt, 2005). They also deal with institutions when they consume products or services. Because consumers have choice, companies compete for their business, and presenting a trustworthy image is a large part of many companies’ marketing efforts. One reason Apple is such a successful company is that consumers trust it more than other electronics manufacturers (e.g., it was recently #10 on *Entrepreneur*’s list of the 120 most trusted brands, between Southwest Airlines and Whole Foods; <http://www.entrepreneur.com/article/232389>).

As this incomplete list of institutions makes clear, there are many complexities to and consequences of institutional trust. It promotes democracy, assures effective governance, facilitates societal interactions, and optimizes organizational productivity. Erik Erikson (1950) identified basic trust versus basic mistrust as the critical conflict that newborn infants must resolve for normal, healthy development. Trust, or the lack thereof, can have important consequences not only for the individual, but for society as well. At the individual level, trust has both psychological (e.g., health and wellbeing) and behavioral (e.g., cooperation and compliance with authorities, rewarding interpersonal interactions) effects. It can even promote civic engagement (Gastil, Deess, Weiser, & Simmons, 2010). At the societal level, trust contributes to social capital, such as the effective and efficient provision of social services, productivity in the public and private sectors, public safety, and citizens’ overall standard of living (e.g., Fukuyama, 1996).

Trust is an appropriate topic for a symposium series concentrating on motivation because it raises issues of both motivation and emotion. Specifically, notions of

trust and legitimacy motivate individuals to behave in a manner they deem fair or appropriate when responding to governmental authority (e.g., appearing in court, following police directives, adhering to regulations, etc.); or, alternatively, to disobey authorities when they lack trust or experience distrust. Individuals often have an emotional response to institutions with authority over their lives (e.g., city government, the Supreme Court), with the specific nature and intensity of that emotion likely depending on the extent to which they perceive the institutions as trustworthy, legitimate, or fair (see Chapter “Creating Legitimacy: The Interrelated Roles of Justice and Trust”).

Disciplinary and Semantic Considerations

Given the wide range of institutions for which trust has been studied, it should come as no surprise that important research and commentary is found in literatures that focus on issues ranging from politics and economics to natural resources, from legislatures to executive branch agencies, from brick and mortar businesses to online commerce, from health and medicine to schools, from international development to terrorism, and so on (for review, see Bachmann & Zaheer, 2006, 2013; Lyon, Möllering, & Saunders, 2012; Möllering, 2006). Trust is defined and measured differently in different disciplines, and at times even within the same discipline, which makes it difficult to develop integrative models and theories (see Chapter “Would Trust by Any Other Name Smell as Sweet? Reflections on the Meanings and Uses of Trust Across Disciplines and Context”; Shockley, Neal, PytlíkZillig, & Bornstein, *in press*). For example, McEvily and Tortoriello (2011) identified a total of 129 unique measures of trust in 171 papers published in the organizational trust literature from 1962 to 2010. Some of the measures were unidimensional, whereas others were multidimensional (on the dimensionality of trust-related constructs, see Hamm et al., 2011, 2013); the majority of measures were replicated in few, if any, studies (see also Earle, 2010).

Among the more common constructs associated with trust are notions of confidence, legitimacy, and justice in its various manifestations (i.e., procedural, distributive, interpersonal, organizational, etc.; see, e.g., Colquitt & Rodell, 2011; Hamm et al., 2011; Lind & Tyler, 1988). Yet even then, the precise nature of the relationships is far from clear (see Chapters “Would Trust by Any Other Name Smell as Sweet? Reflections on the Meanings and Uses of Trust Across Disciplines and Context” and “Creating Legitimacy: The Interrelated Roles of Justice and Trust”). Moreover, although trust research draws on diverse disciplines, the work is more often *multidisciplinary* (with parallel efforts in multiple disciplines) than it is truly *interdisciplinary* (with cross-disciplinary collaborations). Compared to traditional, “monodisciplinary” research, or even multidisciplinary research, interdisciplinary research offers a number of advantages, for science, society, and researchers themselves (American Academy of Arts and Sciences, 2013; Committee on Facilitating Interdisciplinary Research, 2004). Specifically, it produces better

science, in the sense of being more innovative and having a greater impact; it yields better practical applications and facilitates solutions to real-world problems; it has a higher rate of obtaining research funding; it is more gratifying to scientists themselves; and it is more efficient, in that it avoids redundancy due to researchers from multiple disciplines reinventing the wheel (Bornstein, [in press](#); Committee on Facilitating Interdisciplinary Research, 2004; Wuchty, Jones, & Uzzi, 2007).

The present volume, which contains contributions by psychologists, sociologists, and political scientists, works toward the important goal of integrating empirical approaches to trust from various disciplines (Li, 2007). To extend the interdisciplinary conversation still further, the 62nd Nebraska Symposium on Motivation was followed by a National Science Foundation-funded workshop on trust. The workshop included additional social scientists, as well as scholars from health care, social work, law, public administration, information science, and natural resources, in addition to practitioners (doctors, lawyers, public officials—even members of the U.S. Armed Forces) who deal with trust “in the trenches.” Many of the papers from the workshop will be published in a companion volume to the present one (Shockley et al., [in press](#)).

In part because of the many disciplines doing research on trust, people—both researchers and the public—talk about trust in different ways. The large number of trust-related terms and constructs, such as those identified by McEvily and Tortoriello (2011), shows that the language of trust is often diffuse and imprecise (Williamson, 1993; see Chapter “Trust as a Leap of Hope for Transaction Value: A Two-Way Street Above and Beyond Trust Propensity and Expected Trustworthiness”). This became apparent during the Symposium in an interesting but somewhat unusual manner. One of the speakers had a sign language interpreter, which the university routinely provides at public events when a prospective audience member requests one in advance. After the presentation, during the question-and-answer period, someone directed a question to the interpreter—namely, what is the sign for trust? She demonstrated the sign, which looked sort of like someone grabbing onto a rope with two hands—as in, “I trust you to pull me up.” She commented that the sign for “faith” was identical.

This observation led to a fascinating discussion of the terms used for trust in different languages and the psychometric implications of linguistic variations. For example, the speaker (Peter Li), who is fluent in Chinese, commented that in that language, the word for “trust” is the same as the word for “being trusted.” Quite possibly, these (and many other) linguistic variations underlie or reflect some of the cross-cultural and cross-national differences in levels of trust and related constructs like justice (e.g., Gelfand, Erez, & Aycan, 2007). For example, would trust in an institution (e.g., the police) be more or less when the word connotes faith than when it does not? What are the implications of blurring the distinction between agent and object, between having trust and being trusted? In many cases the act of trusting implies that the trustee is trustworthy (i.e., worthy of the trustor’s trust); but when the trustee is in fact not trustworthy, work might be necessary to repair the misplaced trust. In addition, trust need not be reciprocal (see Chapter “Would Trust by Any Other Name Smell as Sweet? Reflections on the Meanings and Uses of Trust Across Disciplines and Context”).

Overview of the Book

Trust is a burgeoning and vibrant research area. As our discussion provided above indicates, the topic has garnered significant interest in numerous disciplines and has important real-world implications. In addition, the trust research community is making significant organizational strides. The First International Network on Trust (FINT), which is affiliated with the European Group of Organizational Studies, the European Academy of Management, and the Academy of Management, is about 14 years old and sponsors regular conferences. The *Journal of Trust Research*, edited by Peter Li (a contributor to the present volume), began publication in 2011, and other important books on the topic have been published in the past decade (e.g., Bachmann & Zaheer, 2006, 2013; Lyon et al., 2012). No single book could possibly cover it all, but the present volume offers a sampling of research on institutional trust, drawing on several disciplines and conducted by leading scholars.

The next two chapters confront the big ideas of trust and set out different positions. David Schoorman, Mallory Wood, and Christina Breuer (Chapter “Would Trust by Any Other Name Smell as Sweet? Reflections on the Meanings and Uses of Trust Across Disciplines and Context”) utilize the theoretical framework initially articulated in 1995 by Schoorman and his colleagues (Mayer, Davis, & Schoorman, 1995; see also Schoorman, Mayer, & Davis, 2007). They contend that trust is a relational construct, characterized by the trustor’s willingness to be vulnerable to a trustee (the trustee can be another person or it can be an organization). Their chapter presents the reasons why placing the construct of vulnerability at the core of trust is theoretically and practically useful (e.g., it leads to a clarification of antecedents to—as opposed to aspects of—trust; it helps to clarify why trust is domain specific; it clarifies the role of risk in trust; it predicts when broken trust can be repaired and when it cannot; etc.), and they argue that adopting this approach to conceptualizing trust allows for the integration and differentiation of much of the trust research literature. In their chapter, Schoorman, Wood, and Breuer also present various definitions of trust and the constructs that have been used to operationalize trust across the social sciences.

Peter Li (Chapter “Trust as a Leap of Hope for Transaction Value: A Two-Way Street Above and Beyond Trust Propensity and Expected Trustworthiness”) characterizes the branch of trust theory promoted by Schoorman and others as “trust-as-attitude.” Li finds this perspective “problematic because it suffers from (1) a lack of focus on the context of relationship for trust, (2) a lack of differentiation between the perspective of trustor and trustee, (3) a lack of understanding about trust as a two-way street with the proactive interaction between trustor and trustee, (4) a lack of attention about the shadow of the future for trust, and (5) a lack of appreciation of vulnerability as opportunity (the defining nature of trust) for cooperative creation of transaction value (the unique role of trust)”. Instead, and in order to answer critical questions that he poses, Li argues for “trust-as-choice,” which he characterizes as a “fundamentally different construct of trust”. His chapter is devoted to detailing trust-as-choice and arguing for its benefits. In addition, Li provides research considerations and an agenda for the future.

Thus, Schoorman et al. and Li return to the historical practice for the Nebraska Symposium on Motivation as a forum to debate competing theoretical perspectives on psychological phenomena. The following chapters look at trust-related issues in greater detail. For example, in Karen Hegtvedt's Chapter "Creating Legitimacy: The Interrelated Roles of Justice and Trust," she examines legitimacy in depth. She "tackles the puzzle of the interrelationships among justice, trust, and legitimacy," noting that "[e]ach may function as an antecedent or consequence of the other, within complex social contexts characterized by uncertainty and risk, variation in power positions and dynamics, and group identities and intergroup dynamics". Hegtvedt relies on fundamental sociological and social psychological theories, with particular emphasis on social identity-based and resource models of justice processes, to explain the creation of legitimacy.

James Gibson's Chapter "Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority" also examines legitimacy. Gibson analyzes *institutional legitimacy* in the context of the U.S. Supreme Court. Gibson concentrates on the sources of the Court's legitimacy. He shows that even though as citizens, we may have policy disagreements with the Court, our dissatisfaction with case outcomes—even highly charged cases—does not undermine our support for the Court. Support for the Supreme Court appears to be driven more by "symbols of judicial authority" rather than by case decisions. Gibson argues information-processing rooted theories have great promise to guide social scientific understanding of the ways in which legitimacy is sustained by the Court.

The chapter "Who Trusts the Trial Courts, To What Extent, and Why?," by David Rottman, examines the sources of trust in trial courts. Rottman notes the difference between trust in distal courts—most notably the U.S. Supreme Court—and in the trial courts with which we can interact as litigants, defendants, witnesses, or jurors. He directs our attention to the importance of three features that characterize trial courts: their local identity, their depiction in the mass media, and, above all, the direct experience the majority of us have had with a trial court. Rottman provides evidence to show that perceptions of procedural justice are critical to understanding trust in trial courts. In addition, Rottman shows that the public's perceptions of trial courts, despite personal experiences, are also strongly influenced by the entertainment media's depictions, ranging from finely detailed, fictional portrayals to so-called "reality" television. This unusual circumstance of being part of American culture makes studying the courts a unique challenge, Rottman advises, different from studying trust in other institutions. In addition, evidence suggests that the influence on trust from both direct experience and media representations is finely tuned, dependent on the specifics of a court experience and the manner in which information about courts reaches a member of the public.

The next chapter, "On the Dual Motivational Force of Legitimate Authority" by Jonathan Jackson, moves the discussion from the perceptions of legal institutions to cooperation behavior with legal authorities. Tom Tyler's work on cooperation with the law has dominated the field (e.g., Tyler, 2006); Jackson provides a nuanced view of cooperation that draws out the critical role of moral values. Morality (particularly

normative alignment, that is, a shared sense of right and wrong) is highly correlated with the duty to obey a legitimate authority, claims Jackson, but it is useful to understand the basic role of morality both for explanatory purposes and its implications for legal socialization.

Elizabeth Theiss-Morse, Dona-Gene Barton, and Michael Wagner (Chapter “Political Trust in Polarized Times”) turn our attention to the political process, a historically rich area in which to examine institutional trust. It would be beneficial for democracy if trust in government endures even in the context of political polarization. Gibson (in Chapter “Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority”) shows we are not so sensitive to policy decisions promulgated by the Supreme Court, but Theiss-Morse and her colleagues show that political policies and decisions polarize the American public not only in current times but for ages. Using current as well as prior research, the authors demonstrate that trust-in-government influences and is influenced by political policies and decisions, as well as the ways that these policies and decisions are messaged to the public. The chapter concludes with an appeal for more focus on political trust dynamics from social science.

The book concludes with Robert MacCoun’s (Chapter “The Epistemic Contract: Fostering an Appropriate Level of Public Trust in Experts”) examination of trust in contexts that are of special interest to many readers of the *Nebraska Symposium on Motivation* series, that is, trust in science and scientists. Historically, the public’s trust has been fairly high in science and scientists. Recently, however, trust appears to be declining. MacCoun argues, “We should want citizens to trust experts...but only when the experts *should* be trusted”. He posits an “epistemic contract” for the appropriate trust relationship between science/scientists and the public. MacCoun believes the appropriate trust relationship “requires an effort from both sides. Experts have to earn trust, and consumers need to learn that experts can be trusted”, and the chapter gives guidance on how to achieve a healthy stasis.

The present volume, with diverse viewpoints representing empirical work in a number of different disciplines, contributes to ongoing efforts to integrate research on institutional trust. The topic spans an impressive array of institutions, trust in which has important consequences for individuals, the institutions themselves, and society at large. We hope that the volume facilitates future research on institutional trust, as well as policy efforts to increase public trust in institutions—but only, of course, when that trust is deserved.

References

- American Academy of Arts and Sciences. (2013). *ARISE II: Unleashing America’s research and innovation enterprise*. Cambridge, MA: American Academy of Arts and Sciences. Retrieved from <http://www.amacad.org/arise2/>.
- Bachmann, R., & Zaheer, A. (2006). *Handbook of trust research*. Cheltenham, UK: Edward Elgar.
- Bachmann, R., & Zaheer, A. (2013). *Handbook of advances in trust research*. Cheltenham, UK: Edward Elgar.

- Bornstein, B. H. (in press). Law and social science: How interdisciplinary is interdisciplinary enough? In C. Willis-Esqueda & B. H. Bornstein (Eds.), *The witness stand and Lawrence S. Wrightsman, Jr.* New York: Springer.
- Colquitt, J. A., & Rodell, J. B. (2011). Justice, trust, and trustworthiness: A longitudinal analysis integrating three theoretical perspectives. *Academy of Management Journal*, *54*, 1183–1206.
- Colquitt, J. A., Scott, B. A., & Lepine, J. A. (2007). Trust, trustworthiness, and trust propensity: A meta-analytic test of their unique relationships with risk taking and job performance. *Journal of Applied Psychology*, *92*, 909–927.
- Committee on Facilitating Interdisciplinary Research, National Academy of Sciences, National Academy of Engineering, Institute of Medicine. (2004). *Facilitating interdisciplinary research*. Washington, DC: National Academies Press. Retrieved from http://www.nap.edu/catalog.php?record_id=11153.
- Earle, T. C. (2010). Trust in risk management: A model-based review of empirical research. *Risk Analysis*, *30*, 541–574.
- Erikson, E. H. (1950). *Childhood and society*. New York: W.W. Norton and Co.
- Fukuyama, F. (1996). *Trust: The social virtues and the creation of prosperity*. New York, NY: Free Press.
- Gastil, J., Deess, E. P., Weiser, P. J., & Simmons, C. (2010). *The jury and democracy: How jury deliberation promotes civic engagement and political participation*. Oxford: Oxford University Press.
- Gelfand, M. J., Erez, M., & Aycan, Z. (2007). Cross-cultural organizational behavior. *Annual Review of Psychology*, *58*, 479–514.
- Greenberg, J., & Colquitt, J. A. (2005). *Handbook of organizational justice*. Hillsdale, NJ: Erlbaum.
- Hamm, J. A., PytlikZillig, L. M., Herian, M. N., Bornstein, B. H., Tomkins, A. J., & Hoffman, L. (2013). Deconstructing confidence in state courts. *Journal of Trust Research*, *3*, 11–20.
- Hamm, J. A., PytlikZillig, L. M., Tomkins, A. J., Herian, M. N., Bornstein, B. H., & Neeley, E. M. (2011). Exploring separable components of institutional confidence. *Behavioral Sciences & the Law*, *29*, 95–115.
- Li, P. P. (2007). Toward an interdisciplinary conceptualization of trust: A typological approach. *Management and Organization Review*, *3*, 421–445.
- Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. New York, NY: Plenum.
- Lyon, F., Möllering, G., & Saunders, M. N. K. (2012). *Handbook of research methods on trust*. Cheltenham, UK: Edward Elgar.
- Mayer, R. C., Davis, J. H., & Schoorman, F. D. (1995). An integrative model of organizational trust. *Academy of Management Review*, *20*, 709–734.
- McEvily, B., & Tortoriello, M. (2011). Measuring trust in organisational research: Review and recommendations. *Journal of Trust Research*, *1*, 23–63.
- McMahon, P. C., & Miller, J. L. (2014). After violent conflict: Justice, well-being, and international criminal courts. In B. H. Bornstein & R. L. Wiener (Eds.), *Justice, conflict and well-being: Multidisciplinary perspectives* (pp. 197–221). New York, NY: Springer.
- Möllering, G. (2006). *Trust: Reason, routine, reflexivity*. Bingley, UK: Emerald Group Publishing.
- Möllering, G. (2014). Trust, calculativeness, and relationships: A special issue 20 years after Williamson's warning. *Journal of Trust Research*, *4*(1).
- Rosen, J. (2007). *The nine: Inside the secret world of the Supreme Court*. New York, NY: Doubleday.
- Schoorman, F. D., Mayer, R. C., & Davis, J. H. (2007). An integrative model of organizational trust: Past, present, and future. *Academy of Management Review*, *32*, 344–354.
- Shockley, E., Neal, T., PytlikZillig, L., & Bornstein, B. H. (in press). *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration*. New York: Springer.
- Twenge, J. M., Campbell, W. K., & Carter, N. T. (2014). Declines in trust in others and confidence in institutions among American adults and late adolescents, 1972–2012. *Psychological Science*, *25*, 1914–1923.

- Tyler, T. R. (2006). *Why people obey the law*. Princeton, NJ: Princeton University Press.
- Williamson, O. E. (1993). Calculativeness, trust, and economic organization. *Journal of Law and Economics*, 36, 453–486.
- Wuchty, S., Jones, B. F., & Uzzi, B. (2007). The increasing dominance of teams in production of knowledge. *Science*, 316, 1036–1039.

Chapter 2

Would Trust by Any Other Name Smell as Sweet? Reflections on the Meanings and Uses of Trust Across Disciplines and Context

F. David Schoorman, Mallory M. Wood, and Christina Breuer

Introduction

The theoretical foundations of this chapter are based on the work of Mayer, Davis, and Schoorman (1995) and Schoorman, Mayer, and Davis (2007) (see Fig. 2.1). First, we briefly review the competing definitions of trust that have been widely adopted in the past 20 years. Next, we examine the implications of the choice of definition, and finally we will review some of the constructs used to represent trust across a number of disciplines. In doing so we view these constructs from the lens of the Mayer et al. (1995) definition.

Definitions of Trust

In Mayer et al. (1995) we define trust as the “willingness to be vulnerable” in a relationship. Trust, therefore means the intention to take risks in the relationship. Several elements of this definition are very important to our present analysis. First, trust is clearly defined as a relational construct. This relationship could be with another person, a group, or an organization. Thus, trust could be described with respect to each relationship independently. Second, we clearly articulated the need to differentiate between trust, the antecedents of trust, and the consequences of trust. One antecedent is the trustworthiness of the other party, which is described as one’s judgments of their ability, benevolence, and integrity. The other antecedent in

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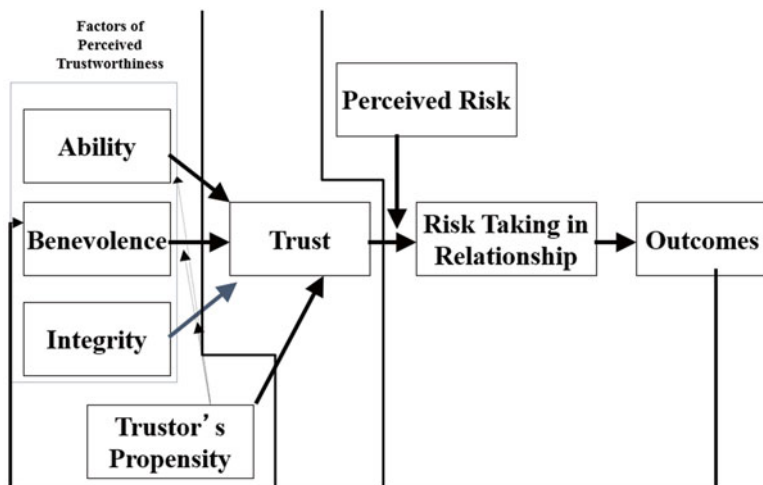


Fig. 2.1 Model of trust from Mayer, Davis, and Schoorman, (1995)

the model is the propensity to trust which is a stable predisposition of the individual (trustor) to trust another party. Thus propensity is a generalized trust for others, with no specific referent person or entity. In this model, trust is conceived as a behavioral intention (willingness to be vulnerable) but no action (behavior) has occurred. This behavioral intention is a deliberate choice. We proposed that trust would lead to risk taking in the context of the relationship. This risk-taking would be the actual behavioral consequence of trusting.

In an article published in the same year, McAllister (1995) also developed a model of trust with a slightly different definition. McAllister (1995) defines trust as "...the extent to which a person is confident in, and willing to act on the basis of, the works, actions and decisions of another" (p. 25). This definition of trust focuses on confident expectations of the behavior of others, but also that the behaviors will be positive towards the trustor, later referred to as "confident positive expectations" (Lewicki, McAllister, & Bies, 1998). Like the Mayer et al. definition, McAllister (1995) defines trust as a willingness to act rather than the action itself. McAllister (1995) also views trust as a relational construct.

Prior to the publication of these two papers on trust the dominant definition of trust was that of Rotter (1967) whose definition of trust is that of a generalized willingness to trust people, institutions, or entities. In this generalized definition of trust there is no specific referent, and trust is viewed as a stable quality of the person rather than as a relational construct. In the Mayer et al. (1995) model the Rotter conceptualization of trust is included as an antecedent of trust in the variable called propensity to trust.

Rousseau, Sitkin, Burt, and Camerer (1998) summarized the literature on trust in a special issue on the topic in the *Academy of Management Review* and noted that the most frequently cited definition was "willingness to be vulnerable." They also reported that other authors "say the same thing in different words" and cited as an example

“confident positive expectations” from the work of Lewicki et al. (1998). They combined the two definitions into a single one: “Trust is a psychological state comprising the intention to accept vulnerability based on the positive expectations of the intentions or behaviors of another” (p. 395). It is our view that this combining of definitions has contributed to the lack of clarity and precision in the choice between these two definitions in the literature. We will return to this point in our discussion of distrust later.

In a more recent review of the trust literature Fulmer and Gelfand (2012) noted that the vast majority of trust research focuses on these two dimensions: “positive expectations of trustworthiness” and “willingness to accept vulnerability.” In summarizing their findings regarding definitions they stated a very clear recommendation: “To provide clarity, we recommend that researchers be very clear about the emphasis their definition places on positive expectations, vulnerability, or both, or neither and the rationale for this emphasis” (p. 1171). We could not agree more with this recommendation.

The relational definitions of trust necessarily require a referent or trustee. Schoorman et al. (2007) noted it is important that trust researchers specify the referent of trust in their models and in the empirical assessment of trust. On the other hand, the definition of trust as a dispositional variable or as generalized trust does not require a specific referent. In the case of dispositional trust, the measure is akin to the concept of trustworthiness and resides in the individual.

In our reading of the trust literature it appeared that almost all trust research draws from one of these three definitions. Both the Mayer et al. (1995) paper and the McAllister (1995) paper were published in the *Academy of Management Review* as was the special issue paper by Rousseau et al. (1998). We found that in the literatures in Management and specifically in Organizational Behavior and in Psychology, the research on trust generally adopted the view that trust is relational, consistent with these articles. In other fields such as political science, public policy, and law there are some researchers who continue to draw on the definition of trust as a generalized disposition that resides in the individual rather than in the specific relationship, thus relying more on the definition that originated in the work of Rotter (1967).

Differentiating Antecedents and Trust

A notable difference in McAllister’s (1995) conceptualization is that he does not differentiate between trustworthiness (our antecedent) and trust itself. For example, in his paper he states that “...the beliefs of managers about the trustworthiness of peers can be measured along two dimensions, the extent of affect-based trust and the extent of cognitive-based trust” (p. 51). In our model we would represent this as the extent of trustworthiness is measured by perceived benevolence (affect-based) and ability (cognition-based). The conceptual differences are subtle but by adding the word trust to the adjectives it has led to a confounding of the antecedents of trust and trust itself.

In 2007, Colquitt, Scott, and Lepine conducted a meta-analysis on trust research and confirmed that ability, benevolence, and integrity did indeed act as antecedents of

trust and that each of these variables had independent effects on trust. They also found that trust was a predictor of risk-taking behaviors as indicated in the Mayer et al. model. Perhaps the most important confirmation in their meta-analysis was the value of treating trustworthiness, and the factors that make up trustworthiness as antecedents of trust and distinct from trust itself. Although the “willingness to be vulnerable” definition is now widely accepted in these fields, there are a number of research streams that continue to confound trustworthiness and trust. Following the lead of the McAllister model which referred to affect-based trust and cognition-based trust, there has been proliferation of research that identified a new antecedent (condition or process) and links it to trust and proposes this as a unique form of trust. The most recognized of these are calculative-trust (Williamson, 1993), relational trust (Rousseau, Sitkin, Burt, & Camerer, 1998), identity-based trust (Coleman, 1990), integrity-based trust (Kim, Ferrin, Cooper, & Dirks, 2004), and knowledge-based trust (Lin, 2011). A quick search of the literature revealed over two dozen such adjective-trust combinations that are considered a unique form of trust. This approach also led to the development of a unique measure of trust for each new antecedent-trust combination and prevented the aggregation of research findings across studies (McEvily & Tortoriello, 2011). We believe the best way to advance the literature on trust is to treat the antecedents of trust as separate variables from trust; this would not preclude those who wish to identify new antecedents of trust to be added to the model.

Distrust

There is a growing body of research that is interested in the concept of distrust (e.g., Lewicki et al., 1998; McKnight & Choudhury, 2006). Schoorman et al. (2007) addressed this issue quite extensively so we will only summarize the arguments here and refer to this work. Most researchers view distrust as the opposite end of the trust scale (McKnight & Chervany, 2001). Our view is that if one adopts the definition of trust as “willingness to be vulnerable,” the lowest level of the variable is a complete unwillingness to be vulnerable. This would be the complete absence of trust or a zero point on the trust scale. We do not need a separate construct for the low end of the trust scale. On the other hand if one adopted the definition of “confident positive expectations” it is possible to argue that one could have negative expectations, and this would be distrust. However, this would still be on the same scale as trust, just the opposite end.

Trust by Other Names

Trust is often used interchangeably with other words that are intended to mean trust or imply that trust is a factor. We will review some of these concepts and briefly discuss how they are not the same thing as trust.

Cooperation

Most people believe there is a close, if not one-to-one relationship between cooperation and trust, and cooperation between individuals or organizations must be an indicator of trust in the relationship (e.g., Ferrin, Bligh, & Kohles, 2007). It is very likely that in a relationship where there is trust there will be a great deal of cooperation. However, because there is cooperation it should not be assumed that there is any risk, or a willingness to be vulnerable. People and organizations cooperate if there is some mutual gain from the cooperation, but this does not require risk or vulnerability. For example, in a business relationship between a supplier and a customer there could be a high level of cooperation even though there is no trust. Wal-Mart as a customer exerts a great deal of pressure on supplies regarding price and delivery often squeezing the suppliers' margins to where they can barely survive. The suppliers will continue to cooperate with Wal-Mart, but there is considerable evidence that there is no trust (Fishman, 2003).

Predictability

We often hear the word trust used to mean predictability (e.g., McKnight & Chervany, 2002). If an event occurs with a high probability we refer to it in terms of trust. You may say you trust that your train will be on time, or we may report we trust it will get warmer in the spring. These events do not require a relationship, nor do they involve any risk or vulnerability. Perhaps they do represent confident expectations, but it still fails the relationship test.

Confidence

In some disciplines that are more quantitatively oriented, like Operations Management, there is a great interest in reducing the variance in processes and procedures. In statistics we talk about confidence intervals that are a function of the variance in a distribution. Sometimes trust is used as a surrogate for having confidence in a process or a result. However, it is not clear that there is a risk involved in expressions of confidence or a vulnerability by choice. This does not fit with our definition of trust.

Legitimacy

In political science and public policy scholars often discuss the legitimacy of institutions, of governments, and of organizations (e.g., Jackson, Bradford, Stanko, & Hohl, 2013; Thomassen & Schmitt, 1999). In a review of the literature on

legitimacy, Tyler (2006) defines it as the “belief that authorities, institutions and social arrangement are appropriate, proper and just” (p. 376). The measurement of legitimacy frequently relied on the concept of confidence in the referent (Gibson, Caldeira, & Spence, 2003). Procedural justice has also been used as an indicator of legitimacy (e.g., Sunshine & Tyler, 2003; Tyler, 1994). If an organization is considered high in legitimacy could we also say that we trust that organization? The key issue here is the notion of whether there is a relationship involved, and whether there is vulnerability by choice. For example, there has been considerable interest in the legitimacy of the Supreme Court and how it has changed through a number of controversial events over the past two decades. While it makes sense to talk about legitimacy, this would not be an issue of trust, because there is, at best, a very superficial relationship, and even if there is a vulnerability there clearly is no choice. Most of us cannot do anything about it. This analysis is different if we are talking about the legitimacy of an organization that is more proximal and there would be an opportunity to do something about it. For example, the legitimacy of the Mayo Clinic may be very salient if you were faced with a decision about cancer surgery. The legitimacy of a particular school may be relevant if you were considering enrolling. In these cases, you do have a choice to make yourself vulnerable and therefore trust the institution. In this context legitimacy can be viewed as an antecedent of initial trust for the organization. Initial trust is not based on any experience with the trust referent but on institutional cues (McKnight, Cummings, & Chervany, 1998). Initial trust can be differentiated from a propensity measure because there is a very specific referent. In our model, legitimacy could be seen as an antecedent to the trustor’s propensity or initial trust (Fig. 2.2).

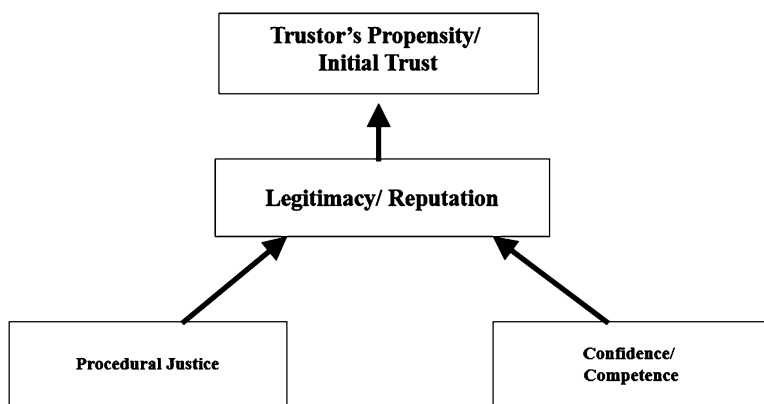


Fig. 2.2 How legitimacy might fit in the trust model

Swift Trust

Meyerson, Weick, and Kramer (1996) have described a new construct that they called “swift trust.” They characterize swift trust as that which occurs in a temporary group that is assembled for a specific task in a short term. The presumption is that the group are initially strangers and know that they will be together only for this task. The task is usually difficult and intense, there is a clear goal for the group and a substantial reward associated with accomplishing the goal. The members are assigned to the group and have no choice about joining. Meyerson et al. (1996) describe the group as the “organizational analog of a one-night-stand” (p. 167), suggesting the very short-term duration of the relationship. What should be clear is that these conditions do not fit any of the criteria for this being trust. What we do see in these groups is a very high level of cooperation, which is driven by a very attractive reward system.

Faith

The most common use of the work trust in the United States is the phrase “In God we Trust,” that appears on all U.S. money. It is interesting that most people do not have a good explanation for why it is on the money but they accept the sentiment as a reasonable one. The actual history of the adoption of the phrase as the official motto of the United States and its appearance on paper money in 1956 is quite interesting but probably not relevant to this chapter. If we accept our definition of trust as vulnerability by choice, that trust is a cognitive and considered choice, it becomes curious that one would apply it to a relationship with God. If you believe in God, you do not have a choice about trusting. And if you do not believe in God then trust is not an issue. Clearly, one’s relationship with God is best described as blind trust, and well captured by the concept of Faith.

Other Implications of Our Conceptualization of Trust

In this section we explore some of the broader implications of our definition and conceptualization of trust. In addition to the definitional issue there are several theoretical issues that evolve from our choices of variables and conceptual relationships.

Trust Is Not Reciprocal

In our model trust is a function of the trustor’s judgment of the trustworthiness of the trustee. In the context of any relationship each party makes judgments of the trustworthiness of the other. We believe that these judgments are independent and

that it is not the case that trust in one direction is always reciprocated. Trust researchers also referred to this as trust asymmetry. Clearly, in any relationship the opportunity to achieve mutual trust (or trust symmetry) is a valued goal but it is a state that requires effort on both sides and should not be assumed. Too often it is not until trust is broken that it becomes apparent to the parties that trust was not reciprocal. One type of relationship where this is often true in organizations is in the relationship between supervisors and subordinates. It is generally the case that supervisors trust subordinates more than subordinates trust supervisors. This reality comes as a great surprise to supervisors, usually the first time they participate in a 360 review process. The reasons for this discrepancy are also fairly clear. There is an information asymmetry in this relationship because the supervisor has access to most data about subordinates but subordinates usually do not have the same access to information about their supervisor. Absent this information it is more difficult for subordinates to make judgments about trustworthiness. This is an important theoretical issue especially as the leadership literature, particularly the research on Leader-Member Exchange (LMX), conceptualizes the leadership relationship as mutual and reciprocal (Graen & Uhl-Bien, 1995).

Trust Is Domain Specific

In describing the antecedents of trust Mayer et al. (1995) theorize that ability is domain specific. Although benevolence and integrity are constant across domains, ability would be assessed uniquely for each domain of activity. This means that because of variance in ability across domains one would trust an individual in one domain but not in another. This would seem to be reasonable in that you would likely trust your best engineer to manage the plant in our absence but not necessarily trust him or her to run a press conference. Similarly, we may have a colleague who is a great research collaborator who you would not trust to teach a class for you. Although this would seem to be quite rational as one thinks about varying abilities across domains, most people are startled to have to confront the reality that there is no person they truly trust completely.

Different Weighting of Trustworthiness Factors

One of the benefits of a model that differentiates trustworthiness and trust itself is that it allows us to examine how the trustworthiness factors vary in different contexts. While research has consistently shown ability, benevolence, and integrity to be independent predictors of trust (e.g., Colquitt, Scott, & Lepine, 2007), the model allows us to speculate about how the beta weights of these factors in predicting trust would change in systematic ways.

Individual Differences

Our research has shown that there are individual differences in the weighting of these variables across individuals. For some individuals it may be that ability plays a bigger role in deciding to trust someone and for others it may be benevolence. One implication of this is that it is useful for individuals to recognize their own predispositions in how they determine who they will trust.

Cross-Cultural Differences

One of the most interesting aspects of applying our model of trust across cultures is that it is clear that cultures tend to influence the weighting of the factors of trustworthiness. U.S. culture in general tends to place a higher weight on ability, while Chinese culture places a higher weight on benevolence. These patterns have been observed by many researchers doing cross-cultural research, yet we do not have a systematic accounting of how cultures differ in weighting these factors. We are currently working on a 3-year research project to study how the weighting is different in different cultures, and we hope we will soon have more specific evidence on this topic.

Difference in Role and Perspective

We have also observed that there is a different weighting of the factors based on the role that one is in. For example, in a U.S. audience when asked to consider the trustworthiness of one's subordinates, ability is generally the most important factor. However, when the same individual is asked to consider supervisors, integrity is much more important. We are in the process of examining the weighting for other roles and perspectives.

Understanding Trust Repair

As the trust model indicates, once you take a risk in a relationship you experience the outcomes. These can be positive if the other party delivers on their commitment, or negative if the trust is betrayed. In both cases there is a feedback loop that updates the judgment of ability, benevolence, and integrity. If the result is positively perceived trustworthiness increases and trust increases as a result. However, if there is a betrayal, the factors are adjusted downward very precipitously and trust is broken. There is a growing body of research that examines the process of trust repair (e.g., Gillespie & Dietz, 2009; Tomlinson & Mayer, 2009). There is one aspect of trust repair that is relevant to our discussion of factors of trustworthiness. When a betrayal occurs and the individual reevaluates ability, benevolence, and integrity, they

generally make an attribution as to which factor they had misjudged that led to the betrayal. What we have found is that if they decide that they had misjudged ability, recovery of the relationship is likely. For example, if you left a subordinate in charge of the plant and when you returned you found that the work had not been done on schedule which caused serious problems for the company and for you, how would you react? If you decided that you had misjudged the subordinate's technical skills necessary to complete the work, in other words misjudged their ability, you will likely recover the relationship with this subordinate. If, on the other hand, you decided that they did have all the skill but just did not seem to care enough to make sure they got the work done, in other words you had misjudged their benevolence, the probability of rebuilding the trust is very low. Thus, the model gives us the flexibility to apply it to trust repair and make predictions about the success of the effort.

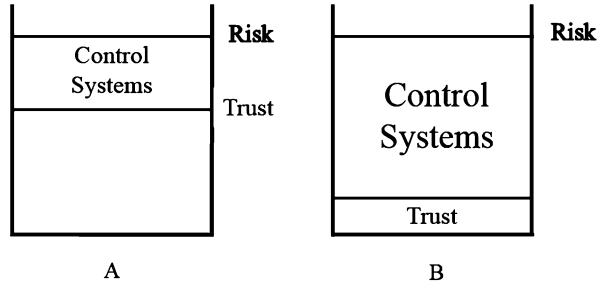
Institutional Trust

There is some discussion in the literature about extrapolating models of trust to the institutional level. While there is considerable evidence to support the application of our model of trust to the macro level (e.g., Fulmer & Gelfand, 2012), one of the ways to think about the question of what does it mean for an individual to trust an institution is through the weighting of the factors of trustworthiness. In thinking about the ability, benevolence, and integrity of an institution, it is likely that we assess the ability and integrity factors but do not have any data on benevolence. When the referent is an institution it is hard to gather data on the benevolence in the relationship. Thus it may well be that the relative beta weights on the factors of trustworthiness explain the uniqueness of the trusting relationship.

Trust Is Giving Up Control

An important implication of our model is related to the tradeoffs between trust and control as risk management mechanisms. One way to illustrate this trade-off is seen in our "bucket model" of this relationship (Fig. 2.3). In bucket A, perceived risk exceeds trust and therefore the difference will be bridged with control systems which reduce the risk to a level that is acceptable. For example, a senior manager is away from work for a week attending a training seminar. The manager left a subordinate in charge of the workplace, responsible for making sure work proceeds normally. How often does the manager feel the need to call back to work to make sure everything is going as expected? If the trust in the subordinate exceeds the perceived risk, the manager may not call back all week. If there is a small gap, the manager may call back every 2 days. If the gap is large, the manager is often calling back at every opportunity. The act of making the phone call is a monitoring behavior that is a control system. As shown in bucket B, trust does not get built in an organization that relies exclusively on control systems.

Fig. 2.3 Trust versus control systems as risk management mechanisms



This is best illustrated with what happens with most empowerment programs in companies today. The term empowerment has always seemed to put the burden of change on the workers in the organization who are sent off to “empowerment training.” When they return to the organization, they return to the same environment with the same senior manager who has not learned to let go and give up control. Imagine if we had called it depowerment instead. We would have put the burden of change where it belongs and sent the senior manager to “depowerment training” and maybe we would have had more success.

Trust Across Disciplines

Accounting and Financial Institutions

Invoking the disciplines of Accounting and Finance in a chapter on trust invariably reminds people of the accounting scandals of the 1990s at companies like Enron, Tyco, WorldCom, and others where senior leaders took advantage of the systems that were in place and betrayed the trust that had been placed in them by their customers. The public was outraged by the scandals and demanded action by the U.S. Congress. The financial community expressed great concern and sought ways to rebuild trust. In 2002, the Federal Government passed legislation known as Sarbanes-Oxley Act, which oversees, regulates, and disciplines firms with fines and other criminal penalties. Corporations now have to report more to the government and have stricter regulations with harsher penalties if they are not followed. The Public Company Accounting Oversight Board (PCAOB) was founded by Congress to manage audits within a public company as well as the Financial Accounting Standards Board (FASB), home of the Private Company Council (PCC). Together, their goal is to protect the people or customers as well as the investors and employees of the company.

These actions served as a remedy for situations where trust needed to be rebuilt. The interesting question for researchers in trust is, was it rebuilt? Based on our model of trust we would argue that what they did was build in control systems to reduce the level of risk, thereby reducing the need for trust. Researchers have

struggled to develop a clear definition of trust because of the trade-offs between trust building and risk-reduction that comes with the implementation of control systems.

In order to address this, some authors view trust as a confidence in the reliability of both individuals and systems; to have trust in a system, there must be a face of an individual to help alleviate uncertainty in the user (Bachmann, 2001; Busco, Riccaboni, & Scapens, 2006). The personal connection invokes feelings of trust in the user and gives him or her a relational interaction with the organization (Lewis & Weigert, 1985; Seal & Vincent-Jones, 1997). Other authors argue that trust and control are completely separate; you either trust or control, not both (Das & Teng, 1998; Leifer & Mills, 1996; Madhok, 1995; Ring & Van de Ven, 1994). More congruent with our trust model is the belief that trust and control are supplementary with each other in that they both contribute to managing the level of risk (Das & Teng, 1998; Inkpen & Currall, 1997).

Operations Research

The discipline of Operations Research has long been focused on developing efficiencies in process largely by eliminating wasteful steps in the process and standardizing operating procedures. Among the concepts that are common in this discipline are “lean” manufacturing, process mapping, road maps, and production gates. They emphasize the importance of training in project management so as to take advantage of these efficiencies. These practices have also led to the establishment of international standards related to manufacturing that are referred to as ISO standards. Organizations are required to obtain certification in ISO standards in order to do business with or supply to many companies that subscribe to this philosophy. From a risk management perspective it is interesting to note that, like the accounting field, operations research has focused on developing control systems to reduce the need to build trust.

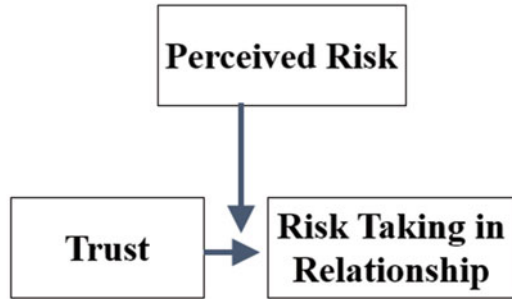
There are researchers in the operations area who have theorized about the role of trust in managing relationships, particularly between suppliers and customers or what the discipline would call the supply chain. Bradach and Eccles (1989) reported that interfirm trust mitigates the risk that a partner firm will act opportunistically in alliances. Gulati (1995) built on this finding in a study of how equity in alliances affects trust between firms. Brinkhoff, Ozer, and Sargut (in press) hypothesized that if there is a pre-existing relationship between project partners that includes trust, the project is more likely to be a success. They cited the definition of trust proposed by Rousseau et al. (1998); however their measurement of trust did not reflect any of the definitions of trust we have reviewed here. One impediment for studying trust in the operations research area (and in many other related fields) is that they relied heavily on archival data for testing their hypotheses. This means that even when they do consider trust as a variable in their models they are usually inferring trust from

archival data that is usually not attitudinal data. In a very interesting study of trust in this field that illustrates these concerns, Ozer, Zheng, and Ren (2014) used data from a simulation where they inferred trustworthiness from the behavior of the trustee. Trustworthiness was defined as how much a retailer distorted his or her forecast in a report to the supplier. “A more trustworthy retailer tends to distort her forecast to a lesser extent...” (p. 9). It would be clear to trust researchers who accept our model of trust that the trustworthiness of a trustee is a function of the perception of the trustor rather than the actual behavior of the trustee. This is a case where the common empirical methods of the fields make it difficult to study perceptual variables.

Trust, Risk, and Control Systems

In both the Accounting and the Operations Management disciplines the issue of how to manage trust is addressed in a similar way. Schoorman et al. (2007) discussed how trust and control systems were alternate means of managing risk in organizations. Davis, Schoorman, and Donaldson (1997) examined the widely adopted management philosophy of Agency theory where principals (owners) are concerned about the opportunistic behavior of agents (the managers they hire to run the business). This view is based on the premise that individuals act to maximize their own utility and will readily take advantage of others to do this. The solution to this principal-agent problem in this framework is to establish strict control systems that would include both incentive structures and monitoring and reporting requirements for the agents. Davis et al. (1997) described stewardship theory as an alternate way to manage the risk in the situation. Stewardship theory is based on the alternate assumption about human nature that rejects the notion that individuals are always self-serving in their behavior. This approach suggests that when there is a relationship between the principal and the agent that is based on trust that the agent will act to maximize the outcomes of the collective rather than the individual. As our discussion above illustrates, the literatures in Accounting and Operations Research are based on Agency theory and therefore are focused on control systems to manage risk. A closer examination of the trust model from Mayer et al. (1995) indicates the decision to take a risk and be vulnerable is a function of both the trust and the perceived risk (see Fig. 2.4). What the model clearly argues is that the decision to engage in a risk-taking behavior is not based only on the level of trust but an interaction of trust and the perceived risk in the situation. In an earlier section we describe our “bucket model” of trust and control systems (see Fig. 2.3) that illustrates this trade-off. Consistent with this theoretical argument, in a recent meta-analysis Breuer, Hüffmeier, and Hertel (2014) have shown that trust matters more to team outcomes under conditions of high perceived risk compared to conditions of low perceived risk but that the influence of trust is reduced when control systems such as process documentation are applied.

Fig. 2.4 Relationship between trust and perceived risk



Online Marketing and Retailing

The Internet has become a central part of private and business lives and has changed the way people communicate, work, and live. One important business field influenced by the Internet is the field of e-commerce and online retailing. The market share of online retailing is growing dramatically: The percentage of e-commerce in total U.S. retail sales increased from 1.6 % in 2002 (44.527 millions of dollars) to 5.4 % in 2012 (226.878 millions of dollars; U.S. Census Bureau, 2014). Trust has been identified as a key issue in the use of online vendors (e.g., Chen & Dibb, 2010; Gefen, 2002). For example, trust is helpful for dealing with the risk of sharing personal information with the web-based vendors (McKnight, Choudhury, & Kacmar, 2002), or for doing financial transactions online (e.g., Pavlou & Gefen, 2004). Moreover, practitioners and researchers discussed the critical role of trust for attaining and retaining customers in a market which is characterized by a large number of competing online retailers for a similar product (Reichheld & Scheffer, 2000).

Definitions of Online-Trust

There are a number of different and inconsistent definitions of trust in the online retailing literature. A review of the literature suggests that there are two major reasons for this ambiguity. First there is a lack of specificity in identifying the referents of trust and second, the research often fails to differentiate between the antecedents of trust, specifically trustworthiness and initial trust, and trust itself (Mayer, Davis, & Schoorman, 1995; McEvily & Tortoriello, 2011; McKnight et al., 1998; Meyerson, Weick, & Kramer, 1996).

A special problem in defining online trust is this issue of whether the referent should be the online retailer, the Website, or the technology. Who is it that one is supposed to trust? Even the term online retail is not distinct enough since some retailers are only online, and some actually represent a bricks-and-mortar store with an online presence (McKnight & Chervany, 2002).

Can a website be the trust referent? Corritore, Kracher, and Wiedenbeck (2003) argue it can and suggest the trust in the website encompasses the underlying Internet technology, the interactive user experience, and the people behind the website. They define online trust as “an *attitude* of confident expectation in an online situation of risk that one’s vulnerabilities will not be exploited” (p. 740). Thus, their definition of trust is a description of a general attitude not an intention to make oneself vulnerable in a specific relationship. Does a person who trusts online retailing because he or she has many years of experience buying online and is willing to take the risk associated with doing so, trust the technology that they are familiar with or the retailer that is behind the sales?

If one accepts the definition of trust as a willingness to be vulnerable in a relationship the trust referent has to be more specific. It has to be clear whether the object of trust is the underlying Internet technology or a person behind the website since the willingness to be vulnerable depends on the specific relationship with this trust referent (Mayer et al., 1995). A person might trust in the Internet technology because he or she has many years of experience with online shopping in general and is willing to rely on the Internet technology transferring his or her order information steadily. The same person might hesitate to buy at a specific online store because he or she does not believe that the people behind the website are trustworthy. Some scholars argue that one can trust in technology and that technology can be regarded as the trust referent (Li, Hess, & Valacich, 2008; McKnight, 2005). Here, trust in technology is defined as the willingness of the trustor to behaviorally depend on a piece of software to do a task (McKnight, 2005). For example, a regular offline customer of a grocery store might hesitate to buy groceries at this store online since he or she is not willing to share his or her personal information on an Internet connection. In this case, the buyer trusts the brand but not the technology which suggests that technology can be a trust referent. Clearly there is a need for more research on this issue of whether a technology can be a trust referent absent the association with the store behind it.

Most of the research on trust in e-commerce specified the online retailer as the trust referent (e.g., Gefen, 2002; Gefen, Karahanna, & Straub, 2003). For example, Gefen and colleagues (2003) argued that an e-vendor is more than its interface since it has to be regarded as a business entity with whom the customer is economically interacting. Jarvenpaa, Tractinsky, and Saarinen (1999) define trust in the Internet store as “a consumer’s willingness to rely on the seller and take action in circumstances where such action makes the consumer vulnerable to the seller”(p. 4). In this definition they make clear that the e-vendor is a human being and that there is a relationship between the buyer and the seller. McKnight et al. (2002) define trust in an online retailer as “the intention to engage in trust-related behaviors with a specific Web vendor” (p.336). These definitions differentiate three relevant risks in the context of e-commerce: The willingness to provide the retailer personal information, the willingness to engage in a purchase transaction and the willingness to act on a retailer’s advice.

Trust and Risk in Online Retailing

As with the other disciplines discussed in this paper the relationship between trust and risk are critical to resolving the “trust” problem in online retailing. Many researchers have noted that the risk associated with online purchases is perceived to be both multifaceted and objectively higher than traditional commerce. Thus trust should play a more critical role in the purchase behavior of online customers (Corbitt, Thanasankit, & Yi, 2003; Wang & Emurian, 2005). Featherman and Pavlou (2003) define perceived risk in e-commerce as “the potential for loss in the pursuit of a desired outcome of using an e-service” (p. 454). Researchers have identified three sources of perceived risk in online retailing: product risk, financial risk, and privacy risk. Product risk refers to the uncertainty about the product quality (Ba & Pavlou, 2002) due to the fact that the product cannot be experienced physically before the purchase. Financial risk encompasses the risk of losing money in financial transactions associated with buying a product (e.g., Chen & Dubinsky, 2003). Privacy risk concerns the potential loss of control over personal information and the lack of confidentiality in the handling of personal data (e.g., Featherman & Pavlou, 2003; Liebermann & Stashevsky, 2002). These three sources of risks can be represented as antecedents of our perceived risk variable in the model when studying trust in the context of online retail (Fig. 2.5). Taken together, online retailing constitutes a context which could lead to a perception of a highly risky situation. Hence, risk-taking behavior of the customer such as purchasing online could be facilitated either by enhancing trust or by reducing the risk.

Research has provided some guidance on how to solve the trust problem in online retailing. Fuller, Serva, and Benamati (2007) demonstrated in an experiment that reputation information influenced the perceived trustworthiness of an online retailer. In addition, feedback mechanisms (Ba & Pavlou, 2002), certifications from third parties (Shneiderman, 2000), web design features such as facial photos (Karimov, Brengman, Van Hove, & Van, 2011) and e-assurance structures (Bahmanziari,

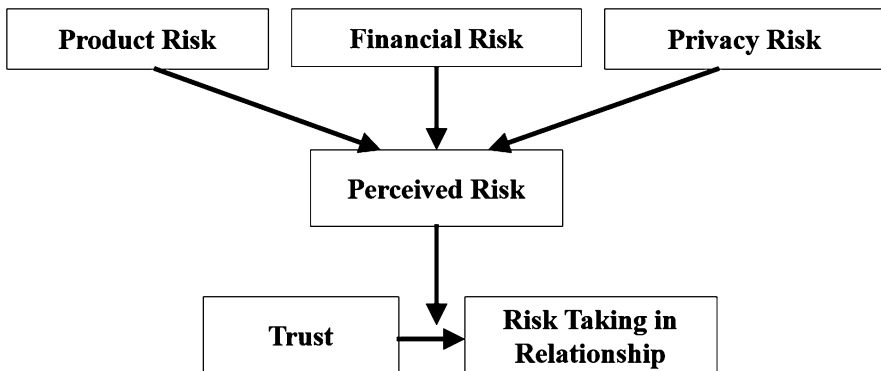


Fig. 2.5 Antecedents of perceived risk

Odom, & Ugrin, 2009) have been proposed as means to enhance the perceived trustworthiness of a web site.

An interesting example of managing the trust problem comes from eBay. A senior manager in eBay, in a presentation to a group of executives, reported that they had found a way to solve the trust problem at eBay. The change that he described was to implement their “Buyer Protection Plan,” according to which any customer who was not satisfied with an eBay transaction and reported this would be given an immediate refund even before eBay investigated the transaction. At eBay, they believed they had changed the level of trust. But as our model would clearly indicate what they did was eliminate financial risk so that trust was no longer required.

In fact, referring to our conceptualization of trust, we would argue most of the strategies discussed and applied to enhance online trust are actually approaches to eliminate risk. For example, concerning reputation information, Fuller, Serva, and Benamati (2007) argued by supplying reputation information the uncertainty in the mind of the consumer is reduced. Regarding our three proposed types of risk antecedents in online retailing we can identify three related mechanisms to reduce the perceived risk: In order to deal with product risk online retailers establish return policies (e.g., Shneiderman, 2000). The perception of financial risk for the customer is reduced by mechanisms for buyer protections such as money back guarantees offered by eBay (eBay, 2014) or money-transfer-systems provided by a third party such as PayPal. Finally, in order to deal with privacy risk companies use privacy policies and publish them on their websites (e.g., Udo, 2001). Although these risk-reducing strategies are appropriate to facilitate risk-taking behavior and well established in the field of online retailing, it is noteworthy to keep in mind that they do not enhance trust but, in contrast, make trust less relevant in the context of online retailing.

Implications for enhancing the customer’s trust instead of reducing his risk can be derived directly from the definitions of trust in online retailing discussed above. First, depending on the object of trust the online retailer should either put effort in enhancing the user’s trust in the specific online retailer or in the Internet technology in general. Therefore, it would be interesting to investigate whether trust in the web vendor or trust in the technology is more critical for risk-taking behaviors such as purchasing a product online. Second, the antecedents of trust such as the factors of perceived trustworthiness (e.g., ability, benevolence, integrity) are relevant starting points in order to enhance the trust in the online retailer (Mayer et al., 1995; McKnight et al., 2002). Thus, a consumer perceives the online retailer as trustworthy when the retailer is willing and able to act in the consumer’s interest, when he is honest in transactions and capable of delivering as promised (McKnight & Chervany, 2002). The direct implication is that online retailers should ensure operational excellence and communicate their optimization efforts to the customer via their website. Finally, online retailers could provide information about the quality of their services and products on their websites; they can publish real customer ratings and reviews or can implement free consumer support via live-chat, e-mail, or service hotlines in order to enhance the customers’ perception of their ability, integrity, and

benevolence. As with any relationship, the customer will update their assessments of the ability, benevolence, and integrity of the online retailer over time and with more successful transactions actually build trust in the retailer.

Politics and Government

There is a great deal of interest in the assessment of trust in politics and government. The Edelman Barometer of Trust is a report that is presented to those who attend the annual World Economic Forum in Davos, Switzerland each year (Edelman, 2014). This report presents the results of a survey of how much residents of each country trust their government and trust the business community. There is always a great interest in the relative scores for government and business and how they have changed over the year. In the U.S. the Pew Research Center measures the trust in government and several other similar indicators on an ongoing basis (Pew Research Center, 2014). The National Election Studies (NES) measure the trust in the federal government (2010). These measures were cited and used extensively in politics and public policy, and in the case of the Edelman report in international business. In each of these cases trust was measured with a single item that asks respondents how much they trust the government (or businesses). The single item used by NES is “how much of the time do you think you can trust the government in Washington to do what is right” (NES). Behavioral scientists would take considerable issue with the construction of the item from a methodological point of view in addition to the fact that it is a single item. The use of the word trust in the item allows every respondent to interpret the question according to their own definition of trust.

Although researchers have attempted to develop a common definition of trust there is a wide variation in the definitions of trust that are used in this field. Some examples of this diversity are confidence that citizens have in authorities to create fair policies and to serve the general interest of the public (Citrin & Muste, 1999; Miller, 1974), the willingness to rely on others (Doney, Cannon, & Mullen, 1998; Moorman, Deshpande, & Zaltman, 1993), and expectations that others will act in the trustor’s interests (Das & Teng, 1998; Elangovan & Shapiro, 1998; Hagen & Choe, 1998; Mechanic, 1998; Rousseau et al., 1998).

Several researchers noted trust judgments are made on the basis of ability and integrity (Keel, 2007; Sztompka, 1999) which are the trustworthiness factors in the trust model. There is also variation in the conceptualization of trust as a relational constructs or a dispositional construct (e.g., Uslaner, 2002).

From a theoretical point of view it is interesting to speculate whether it is meaningful to talk about trust in an institution that one has very little connection with at a personal level. When someone is asked if they trust the government, is it a different question than if they were asked if they liked the government, if they voted for the government, or if they had the same party affiliation as the government? The data from the Pew Research suggests that the answers to these questions are highly

correlated. Also, the distal nature of the Federal government and the U.S. Supreme Court raise the question of whether there could be any behavioral consequences to trusting or not trusting.

The concept of legitimacy is well established as a means of evaluating and assessing these institutions. Legitimacy has been defined in terms of procedural justice, confidence, and competence. Perhaps we should focus on the legitimacy of these institutions and not confound it with the notion of trust.

Discussion and Conclusions

Preparing this chapter has pushed us to examine how trust is defined and used in many fields. It has forced us to examine our model of trust and test the generalizability of the model to other contexts. We have learned more about our own approach to thinking about trust as we adapted the model to new contexts. As we indicated at the outset of this chapter, our perspective is adopted from the lens of the Mayer et al. (1995) model and our comments on other fields clearly reflect this perspective.

An important set of issues for trust researchers in all fields is the critical importance of specifying a clear definition of trust and being consistent with that definition in the measurement of trust. We have reviewed what are generally considered the main definitions of trust, specifically, “willingness to be vulnerable,” “confident, positive expectations” and a dispositional measure. We believe it is important for researchers to be clear about what definition they will adopt. We could not have articulated this more clearly than Fulmer and Gelfand (2012): “To provide clarity, we recommend that researchers be very clear about the emphasis their definition places on positive expectations, vulnerability, both or neither and the rationale for this emphasis in relation to a particular referent and a particular level of analysis” (p. 1171). We see the choice of a definition of trust to be a two-stage decision tree with the first choice the one of choosing between a dispositional definition or a relational definition. If the choice is relational, then the next choice would be the choice above between the two relational definitions. Perhaps we can now get past the customary introductory paragraph in trust research that laments the great confusion about an appropriate definition of trust.

The next important issue for trust researchers to determine is if they will differentiate the antecedents of trust from trust itself. We have made our case for doing this as have many of the reviews of the trust literature (e.g. Colquitt et al., 2007; Fulmer & Gelfand, 2012). This approach gives us one clear definition of trust that applies to all contexts and the opportunity to build a nomological network of antecedents and consequences around it that are more specific to the level of analysis and context. We believe that being able to treat the factors of trustworthiness as separate constructs has given us much more flexibility in adapting our model to different situations. Our discussion of the different weighting of ability, benevolence, and integrity indicates the validity and explanatory power that come with this approach.

We have discussed the complementary roles of trust and control systems in managing risk, suggesting that these are not mutually exclusive processes. Understanding how to manage these processes can provide useful insight to managers at work. It has also been a revelation to examine what many disciplines refer to as a process of increasing trust through the lens of our model and recognize that what they are changing is the level of risk associated with a behavioral action and not trust at all. For a practical point of view they are, in fact, solving their trust problem, but from a scientific perspective it is important to note that they are not changing trust.

References

- Ba, S., & Pavlou, P. A. (2002). Evidence of the effect of trust building technology in electronic markets: Price premiums and buyer behavior. *MIS Quarterly*, 243–268.
- Bachmann, R. (2001). Trust, power and control in trans-organizational relations. *Organization Studies*, 22, 337–365.
- Bahmanziari, T., Odom, M. D., & Ugrin, J. C. (2009). An experimental evaluation of the effects of internal and external e-Assurance on initial trust formation in B2C e-commerce. *International Journal of Accounting Information Systems*, 10, 152–170.
- Bradach, J. L., & Eccles, R. G. (1989). Price, authority, and trust: From ideal types to plural forms. *Annual Review of Sociology*, 97–118.
- Breuer, C., Hueffmeier, J., & Hertel, G. (2014). *Does trust matter more in virtual teams? A meta-analysis on virtuality as a moderator of the relationship between trust and team effectiveness*. Manuscript submitted for publication.
- Brinkhoff, A., Ozer, O., & Sargut, G. (in press). All you need is trust? An examination interorganizational supply chain projects. *Productions and Operations Management*. doi: 10.1111/poms.12234.
- Busco, C., Riccaboni, A., & Scapens, R. W. (2006). Trust for accounting and accounting for trust. *Management Accounting Research*, 17, 11–41.
- Chen, J., & Dibb, S. (2010). Consumer trust in the online retail context: Exploring the antecedents and consequences. *Psychology and Marketing*, 27, 323–346.
- Chen, Z., & Dubinsky, A. J. (2003). A conceptual model of perceived customer value in e-commerce: A preliminary investigation. *Psychology and Marketing*, 20, 323–347.
- Citrin, J., & Muste, C. (1999). Trust in government. In J. Robinson, P. Shaver, & L. Wrightsman (Eds.), *Measures of political attitudes* (pp. 465–532). San Diego: Academic Press.
- Corbitt, B. J., Thanasankit, T., & Yi, H. (2003). Trust and e-commerce: A study of consumer perceptions. *Electronic Commerce Research and Applications*, 2, 203–215.
- Coleman, J. S. (1990). *Foundations of social theory*. Cambridge, MA: Belknap.
- Colquitt, J. A., Scott, B. A., & Lepine, J. A. (2007). Trust, trustworthiness, and trust propensity: A meta-analytic test of their unique relationships with risk taking and job performance. *Journal of Applied Psychology*, 92, 909–927.
- Corritore, C. L., Kracher, B., & Wiedenbeck, S. (2003). On-line trust: Concepts, evolving themes, a model. *International Journal of Human-Computer Studies*, 58, 737–758.
- Das, T. K., & Teng, B. (1998). Between trust and control: Developing confidence in partner cooperation in alliances. *Academy of Management Review*, 23, 491–512.
- Davis, J. H., Schoorman, F. D., & Donaldson, L. (1997). Toward a stewardship theory of management. *Academy of Management Review*, 22, 20–47.
- Doney, P., Cannon, J., & Mullen, M. (1998). Understanding the influence of national culture on the development of trust. *Academy of Management Review*, 23, 601–620.
- eBay. (2014). Retrieved from <http://pages.ebay.com/ebay-money-back-guarantee/>.

- Edelman, R. (2014). 2014 Edelman Trust Barometer. Retrieved from <http://www.edelman.com/p/6-a-m/2014-edelman-trust-barometer/>
- Elangovan, A. R., & Shapiro, D. L. (1998). Betrayal of trust in organizations. *Academy of Management Review*, 23, 547–566.
- Featherman, M. S., & Pavlou, P. A. (2003). Predicting e-services adoption: A perceived risk facets perspective. *International Journal of Human-Computer Studies*, 59, 451–474.
- Ferrin, D. L., Bligh, M. C., & Kohles, J. C. (2007). Can I trust you to trust me? A theory of trust, monitoring, and cooperation in interpersonal and intergroup relationships. *Group and Organization Management*, 32, 465–499.
- Fishman, C. (2003). *The Wal-Mart you don't know*. Retrieved from <http://www.fastcompany.com/magazine/77/walmart.html>.
- Fuller, M. A., Serva, M. A., & Benamati, J. (2007). Seeing is believing: The transitory influence of reputation information on e-commerce trust and decision making. *Decision Sciences*, 38, 675–699.
- Fulmer, C. A., & Gelfand, M. J. (2012). At what level (and in whom) we trust. *Journal of Management*, 38, 1167–1230.
- Gefen, D. (2002). Reflections on the dimensions of trust and trustworthiness among online consumers. *ACM Sigmis Database*, 33, 38–53.
- Gefen, D., Karahanna, E., & Straub, D. W. (2003). Trust and TAM in online shopping: An integrated model. *MIS Quarterly*, 27, 51–90.
- Gefen, D., Srinivasan Rao, V., & Tractinsky, N. (2003). The conceptualization of trust, risk and their relationship in electronic commerce: The need for clarifications. In *Proceedings of the 36th Annual Hawaii International Conference on System Sciences, IEEE* (pp. 10). Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.122.4421>.
- Gibson, J. L., Caldeira, G. A., & Spence, L. K. (2003). Measuring attitudes toward the United States Supreme Court. *American Journal of Political Science*, 47, 354–367.
- Gillespie, N., & Dietz, G. (2009). Trust repair after an organization-level failure. *Academy of Management Review*, 34, 127–145.
- Graen, G. B., & Uhl-Bien, M. (1995). Relationship-based approach to leadership: Development of leader-member exchange (LMX) theory of leadership over 25 years: Applying a multi-level multi-domain perspective. *The Leadership Quarterly*, 6, 219–247.
- Gulati, R. (1995). Does familiarity breed trust? The implications of repeated ties for contractual choice in alliances. *Academy of Management Journal*, 38, 85–112.
- Hagen, J. M., & Choe, S. (1998). Trust in Japanese inter-firm relations: Institutional sanctions matter. *Academy of Management Review*, 23, 589–600.
- Inkpen, A. C., & Currall, S. C. (1997). International joint venture trust: An empirical examination. In B. W. Beamish & J. P. Killing (Eds.), *Cooperative strategies: North American perspectives* (pp. 308–334). San Francisco: New Lexington Press.
- Jackson, J., Bradford, B., Stanko, B., & Hohl, K. (2013). *Just authority? Trust in the police in England and Wales*. New York, NY: Routledge.
- Jarvenpaa, S. L., Tractinsky, N., & Saarinen, L. (1999). Consumer trust in an internet store: a cross-cultural validation. *Journal of Computer-Mediated Communication*, 5: 0.
- Karimov, F. P., Brengman, M., Van Hove, L., & Van, L. (2011). The effect of website design dimensions on initial trust: A synthesis of the empirical literature. *Journal of Electronic Commerce Research*, 12, 272–301.
- Keel, L. (2007). Social capital and the dynamics of trust in government. *American Journal of Political Science*, 51, 241–254.
- Kim, P. H., Ferrin, D. L., Cooper, C. D., & Dirks, K. T. (2004). Removing the shadow of suspicion: the effects of apology versus denial for repairing competence-versus integrity-based trust violations. *Journal of Applied Psychology*, 89, 104–118.
- Leifer, R., & Mills, P. K. (1996). An information processing approach for deciding upon control strategies and reducing control loss in emerging organizations. *Journal of Management*, 22, 113–137.

- Lewicki, R. J., McAllister, D. J., & Bies, R. J. (1998). Trust and distrust: New relationships and realities. *Academy of Management Review*, 23, 438–458.
- Li, X., Hess, T. J., & Valacich, J. S. (2008). Why do we trust new technology? A study of initial trust formation with organizational information systems. *The Journal of Strategic Information Systems*, 17, 39–71.
- Lin, H.-F. (2011). An empirical investigation of mobile banking adoption: The effect of innovation attributes and knowledge-based trust. *International Journal of Information*, 31, 252–260.
- Lewis, J. D., & Weigert, A. (1985). Trust as a social reality. *Social Forces*, 63, 967–985.
- Liebermann, Y., & Stashevsky, S. (2002). Perceived risks as barriers to Internet and e-commerce usage. *Qualitative Market Research*, 5, 291–300.
- Madhok, A. (1995). Revisiting multinational firms' tolerance for joint ventures: A trust-based approach. *Journal of International Business Studies*, 26, 117–137.
- Mayer, R. C., Davis, J. H., & Schoorman, F. D. (1995). An integrative model of organizational trust. *Academy of Management Review*, 20, 709–734.
- McAllister, D. J. (1995). Affect- and cognition-based trust as foundations for interpersonal cooperation in organizations. *Academy of Management Journal*, 38, 24–59.
- McEvily, B., & Tortoriello, M. (2011). Measuring trust in organisational research: Review and recommendations. *Journal of Trust Research*, 1, 23–63.
- McKnight, D. H. (2005). Trust in information technology. In G. B. Davis (Ed.), *The Blackwell encyclopedia of management* (pp. 329–331). Malden, MA: Blackwell.
- McKnight, D. H., & Chervany, N. L. (2001). Trust and distrust definitions: One bite at a time. In R. Falcone, M. Singh, & Y.-H. Tan (Eds.), *Trust in cyber-societies* (pp. 27–54). Berlin: Springer.
- McKnight, D. H., & Chervany, N. L. (2002). What trust means in e-commerce customer relationships: An interdisciplinary conceptual typology. *International Journal of Electronic Commerce*, 6, 35–60.
- McKnight, D. H., Choudhury, V., & Kacmar, C. (2002). Developing and validating trust measures for e-commerce: An integrative typology. *Information Systems Research*, 13, 334–359.
- McKnight, D. H., & Choudhury, V. (2006). Distrust and trust in B2C e-commerce: Do they differ? In *Proceedings of the 8th international conference on Electronic commerce: The new e-commerce: innovations for conquering current barriers, obstacles and limitations to conducting successful business on the internet* (pp. 482–491). ACM. Retrieved from <http://dl.acm.org/citation.cfm?id=1151527>.
- McKnight, D. H., Cummings, L. L., & Chervany, N. L. (1998). Initial trust formation in new organizational relationships. *Academy of Management Review*, 23, 473–490.
- Mechanic, D. (1998). The functions and limitations of trust in the provision of medical care. *Journal of Health Politics, Policy and Law*, 23, 661–686.
- Meyerson, D., Weick, K. E., & Kramer, R. M. (1996). Swift trust and temporary groups. In R. M. Kramer & T. R. Tyler (Eds.), *Trust in organizations: Frontiers of theory and research* (pp. 166–195). Thousand Oaks, CA: Sage.
- Miller, A. H. (1974). Political issues and trust in government: 1964–1970. *American Political Science Review*, 68, 951–972.
- Moorman, C., Deshpande, R., & Zaltman, G. (1993). Factors affecting trust in market research relationships. *Journal of Marketing*, 57, 81–101.
- National Election Studies (NES). (2010). *Trust in the Federal Government 1958–2008*. Retrieved from http://electionstudies.org/nsguide/toptable/tab5a_1.htm.
- Ozer, O., Zheng, Y., & Ren, Y. (2014). Trust, trustworthiness, and information sharing in supply chains bridging China and the U.S. *Management Science*, 60, 2435–2460.
- Pavlou, P. A., & Gefen, D. (2004). Building effective online marketplaces with institution-based trust. *Information Systems Research*, 15, 37–59.
- Pew Research Center. (2014). Retrieved from <http://www.pewresearch.org/>.
- Reichheld, F. F., & Schefter, P. (2000). E-loyalty. *Harvard Business Review*, 78, 105–113.
- Ring, P. S., & Van de Ven, A. H. (1994). Developmental processes of cooperative interorganizational relationships. *Academy of Management Review*, 19, 90–118.

- Rotter, J. B. (1967). A new scale for the measurement of inter-personal trust. *Journal of Personality*, 35, 615–665.
- Rousseau, D. M., Sitkin, S. B., Burt, R. S., & Camerer, C. (1998). Introduction to special topic forum: Not so different after all: A cross-discipline view of trust. *Academy of Management Review*, 23, 393–404.
- Schoorman, F. D., Mayer, R. C., & Davis, J. H. (2007). An integrative model of organizational trust: Past, present, and future. *Academy of Management Review*, 32, 344–354.
- Seal, W., & Vincent-Jones, P. (1997). Accounting and trust in the enabling of long-term relations. *Accounting, Auditing & Accountability Journal*, 10, 406–431.
- Shneiderman, B. (2000). Designing trust into online experiences. *Communications of the ACM*, 43, 57–59.
- 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.
- Sztompka, P. (1999). *Trust: A sociological theory*. New York, NY: Cambridge University Press.
- Thomassen, J., & Schmitt, H. (Eds.). (1999). *Political representation and legitimacy in the European Union* (pp. 3–21). Oxford: Oxford University Press.
- Tomlinson, E. C., & Mayer, R. C. (2009). The role of causal attribution dimensions in trust repair. *Academy of Management Review*, 34, 85–104.
- Tyler, T. R. (1994). Governing amid diversity: The effect of fair decisionmaking procedures on the legitimacy of government. *Law and Society Review*, 28, 809–831.
- Tyler, T. R. (2006). *Why people obey the law*. Princeton, NJ: Princeton University Press.
- Udo, G. J. (2001). Privacy and security concerns as major barriers for e-commerce: A survey study. *Information Management and Computer Security*, 9, 165–174.
- U.S. Census Bureau. (2014). Annual retail trade survey. Retrieved from <http://www.census.gov/retail/>.
- Uslaner, E. M. (2002). *The moral foundations of trust*. New York, NY: Cambridge University Press.
- Wang, Y. D., & Emurian, H. H. (2005). An overview of online trust: Concepts, elements, and implications. *Computers in Human Behavior*, 21, 105–125.
- Williamson, O. E. (1993). Calculativeness, trust and economic organization. *Journal of Law and Economics*, 36, 453–486.

Chapter 3

Trust as a Leap of Hope for Transaction Value: A Two-Way Street Above and Beyond Trust Propensity and Expected Trustworthiness

Peter Ping Li

In a recent debate among trust scholars (e.g., Ferrin, 2013; Perrone, 2013), we have challenged ourselves with two provocative questions:

1. Do we deserve the academic status we seek to achieve as compared to other related domains of research, such as leadership, ethics, and entrepreneurship?
2. What should we accomplish to deserve the respected academic status we seek to achieve?

There are two divergent views as different answers to the above questions. One view is largely optimistic. According to this optimistic view, trust research has accomplished a lot since the mid-1990s. It is clear that trust research has enjoyed an explosive growth in the past two decades, so we should be proud of what we have achieved as a new area of research. In contrast, the other view is more pessimistic. According to the pessimistic view, trust research faces a series of challenging problems. A recent review of the literature regarding the role of trust in the field of supply chain management (Whipple, Griffins, & Daugherty, 2013) reveals three deep-rooted problems in trust research: (1) a lack of widely accepted definitions, (2) inconsistencies in measurement scales, and (3) a lack of contextualization of the definitions and scales borrowed from other disciplines rooted in different contexts.

I agree with both the optimists and the pessimists, but I am more interested in the pessimistic view because it challenges us to reflect deeply, rather than falling into the trap of self-congratulatory complacency, so that we can make a more sustainable progress in the future. In particular, we need to learn from the key lessons in the field of leadership research, that is, too much convergence toward the quantitative method but too little convergence toward any integrative theories (for a review, see Glynn & Raffaelli, 2010; see also Dinh et al., 2014). With the pessimistic view

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of the trust field as the background, the purpose of this chapter is twofold. First, I seek to explore the underlying reasons for the above-mentioned three problems in trust research, as identified by Whipple and her colleagues, primarily addressing the first provocative question I raised. Second, I seek to explore the potential solutions to the three questions, primarily addressing the second provocative question. To push further along the two provocative questions, I will offer a future research agenda to advance trust research.

The Underlying Roots of the Core Problems in Trust Research

In the most recent FINT (First International Trust Network) workshop held in Coventry, UK, in November, 2014, Roger Mayer delivered a well-received keynote speech with the title of “Trust: Is there a market for that?”. In his speech, he provided the convincing evidence that there was a large market for trust research. While I agree that there is little doubt about the potential value of trust to the practice of management, I am far from convinced that we as trust scholars have done enough to offer a compelling argument about why and how trust will matter the most in the practice of management given the above three, deep-rooted problems as well as other derived problems within the domain of trust research (cf. Colquitt, Scott, & LePine, 2007; Dietz & Den Hartog, 2006; Dirks & Ferrin, 2002; Kong, Dirks, & Ferrin, 2014; Li, 2007, 2008; McEvily, 2011; McKnight, Choudhury, & Kacmar, 2002; Rousseau, Sitkin, Burt, & Camerer, 1998; Schoorman, Mayer, & Davis, 2007; Whipple et al., 2013). I posit the critical problems derived from the contradictory perspectives concerning the defining nature and unique role of trust in both economic and social exchanges. Further, the contradictory perspectives explain why there is a lack of accepted measures of trust and related variables (for reviews, see Dietz & Den Hartog, 2006; McEvily & Tortoriello, 2011). Finally, those contradictory perspectives reveal the absence of a central question as the *core puzzle* concerning the defining nature and unique role of a central construct as the underlying theme in a specific research domain (Suddaby, Bruton, & Si, 2015), which may reconcile the contradictory perspectives toward an integrative framework in the domain of trust research. In contrast, dominant theoretical frameworks exist in the domains of leadership, ethics, and entrepreneurship. For example, the emerging core puzzle in the domain of entrepreneurship is the central question about the origins of entrepreneurial opportunity, with entrepreneurial opportunity serving as the central construct to anchor the underlying theme for all diverse perspectives across the domain of entrepreneurship (for reviews, see Alvarez & Barney, 2010; Chiles, Tuggle, McMullen, Bierman, & Greening, 2010; Suddaby et al., 2015).

The lack of consensus on the definition of trust is deeply rooted in two contradictory perspectives about the defining nature and unique role of trust. The majority of trust scholars adopt the definition of trust as a psychological attitude in terms of willingness to be vulnerable primarily based upon the confident expectation of trustee’s trustworthiness (e.g., Mayer, Davis, & Schoorman, 1995; Rousseau et al.,

1998; see also the meta-analysis by Colquitt et al., 2007). For example, Mayer and colleagues (1995) provide the most widely accepted definition of trust as “the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party” (p. 714). Rousseau and colleagues (1998) offer a similar definition with trust as “a psychological state comprising the intention to accept vulnerability based upon positive expectations of the intentions or behavior of another” (p. 395). Further, McAllister (1995) agrees with this view with his definition of “interpersonal trust as the extent to which a person is confident in, and willing to act on the basis of, the words, actions, and decisions of another” (p. 25).

The shared theme among the above definitions is the assumed causal linkage between trustor’s willingness to be vulnerable and confident expectation of trustee’s trustworthiness, both of which jointly constitute what is labeled as “trust.” In this sense, trust on the part of trustor is primarily the mirror image of trustworthiness on the part of trustee: if trustee is trustworthy, trustor will trust trustee; in contrast, if trustee is not trustworthy, trustor will not trust trustee. In other words, trustworthiness on the part of trustee is framed as the sole determinant of trust on the part of trustor. Most trust scholars adopt the prevailing model “ABI” dimensions (i.e., ability, benevolence, and integrity as three dimensions of trustee’s trait-like characters) to conceptualize and operationalize trustworthiness (Mayer et al., 1995; Schoorman et al., 2007; see also Colquitt et al., 2007).

Further, some other trust scholars emphasize the role of institutions. They evoke the roles of both formal institutions (e.g., law and state) and informal institutions (e.g., ethics and culture) to assure the externally imposed trustworthiness on the part of trustee other than trustee’s own trait-like characters of ability, benevolence, and integrity (Bachmann, 2011; cf. Dietz, 2011). Finally, there is also a notion of propensity to trust as a personality trait of trustor in terms of generalized willingness to trust all others (Frazier, Johnson, & Fainshmidt, 2013). I frame all the above three views as *trust-as-attitude* (Li, 2007, 2008; McEvily, 2011), and I take issue with this construct as the sole conceptualization of trust by specifying its five primary problems (cf. Glaeser, Laibson, Scheinkman, & Soutter, 2000; Li, 2007, 2013; McEvily, 2011; Möllering, 2013).

The first problem is that trust-as-attitude does not require any particularistic relationship. Even though Mayer and colleagues (Mayer et al., 1995; Schoorman et al., 2007) argue explicitly that they seek to distinguish the propensity to trust as a personality trait from trustee’s trustworthiness as a unique feature of social relationship, it is unfortunate that they largely fail to accomplish that because their three dimensions of trustworthiness (i.e., ability, integrity, and benevolence) are similar to relationship-free personality traits. This is because the dimensions of ability, integrity, and benevolence are simply a trustee’s generic trait-like characters toward all trustors in general rather than a particular trustor in a specific, trustor-trustee relationship (Li, 2007, 2008).

The second problem is that trust-as-attitude confines trust to a one-way street, so it is largely a passive process. According to trust-as-attitude, the sole role of trustor

is to assess if a trustee is trustworthy in a mutually passive context, so no serious interaction between trustor and trustee is required. When a trustor assesses a trustee's trustworthiness, no risk is involved in this passive process because neither of the parties is required to take any risk-bearing action; one only takes the risk-free action of assessing the other when the other is passively being assessed, similar to the passive role of an object being painted or photographed. In this sense, the notion of trust-as-attitude implicitly assumes that the roles of trustor and trustee are largely static and fixed, while a two-way street will require an intense interaction where both trustor and trustee switch their roles constantly in a dynamic process of developing a long-term relationship. In particular, in the dynamic context of trust as a two-way street, the roles of *voluntary intention* and *reciprocity* given the effect of felt trust on the felt obligation to reciprocate are central to the process of trust-building as the core part of relationship-building (McCabe, Rigdon, & Smith, 2003; Pillutla, Malhotra, & Murnighan, 2003).

The third problem is that trust-as-attitude mixes the different perspectives between trustor and trustee as if they share the same perspective, so the link between trust and trustworthiness from the perspective trustor is assumed to be the same from the perspective of trustee when they interact in a two-way street. There is evidence that this is not the case (Malhotra, 2004). Trustors tend to focus primarily on the level of *risk* (related to the expectation of trustee's trustworthiness) for their decision to trust, while trustees tend to base their decisions to reciprocate trust on the level of *benefit* (as the level of felt trust) they have received. Specifically, trust is more likely when risk is low, but the level of trust does not depend on the level of benefit provided by trustor for trustee; trustee's reciprocity is more likely when the benefit provided by trustor is high, but this does not depend on the level of risk trustor takes. In other words, neither party is sensitive to the factors that largely shape the counterpart's decision. Hence, given the different perspectives between trustor and trustee, trust and trustworthiness should be framed as two separate constructs because they play different roles in the interactive trust-building process (cf. Glaeser et al., 2000; Li, 2007, 2013; McEvily, 2011; Möllering, 2013).

The fourth problem is that trust-as-attitude does not require any future-oriented considerations. The expected trustworthiness is primarily concerned with *the shadow of the past* because only the past information and knowledge will be assessed to delineate trustee's trustworthiness, while *the shadow of the future* will not be considered. It is obvious that this problem is directly related to the other problems in the sense that trust-as-attitude is a passive and relationship-free process without taking the shadow of the future into consideration as it should be in the case of two-way process of developing a long-term relationship (Li, 1998, 2008; Poppo, Zhou, & Ryu, 2008).

The fifth and the most acute problem is that, while it superficially accepts vulnerability as an imperative element of trust, trust-as-attitude fundamentally denies the value of vulnerability as the most critical nature of trust. This is because there will be little vulnerability left for trustor to bear if trustor is willing to rely on trustee

only after trustee's trustworthiness can be reasonably established. In other words, the construct of trust-as-attitude implicitly assumes that trustor will only trust trustee if there is little vulnerability for trustor to rely on trustee. It is admitted that there is never perfect knowledge about trustee's trustworthiness, but the positive expectation of trustee's trustworthiness has reduced trustor's "*felt vulnerability*" to a minimum or acceptable level so that there is limited risk-taking on the part of trustor. In this sense, trust is at best only a residual factor submerged under the predominant role of trustworthiness. Framing vulnerability as a negative problem to avoid and solve, trust-as-attitude ignores the prospect that vulnerability could be a unique *opportunity* to initiate a trust-building process. In other words, trust-as-attitude eliminates the most unique role of trust as a special governance mode to actually *benefit* from the vulnerability for high transaction value while all other modes focus on reducing the vulnerability for low transaction cost (Li, 1998, 2008, 2010). The notion of chosen vulnerability is closely tied to the notion of *self-sacrifice*, which is found directly related to the perceived trustworthiness of the person who engages in self-sacrifice behavior (De Cremer & van Knippenberg, 2005). This is similar to the seemingly irrational high-trusting behavior, which tends to be reciprocated by high-trusting behavior (Weber, Malhotra, & Murnighan, 2005).

In sum, the construct of trust-as-attitude is problematic because it suffers from (1) a lack of focus on the context of relationship for trust, (2) a lack of differentiation between the perspective of trustor and trustee, (3) a lack of understanding about trust as a two-way street with the proactive interaction between trustor and trustee, (4) a lack of attention about the shadow of the future for trust, and (5) a lack of appreciation of vulnerability as opportunity (the defining nature of trust) for cooperative creation of transaction value (the unique role of trust). From this perspective, the notion of trust-as-attitude is largely self-contradictory and tautological because trust will become unnecessary and redundant if trust is only a mirror image of trustworthiness. Put it differently, if trust is trust-as-attitude, there is little potential to build trust more than the propensity to trust and the expected trustworthiness, and thus no opportunity to build trust above and beyond the propensity to trust and the expected trustworthiness. Hence, trust-as-attitude is largely a narrow, static, and close-ended construct in a passive one-way process with no potential for trust to grow through social construction (cf. Glaeser et al., 2000; Li, 2007, 2013; McEvily, 2011; Möllering, 2013).

In contrast to the above construct of trust-as-attitude, a growing number of trust scholars argue for a fundamentally different construct of trust as a behavioral decision to accept, and even appreciate the vulnerability of relying on others so much so that trustor will choose to voluntarily increase his/her vulnerability (e.g., Zand, 1972; for a review, see Li, 2007), which I refer to as *trust-as-choice* (Li, 2007, 2008; cf. Glaeser et al., 2000; McEvily, 2011). I posit that the notion of trust-as-choice can solve the five key problems associated with the notion of trust-as-attitude. The critical theoretical and practical implications of trust-as-choice are discussed in detail in the next section.

The Emerging Solutions to the Core Problems in Trust Research

In general terms, one possible way out of the shared trap among social studies (i.e., the persisting pre-paradigm status of social research) is to focus squarely on the specific context when trust, leadership, ethics, entrepreneurship, and other domains of social studies *matter* the most. In other words, we should focus on what makes each domain of social studies uniquely distinctive from other domains, often in the form of core puzzle concerning the defining nature and unique role of the core construct in each domain (Suddaby et al., 2015), especially when the core puzzle presents a salient challenge to the prevailing or orthodox research domains (e.g., the neoclassic economics). If we apply this approach to trust research, it is possible that we can make strides toward the most unique and salient contributions. Only when we accomplish such contributions can we claim that we deserve the recognition and respect from our academic peers from other domains.

Based upon the literature (for reviews, see Li, 2007, 2008), we can specify that trust tends to matter the most when the following contexts occur:

1. When the uncertainty (e.g., complexity and ambiguity) of unmet expectation is high
2. When the vulnerability of control (e.g., failure of formal contract) is high
3. When the stake (e.g., financial loss) of unmet expectation or control failure is high
4. When long-term interdependence (e.g., reciprocal relationship) is high

Given the above contextual elements, trust-as-attitude is far from being sufficient and we need to adopt trust-as-choice as a decision for trust behavior due to six reasons.

First, trust-as-attitude may or may not result in any decision or choice to result in specific and concrete behavior. In other words, trust can only matter if it will result in specific trusting behaviors in terms of taking risky actions that make trustor highly vulnerable to trustee (e.g., engaging in exchange or cooperation via informal handshake rather than formal contract, or voluntarily disclosing confidential information). In this sense, trust-as-choice is more salient and imperative for trust to matter because it directly involves trusting behavior in repeated exchange between trustor and trustee. Second, trust-as-choice extends above and beyond the typical notions of propensity to trust and confident expectation of trustee's trustworthiness, both of which are psychological attitudes, with the propensity to trust as trustor's personality trait, while the confident expectation of trustee's trustworthiness as trustor's rational, calculative assessment. However, trust will only matter if it extends above and beyond personality trait and confident expectation of trustworthiness. In this sense, trust-as-choice extends above and beyond both propensity to trust (related to emotional impulse) and confident expectation (related to rational analysis), both of which can be explained by the *dual-processing model* about two cognitive functions, with the automatic or implicit system as System 1 for emotional

impulse and the controlled or explicit system as System 2 for rational analysis (Evans, 2008; Li, 2013; McEvily, 2011).

Third, trust-as-choice extends not only above and beyond the form of trustworthiness with the trait-like characters of ability, benevolence, and integrity, but also above and beyond the form of “trustworthiness” with institutional assurance (Bachmann, 2011). Trust-as-choice is necessary either because all institutions fail to offer perfect protection or because trustor chooses to forsake such institutional protection. In this sense, when trust solely relies on trustor’s confident expectation of trustee’s trustworthiness, trust and trustworthiness will only be the mirror image of each other, which will render trust redundant and unnecessary. In other words, trust and trustworthiness will be largely tautological if they imply the similar thing. Fourth, to capture the dynamic nature of trust, it is imperative to adopt trust-as-choice because only trust as a decision can initiate a trust-building process, a trust-maintaining process, and also a trust-repairing process. Trust-as-attitude simply cannot have such a dynamic effect because it is static without any trust-building effort. Trustor’s effort to demonstrate his/her trustworthiness to trustee is required to actively earn trustee’s trust via two trust-building mechanisms: (1) from trustor’s proactive trust-building effort to trustee’s reactive *felt trust* or feeling trusted as one way of trust-building (Deutsch-Salamon & Robinson, 2008; Lau, Liu, & Fu, 2007), and (2) from trustee’s reactive felt trust and also felt obligation to reciprocate trust (as the result of trustee’s proactive trust-building effort) to trustee’s reciprocal trust-building effort and trustor’s reactive felt trust as the other way of trust-building. These two mechanisms constitute a two-way street in a dynamic trust-building process as a virtuous and reciprocal cycle (Li, 2008; see also McCabe et al., 2003; Weber et al., 2005). In other words, while trust-as-attitude is for the function of sense-making via assessing other’s trustworthiness, trust-as-choice is for the role of sense-giving via demonstrating one’s own trustworthiness.

Fifth, largely due to the third and fourth points above, trust-as-attitude cannot function as a mode of governance (similar to those modes of market price and hierarchical authority to govern exchanges) because trust-as-attitude is only indirectly concerned with the choice of trusting behaviors. In contrast, trust-as-choice is designed to serve the function of a governance mode for exchange because it is concerned with a long-term commitment to a lasting exchange relationship. In particular, trust-as-choice can serve as the unique governance mode to enhance transaction value, while at the same time reducing transaction cost (Li, 1998, 2008, 2010). In this sense, trust-as-choice embodies a novel notion of opportunity-taking (related to the perspectives of hope, voice, and value) rather than the old notion of risk-taking (related to the perspectives of fear, exit, and cost). Sixth and finally, the distinction between trust-as-attitude and trust-as-choice can explain the *trust paradox* (cf. Murnighan, Malhotra, & Weber, 2004): when trust (trust-as-choice) is least needed, trust (trust-as-attitude) is everywhere; when trust (trust-as-choice) is most needed, trust (trust-as-attitude) cannot be found.

Hence, to make trust the most salient and imperative, we need to understand the defining nature and unique role of trust to adequately explain when trust matters the most, and why so. From this perspective, it is more imperative to define trust as

trustor's choice or decision to take necessary trusting behaviors above and beyond trustor's propensity to trust, and also above and beyond trustor's confident expectation of trustee's trustworthiness (due to trait-like characters or due to institutional assurance). That is where we, as trust scholars, have the best opportunity to make our most unique contributions by challenging and overcoming the biased assumptions of self-interest and opportunism in the neoclassic economics, especially in the agency theory and transaction cost theory, by evoking the opposite perspective of shared-interest and transaction value (for reviews, see Li, 1998, 2008). In particular, transaction value perspective has the best potential to serve as the underlying theory for open-ended yet committed cooperation (for a review, see Li, 2010). In this sense, the notion of "leap of faith" (Luhmann, 1979; Möllering, 2006) is imperative to the defining nature and unique role of trust above and beyond both emotional impulse and rational analysis, both of which can be well explained by the *dual-processing model* with two cognitive functions, with the automatic (implicit) system (System 1) for emotional impulse and the controlled (explicit) system (System 2) for rational analysis (Evans, 2008).

Based upon intuitive imagination as System 3 above and beyond the automatic and controlled systems (Li, 2013, 2014), the notion of "leap of faith" is associated with trust-as-choice because the latter is concerned with an *assumed hope* to explore the socially constructed opportunities via intuitive imagination as System 3. System 3 balances and integrates both emotional and rational systems into a holistic and dynamic framework to fully explain the decision-making in the contexts of high uncertainty and high ambiguity (thus high vulnerability) as the defining features of the shadow of the future, in contrast to the traditional decision-making under the condition of low uncertainty and ambiguity (thus low vulnerability) as the defining features of the shadow of the past. In this sense, assumed hope differs fundamentally from *assumed confidence*, which is about how to exploit the fixed and externally given opportunities, in the forms of either a risk-blind confidence as emotional impulse (e.g., the propensity to trust) deriving from the automatic system or a risk-averse confidence as rational analysis (e.g., the expectation of trustworthiness due to the trait-like characters and/or institutional assurance) deriving from the controlled system. For the above reason, I suggest replacing "faith" with "hope" and reframe a leap of faith into a *leap of hope* above and beyond assumed confidence. From this perspective, the distinction between trust and confidence is salient and imperative (Luhmann, 1979).

From the perspective of trust as a leap of hope above and beyond confidence, the property to trust is simply a context-free and target-free "blind trust" with little or no concern for potential vulnerability of trustor's trusting behavior (as personality trait similar to one's general emotional state), while the confident expectation of trustee's trustworthiness (due to trustee's trait-like characters and/or institutional assurance) is a context-free, but target-specific, trust (similar to one's specific calculative assessment as rational knowledge). Both cases fall into the "comfort zone" of trustor without much "discomfort." Hence, both should be reframed as "confidence" rather than trust because "confidence" assumes no risk while trust assumes opportunity-based risk (Luhmann, 1979). Even though trust cannot occur in the

context of total ignorance or total knowledge (Simmel, 1964), I argue that trust is more valuable when it occurs in the context closer to total ignorance, which is *uncertainty* as unknowability in contrast to risk as probability (for this critical distinction, see Knight, 1921; see also Deutsch, 1958). It is worth noting that uncertainty is always associated with ambiguity, which refers to a set of diverse perspectives that are all valid but inconsistent, often contradictory (Li, 2012; March, 1982). As the best for the contexts of high uncertainty and high ambiguity (thus high vulnerability), trust-as-choice will require a leap of hope that falls outside the comfort zone into the discomfort zone. In this sense, trust-as-choice embodies the defining nature of trust as a leap of hope, rather than confidence that does not require any leap of hope. In other words, a leap of hope requires a tough decision to choose vulnerability above and beyond both the propensity to trust and the expected trustworthiness. A leap of hope is concerned with the *quality* of trust in contrast to the quality of confidence as a *difference in kind*, rather than the *quantity* of trust in contrast to the quantity of confidence as a *difference in degree*. In this sense, the notion of a leap of hope above and beyond confidence best represents the defining nature of trust.

To illustrate the above points, we can evoke the analogy of marriage to better understand the nature of trust as reflected in the inherent high uncertainty, high vulnerability, high stake, and high long-term interdependence in a marriage. In particular, marriage requires trust-as-choice to begin with and also during the whole process of marriage, including all types of mechanisms in the stages of initiating, building, maintaining, and repairing trust. The key to successful marriage is trust-as-choice in terms of a strong commitment to a long-term relationship (often involving self-sacrifice in terms of forsaking better options) above and beyond the propensity to trust as well as above and beyond the expected trustworthiness (either due to the trait-like characters of ability, benevolence, and integrity or due to institutional assurance such as legal protection). In this sense, trust will matter the most in an open-ended yet committed relationship in the contexts of high uncertainty and high ambiguity (thus high vulnerability) when the depersonalized and relationship-free dimensions of *static trustworthiness* (e.g., trait-like characters and institutional assurance) are less critical than those personalized and relationship-specific dimensions of *dynamic trustworthiness* (e.g., relationship-based shared-interest, shared value, and shared-affect that can grow through positive interaction; for reviews, see Li, 1998, 2007, 2008), including the dynamic growth of personalized trust from a dyadic level to a network level. It is worth noting that trust-as-choice at a network level extends beyond the narrow scope of marriage at the dyadic level.

In sum, the construct of trust-as-choice is of special value because it can solve all the problems with trust-as-attitude by focusing on (1) a relationship-specific context, (2) a difference in the perspectives between trustor and trustee, (3) a two-way street with reciprocal interaction between trustor and trustee, (4) the shadow of the future, and (5) vulnerability as opportunity due to a leap of hope above and beyond confidence (as the defining nature of trust) for an open-ended yet committed cooperative for sustainable transaction value (as the unique role of trust). From this perspective, the notion of trust-as-choice is a holistic, dynamic, and open-ended

construct to play a special role in a proactive two-way process of building the long-term and mutually beneficial relationships above and beyond the propensity to trust and the expected trustworthiness.

Future Agenda for Trust Research

Based upon the points discussed in the above two sections, I posit that our future research agenda in the domain of trust research should focus on *three* challenging issues. First, we must explicitly define trust-as-choice as fundamentally distinctive from trust-as-attitude regarding the propensity to trust and the expected trustworthiness. This addresses the challenging issue of specifying the defining nature of trust. Second, we must open the black box of the process of trust-building, which is embedded in the relationship-building process, for transaction value rooted in an open-ended long-term cooperation in the challenging contexts of high uncertainty and ambiguity. This addresses the challenging issue of specifying the unique role of trust. Third, we must explain the inherent link between the defining nature of trust and the unique role of trust with economic and social exchanges as the dual dimensions of the core puzzle to anchor or underlie the domain of trust research. This addresses the challenging issue of integrating the defining nature of trust and the unique role of trust into a single core puzzle as the underlying anchor for trust research.

For the first challenging issue of defining trust, I provide a new conceptualization of trust as a choice or decision to embrace vulnerability, which best reflects the defining nature of trust on the part of trustor as trustfulness or trusting based upon the fundamental distinctions between trust-as-attitude and trust-as-choice:

Trust (trust-as-choice) is trustor's deliberate decision to voluntarily increase trustor's specific vulnerability toward trustee above and beyond trustor's propensity to trust as well as above and beyond trustor confident expectation of trustee's trustworthiness (either due to trustee's trait-like characters or due to institutional assurance).

According to the typology of trust ideal-type (Li, 2007), the core dimensions of personalized–depersonalized and trustworthiness–trustfulness are imperative for the duality of trust-as-attitude and trust-as-choice, which serves as the holistic and dynamic conceptualization of trust. While trust-as-attitude reflects the psychological confidence with the propensity to trust as well as an expectation of trustworthiness due to the trait-like characters and/or institutional assurance, trust-as-choice reflects a behavioral decision as a leap of hope above and beyond confidence as a self-initiated and self-regulated commitment to relationship-building. Hence, while trust-as-attitude is a reactive and protective psychological assurance of certainty and control in the contexts of low uncertainty and low ambiguity (thus low vulnerability, all as risk), trust-as-choice is a proactive and promotional behavioral commitment in the contexts of high uncertainty and high ambiguity, thus framing vulnerability as a unique opportunity to initiate a process of relationship-building. In other words, trust-as-choice is intended to generate various relationship commitment behaviors so as to build open-ended yet committed relationships.

Future research is required to refine this definition and also demonstrate the unique value of this definition by applying the definition in theory-building and theory-testing. For instance, we need to specify how trust-as-choice, as a voluntary choice of relationship commitment behavior, is related to such relationship-specific relationship commitment behavior as self-sacrifice for the shared-interest beyond self-interest, as compared to the relationship-generic organizational citizenship behavior; we also need to specify how trust-as-choice is related to the reciprocal effect of felt trust. This is consistent with my central notion of trust as a leap of hope under the condition of high uncertainty (such as the context of social dilemma). Further, we need to specify how trust-as-attitude and trust-as-choice should be differentiated as well as integrated to provide a full picture of trust. Future research also needs to pay more attention to the issues of diverse antecedents and contexts of trust-as-attitude and trust-as-choice across multiple levels. For example, it is critical to further examine the complex link between contract and trust or distrust (for a recent review, see Lumineau, [in press](#)). It is worth noting that the defining nature of trust is inherently related to the unique role of trust to the effect that trustor's trust-as-choice will result in trusting behavior to generate trustee's trust-as-attitude as felt trust to serve as the basis for a reciprocal trust-as-choice in a two-way street. In other words, trust-as-choice as a leap of hope will facilitate trust-as-attitude as a confidence in an iterative process.

For the second challenging issue of opening the black box of trust as a process, I offer a *multilevel process framework* to operationalize the role of trust in a dynamic process. At the broadest level, there are three *macro-level* stages: input, decision, and output in each of the two ways. The first one-way street is for trustor's trust-as-choice to be the mediating link between trustor's trust-building goal (as the input of trust-as-choice) and trustor's trust-building behavior (as the output of trust-as-choice), and the second one-way street is for trustee's trust-as-choice to be the mediating link between trustee's felt trust (as the input of trust-as-choice) and trustee's trust-building behavior (as the output of trust-as-choice). At the next level, there are four *meso-level* steps across the whole process: initiating, growing, maintaining, and repairing trust. Again, trust-as-choice is the underlying driver behind the four meso-level steps because trust-as-choice offers the strongest motive as the core *raison d'être* and the best apparatus for all four meso-level steps. At the most specific level, there are two *micro-level* mechanisms. First, trust-as-choice is used to demonstrate trustor's own trustworthiness toward trustee so as to initiate the felt trust on the part of trustee. Second, trust-as-choice is used to demonstrate trustor's leap of hope for a reciprocal reaction from trustee so as to initiate a virtuous cycle. Hence, the three macro-level stages, the four meso-level steps, and the two micro-level mechanisms jointly constitute a multilevel process framework of trust. This is highly consistent with the most recent call for more attention to the theme of holistic, dynamic, and nonlinear emergence of leadership (Dinh et al., 2014). For this research agenda, a paradigm shift in research method is required toward more qualitative methods (Glynn & Raffaelli, 2010; Li, 2012, 2014).

For the third challenging issue of linking the defining nature of trust with the unique role of trust, I venture to specify a core puzzle as the central question for the

entire domain of trust research. To draw inspirations from the emerging core puzzle in the domain of entrepreneurship in terms of the central question about the origins of entrepreneurial opportunity (for a review, see Suddaby et al., 2015), I frame the core puzzle of trust research in terms of the central question about the *origins* of leap of hope (above and beyond confidence) as the defining nature of trust and open-ended yet committed cooperation (for sustainable transaction value) as the unique role of trust, both in the contexts of high uncertainty and high ambiguity (thus high vulnerability). The key to the inherent link between leap of hope and committed cooperation lies in the reframing of high vulnerability from a *risk* to be avoided to an *opportunity* to be created and captured. This kind of reframing can be explained by a balance between economic and social exchanges as the norm of, rather than an exception to, the behavioral pattern of human being as social animals (Aron et al., 2004).

It is the defining nature and unique role of trust that can integrate social and economic exchanges (Li, 1998, 2008; Shore, Tetrick, Lynch, & Barksdale, 2006). This is because that trust-as-choice is embedded in an organic blend of cognitive trust and affective trust. It is the *sentimental* effect that defines the unique nature of trust-as-choice as relationship specific or personalized, which is imperative to the initiation and reinforcement of reciprocal trust due to the commitment to and satisfaction with repeated social exchange (Li, 1998, 2008; Shore et al., 2006; cf. Schoorman et al., 2007). While weak trust for economic exchange (e.g., arms-length transaction) is largely cognitive and instrumental and strong trust for social exchange (e.g., friendship) is primarily affective or sentimental, trust-as-choice is for a blend of both economic and social exchanges, and thus both cognitive and affective, especially in an organizational context (Gibbons, 2004; Li, 1998, 2008; McAllister, 1995; Uzzi, 1997). In other words, trust-as-choice serves as a bridge between social exchange and economic exchange, both of which are rooted in an open-ended yet committed cooperation for sustainable transaction value. *Transaction value* refers to a joint creation of value via both economic exchange (built upon the co-specialization among exchange partners) and social exchange (built upon the strong trust among exchange partners) between exchange partners in the challenging contexts of high uncertainty and high ambiguity (thus high vulnerability), in contrast to the view of transaction cost that focuses on internalization and distrust in the above contexts (Li, 1998, 2008, 2010). It is evident that strong trust at the dyadic level is inherently associated with social exchange for transaction value as joint benefit through integrative potential (Kong et al., 2014).

The most laudable potential contribution from trust research to other domains of social research may lie in the above-mentioned reframing of high vulnerability from a risk to be avoided to an opportunity to be created and captured. I concur with Perrone (2013) that if there is one topic where management research could have an influence on economics, it should be trust. This is because that the core puzzle of trust research poses a direct challenge to the core assumptions shared by most economic models (e.g., agency theory and transaction cost theory) concerning the gloomy nature of human being as selfish and opportunistic (Perrone, 2013).

The core puzzle of trust research has the great potential to shed light on the biased assumptions of the mainstream economics, especially the central assumptions of self-interest and risk-averse (see Möllering, 2014, for a special issue of *Journal of Trust Research* on the topic of trust in economics). It is fundamental to realize that without effectively addressing the core puzzle of trust research above and beyond calculated confidence, we will fail to make sufficient contributions that deserve the respect from other domains of social research. For example, Williamson (1993) is correct to say that “calculative trust is a contradiction in terms” (p. 463), and trust should be distinguished from risk-taking, but he is wrong to assume that non-calculative trust cannot occur in economic exchange and calculative and non-calculative cognitive modes are mutually exclusive. If we are trapped to the paradigm of trust-as-attitude as the sole element of trust to embody the confidence deriving from the non-calculative propensity to trust and the calculative expectation of trustworthiness due to the trait-like characters and/or institutional assurance, we will never get to the bottom of the defining nature and unique role of trust. Hence, we need to advance above and beyond the extant paradigm of trustworthiness (Li, 2008, 2013; McEvily, 2011; Möllering, 2013). That is why trust-as-choice is required to address the core puzzle of trust research.

Regarding the assumption of self-interest, the core puzzle of trust research can help reframe the notion of self-interest into a different construct of enlightened self-interest (cf. Keim, 1978; Li, 1998, 2008; Sedikides & Brewer, 2001), especially concerning the needed paradigm shift from a short-term perspective into a *long-term* perspective (Aron et al., 2004; Hanauer & Beinhoeker, 2014). Regarding the assumption of risk-averse, the core puzzle of trust research can also help reframe the notion of vulnerability from pure risk into risk-becoming-opportunity (Li, 1998, 2008). Specifically, we can take a two-pronged approach to promoting trust research to organizations: (1) to show the “risk” of not having trust, and (2) to show the “benefit” of having trust. Both are necessary, but I think the latter is much more critical and much more compelling. Directly related to trust-as-attitude, the first prong is passive because it is primarily concerned with the risk of losing public trust due to unethical conducts and the risk of high transaction cost. Directly related to trust-as-choice, the second prong is proactive as it is primarily concerned with the benefit of gaining public trust due to ethical conducts as well as the benefit of transaction value. In other words, the first prong is like a short-term “exit” strategy to prevent the negative, while the second prong is like a long-term “voice” strategy to promote the positive (Li, 1998, 2007).

It is interesting that the preference for the “exit” or “voice” strategy is often culture specific. For example, trust-as-choice tends to be more salient in the East than in the West because trust-as-choice is consistent with the Eastern cultural norm of strong ties (e.g., *guanxi*) in a multilayered centrifugal web of differentiated associations (Fei, 1992; Li, 1998, 2008). To apply the notion of trust-as-choice beyond the cultural boundary of the East, I frame the open-ended yet committed cooperation for transaction value as the *raison d'être* of trust-as-choice in the sense that trust-as-choice balances social exchange with economic exchange so as to incorporate the

sentimental, personalized, dyadic, reciprocal, long-term, and indeterminate elements into economic exchange (Li, 1998, 2008; cf. Granovetter, 1985; Shore et al., 2006). In particular, while trust-as-attitude occurs in the shadow of the past, trust-as-choice lies in the shadow of the future (Poppo et al., 2008). Hence, the core puzzle of trust is why and how trust can facilitate the paradigm shift from economic exchange via weak trust to a blend of both economic and social exchanges via strong trust. With the blend of both economic and social exchanges as the underlying logic shared by all cultures, the proposed framework of trust-building process is applicable across different cultural contexts.

For future research, several specific topics require our immediate attention. First, the dimensions of felt vulnerability must be examined carefully, especially those that can be framed as a leap of hope above and beyond confidence derived from the trait-like characters and/or institutional assurance. Second, the dimensions of felt trust must be examined carefully, especially those that are associated with felt vulnerability to be acted upon for a leap of hope. Third, trust-as-choice can be examined from the perspective of being a sense-giving tool, while trust-as-attitude can be examined as a sense-making tool. Fourth, trust-as-choice can be examined as an imperative tool to foster entrepreneurship (Li, 2013), including the effect of trust-as-choice on entrepreneurial *improvising* (defined as the time-convergence for fast-paced action and out-of-box thinking for novelty-driven action, cf. Moorman & Miner, 1998) as well as entrepreneurial *bricolage* (defined as “make-do” with limited resources or even assumed non-resources, cf. Baker & Nelson, 2005) by reframing risk into opportunity. It is interesting to note that the notions of opportunity and vulnerability are shared by both domains of entrepreneurship and trust research (Alvarez & Barney, 2010), so is the need to extend above and beyond the dual-processing model given the inherent uncertainty and ambiguity of tacit information at the present and unpredictable events in the future (Chiles et al., 2010; Li, 2012, 2014; Polanyi & Prosch, 1975), and thus a great potential for cross-fertilization between the two domains (Li, 2013).

For the long-term future research, the most essential issues of interdisciplinary, cross-cultural, context-rich, cross-level, process-oriented, and multi-method design for a good balance between rigor and relevance in the domain of trust research (all of which are the core elements of the mission of *Journal of Trust Research*) must be adopted in the future rather than just a lip-service in the past. Further, even though both qualitative and quantitative methods are required for trust research, qualitative methods are particularly needed at the early stage of theory building, especially for exploring the holistic and dynamic dimensions of trust and trust-building process as a two-way street. Finally, we need to shift our cognitive frame from the traditional “either/or” logic to the emerging “either/and” frame rooted in the Chinese approach to yin-yang balancing (Li, 1998, 2008, 2012), and this bears critical implications for revising and enriching the dual-processing model as well as for effectively explaining trust paradox (Li, 2012, 2013, 2014; cf. McEvily, 2011; Murnighan et al., 2004).

References

- Alvarez, S. A., & Barney, J. B. (2010). Entrepreneurship and epistemology: The philosophical underpinnings of the study of entrepreneurial opportunities. *Academy of Management Annals*, 4, 557–583.
- Aron, A., McLaughlin-Volpe, T., Mashek, D., Lewandowski, G., Wright, S. C., & Aron, E. N. (2004). Including others in the self. *European Review of Social Psychology*, 15, 101–132.
- Bachmann, R. (2011). At the crossroads: Future directions in trust research. *Journal of Trust Research*, 1, 203–213.
- Baker, T., & Nelson, R. E. (2005). Creating something from nothing: Resource construction through entrepreneurial bricolage. *Administrative Science Quarterly*, 50, 329–366.
- Chiles, T. H., Tuggle, C. S., McMullen, J. S., Bierman, L., & Greening, D. W. (2010). Dynamic creation: Extending the radical Austrian approach to entrepreneurship. *Organization Studies*, 31, 7–46.
- Colquitt, J. A., Scott, B. A., & LePine, J. A. (2007). Trust, trustworthiness, and trust propensity: A meta-analytic test of their unique relationships with risk taking and job performance. *Journal of Applied Psychology*, 92, 909–927.
- De Cremer, D., & van Knippenberg, D. L. (2005). Cooperation as a function of leader self-sacrifice, trust, and identification. *Leadership & Organization Development Journal*, 26, 355–369.
- Deutsch, M. (1958). Trust and suspicion. *Journal of Conflict Resolution*, 2, 265–279.
- Deutsch-Salamon, S., & Robinson, S. (2008). Trust that binds: The impact of collective felt trust on organizational performance. *Journal of Applied Psychology*, 93, 593–601.
- Dietz, G. (2011). Going back to the source: Why do people trust each other? *Journal of Trust Research*, 1, 215–222.
- Dietz, G., & Den Hartog, D. N. (2006). Measuring trust inside organizations. *Personnel Review*, 35, 557–588.
- Dinh, J. E., Lord, R. G., Gardner, W. L., Meuser, J. D., Liden, R. C., & Hu, J. (2014). Leadership theory and research in the new millennium: Current theoretical trends and changing perspectives. *Leadership Quarterly*, 25, 36–62.
- Dirks, K. T., & Ferrin, D. L. (2002). Trust in leadership: Meta-analytic findings and implications for research and practice. *Journal of Applied Psychology*, 87, 611–628.
- Evans, J. (2008). Dual-processing accounts of reasoning, judgment, and social cognition. *Annual Review of Psychology*, 59, 255–278.
- Fei, X. (1992). *From the soil: The foundations of Chinese society*. Berkeley, CA: University of California Press.
- Ferrin, D. (2013). On the institutionalization of trust research and practice: Heaven awaits! *Journal of Trust Research*, 3, 146–154.
- Frazier, M. L., Johnson, P. D., & Fainshmidt, S. (2013). Development and validation of a propensity to trust scale. *Journal of Trust Research*, 3, 76–97.
- Gibbons, D. E. (2004). Friendship and advice networks in the context of changing professional values. *Administrative Science Quarterly*, 49, 238–262.
- Glaeser, E. L., Laibson, D. I., Scheinkman, J. A., & Soutter, C. L. (2000). Measuring trust. *Quarterly Journal of Economics*, 115, 811–846.
- Glynn, M. A., & Raffaelli, R. (2010). Uncovering mechanisms of theory development in an academic field: Lessons from leadership research. *Academy of Management Annals*, 4, 359–401.
- Granovetter, M. (1985). Economic action and social structure: The problem of embeddedness. *American Journal of Sociology*, 91, 481–510.
- Hanauer, N., & Beinhocker, E. (2014). Capitalism redefined. *Democracy: A Journal of Ideas*, 31, 30–44.
- Keim, G. D. (1978). Corporate social responsibility: An assessment of the enlightened self-interest model. *Academy of Management Review*, 3, 32–39.
- Knight, F. H. (1921). *Risk, uncertainty and profit*. Boston: Houghton Mifflin.

- Kong, D. T., Dirks, K. T., & Ferrin, D. L. (2014). Interpersonal trust within negotiations: Meta-analytic evidence, critical contingencies, and directions for future research. *Academy of Management Journal*, *57*, 1235–1255.
- Lau, D. C., Liu, J., & Fu, P. P. (2007). Feeling trusted by business leaders in China: Antecedents and the mediating role of value congruence. *Asia Pacific Journal of Management*, *24*, 321–340.
- Li, P. P. (1998). Towards a geocentric framework of organizational form: A holistic, dynamic and paradoxical approach. *Organization Studies*, *19*, 829–861.
- Li, P. P. (2007). Toward an interdisciplinary conceptualization of trust: A typological approach. *Management and Organization Review*, *3*, 421–445.
- Li, P. P. (2008). Toward a geocentric framework of trust: An application to organizational trust. *Management and Organization Review*, *4*, 413–439.
- Li, P. P. (2010). Toward a learning-based view of internationalization: The accelerated trajectories of cross-border learning. *Journal of International Management*, *16*, 43–59.
- Li, P. P. (2012). Exploring the unique roles of trust and play in private creativity: From the complexity-ambiguity-metaphor link to the trust-play-creativity link. *Journal of Trust Research*, *2*, 71–97.
- Li, P. P. (2013). Entrepreneurship as a new context for trust research. *Journal of Trust Research*, *3*, 1–10.
- Li, P. P. (2014). Toward the geocentric framework of intuition: The Yin-Yang Balancing between the Eastern and Western perspectives on intuition. In M. Sinclair (Ed.), *Handbook of research methods on intuition* (pp. 28–41). Cheltenham, UK: Edward Elgar Publishers.
- Luhmann, N. (1979). *Trust and power*. Chichester, UK: Wiley.
- Lumineau, F. (in press). How contracts influence trust and distrust. *Journal of Management*. doi: [10.1177/0149206314556656](https://doi.org/10.1177/0149206314556656).
- Malhotra, D. (2004). Trust and reciprocity decisions: The differing perspectives of trustors and trusted parties. *Organizational Behavior and Human Decision Process*, *94*, 61–73.
- March, J. G. (1982). The technology of foolishness. In J. G. March & J. P. Olsen (Eds.), *Ambiguity and choice in organizations* (pp. 69–81). Bergen, Norway: Universitetsforlaget.
- Mayer, R. C., Davis, J. H., & Schoorman, F. D. (1995). An integrative model of organizational trust. *Academy of Management Review*, *20*, 709–734.
- McAllister, D. J. (1995). Affect- and cognition-based trust as foundations for interpersonal cooperation in organizations. *Academy of Management Journal*, *38*, 24–59.
- McCabe, K. A., Rigdon, M. L., & Smith, V. L. (2003). Positive reciprocity and intentions in trust games. *Journal of Economic Behavior & Organization*, *52*, 267–275.
- McEvily, B. (2011). Reorganizing the boundaries of trust: From discrete alternatives to hybrid forms. *Organization Science*, *22*, 1266–1276.
- McEvily, B., & Tortoriello, M. (2011). Measuring trust in organizational research: Review and recommendations. *Journal of Trust Research*, *1*, 23–63.
- McKnight, D. H., Choudhury, V., & Kacmar, C. J. (2002). Developing and validating trust measures for e-commerce customer: An integrative typology. *Information Systems Research*, *13*, 334–359.
- Möllering, G. (2006). *Trust: Reason, routine, reflexivity*. Oxford: Elsevier.
- Möllering, G. (2013). Trust without knowledge? Comment on Hardin, “Government without trust.”. *Journal of Trust Research*, *3*, 53–58.
- Möllering, G. (2014). Trust, calculativeness, and relationships: A special issue 20 years after Williamson’s warning. *Journal of Trust Research*, *4*, 1–21.
- Moorman, C., & Miner, A. S. (1998). Organizational improvisation and organizational memory. *Academy of Management Review*, *23*, 698–723.
- Murnighan, J. K., Malhotra, D., & Weber, J. M. (2004). Paradoxes of trust: Empirical and theoretical departures from a traditional model. In R. M. Kramer & K. S. Cook (Eds.), *Trust and distrust in organizations: Emerging perspectives, enduring questions* (pp. 293–326). New York: Russell Sage.

- Perrone, V. (2013). Sympathy for the devil? Reflections on the perils of institutionalizing trust research. *Journal of Trust Research*, 3, 155–171.
- Pillutla, M. M., Malhotra, D., & Murnighan, J. K. (2003). Attributions of trust and calculus of reciprocity. *Journal of Experimental Social Psychology*, 39, 448–455.
- Polanyi, M., & Prosch, H. (1975). *Meaning*. Chicago: The University of Chicago Press.
- Poppo, L., Zhou, K. Z., & Ryu, S. (2008). Alternative origins to interorganizational trust: An interdependence perspective on the shadow of the past and the shadow of the future. *Organization Science*, 19, 39–55.
- Rousseau, D., Sitkin, S., Burt, R., & Camerer, C. (1998). Not so different after all: A cross discipline view of trust. *Academy of Management Review*, 23, 393–404.
- Schoorman, F. D., Mayer, R. C., & Davis, J. H. (2007). An integrative model of organizational trust: Past, present and future. *Academy of Management Review*, 32, 344–354.
- Sedikides, C., & Brewer, M. (Eds.). (2001). *Individual self, relational self, and collective self*. East Sussex, UK: Psychology Press.
- Shore, L. M., Tetrick, L. E., Lynch, P., & Barksdale, K. (2006). Social and economic exchange: Construct development and validation. *Journal of Applied Social Psychology*, 36, 837–867.
- Simmel, G. (1964). *The sociology of Georg Simmel [K. H. Wolff, trans.]*. New York: Free Press.
- Suddaby, R., Bruton, G. D., & Si, S. X. (2015). Entrepreneurship through a qualitative lens: Insights on the construction and/or discovery of entrepreneurial opportunity. *Journal of Business Venturing*, 30, 1–10.
- Uzzi, B. (1997). Social structure and competition in interfirm networks: The paradox of embeddedness. *Administrative Science Quarterly*, 42, 35–67.
- Weber, J. M., Malhotra, D., & Murnighan, J. K. (2005). Normal acts of irrational trust: Motivated attributions and the trust development trust. *Research in Organizational Behavior*, 26, 75–101.
- Whipple, J. M., Griffins, S. E., & Daugherty, P. J. (2013). Conceptualizations of trust: Can we trust them? *Journal of Business Logistics*, 34(2), 117–130. doi:10.1111/jbl.12014.
- Williamson, O. E. (1993). Calculativeness, trust, and economic organization. *The Journal of Law and Economics*, 36, 453–486.
- Zand, D. E. (1972). Trust and managerial problem solving. *Administrative Science Quarterly*, 17, 229–239.

Chapter 4

Creating Legitimacy: The Interrelated Roles of Justice and Trust

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Introduction: Forms of Glue

The indelible image of James T. Kirk, Captain of the fictional United States Starship Enterprise, rests in the minds of many television viewers and movie goers. Yet Kirk was not always a captain. The fictional story of his rise to captain vividly illustrates interactional dynamics characterized by trust and fairness that bolster the legitimacy of a person, a position, rule, or the like. The following colorful example acts as a prelude to an analysis of scholarly works on the complex relationships among trust, justice, and legitimacy.

As portrayed in the 2009 film *Star Trek*, Kirk (played by Chris Pine) is an arrogant and reckless youth, who manages to outsmart a “no-win” game at Star Fleet Academy, which results in an accusation of cheating by his teacher, the half-human Vulcan Mr. Spock. The pall cast by that accusation prevents him from receiving a ship assignment. Nonetheless, by feigning sickness and enlisting the help of his friend Dr. McCoy (or “Bones”), he engineers a boarding of the Enterprise as all hands respond to a distress signal from planet Vulcan. Though serving in no official capacity, Kirk is the first to realize that the distress call stems from an attack from the same Romulan ship that had destroyed his father’s ship a generation earlier. That flash of insight wins him the position of first officer when the Enterprise’s Captain Pike is called to the Romulan ship for negotiations and Spock takes over as acting captain.

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His first mission with Lieutenant Sulu to destroy the probe designed to create a black hole fails to prevent the destruction of Vulcan but cements the relationship between the two officers. First, during a scuffle with the Romulans, Sulu saves Kirk's life; then when Sulu falls off the probe without a parachute, Kirk dives into space, catching him. They soar together, dependent on Kirk's parachute, but are "beamed up" before crashing into the soon-to-be-demolished planet. Upon his return, Kirk challenges Spock's decision to return to the gathering Star Fleet rather than pursue the Romulans, who are intent on destroying Earth. That challenge results in Kirk's exile to a small, ice-covered planet. While relegated to the planet, he meets Engineer Scott as well as "future" Spock, who jointly determine how to be transported to a space craft traveling at warp speed. Kirk and Scotty return to the Enterprise, but not without incident; Scott gets trapped in a gigantic water tube and Kirk rescues him.

Back on the bridge, Kirk goads Spock into the realization of his incompetency to lead owing to his emotional closeness to recent events (the destruction of his planet and death of his mother would upset any half-human Vulcan). When Spock removes himself from command, Kirk steps in owing to a Star Fleet rule that the first officer takes over. Despite the technical "legitimacy" of his command, the crew remains skeptical. Yet Kirk shows his willingness to take risks and provides crew members with the resources and freedom to do the jobs that they need to accomplish to defeat the Romulans. One of those risks involves Kirk "covering" Spock when the Vulcan must steal into a small vessel containing the matter that holds the potential to create the black hole to destroy Earth. This teamwork results in the rescue of Captain Pike and in thwarting the attack on Earth. For his actions, Kirk wins recognition from Star Fleet Command and the official captaincy of the Enterprise; at the ceremony, crew members applaud their new captain and welcome his leadership.

The action-packed and imaginative fiction of the *Star Trek* story captures fundamental principles about the process of legitimacy, and what it takes to transform a wild cadet, to whom few would give their compliance, into a legitimate Star Fleet captain, from whom few would withhold their cooperation. Through his interactions, Kirk demonstrates his competency and trustworthiness (he saves lives!), recognizes the competencies of his colleagues, treats them fairly, and wins their respect and trust, thereby beginning to forge a sense of shared identity as the crew of the Enterprise, going "where no man has gone before." Trustworthiness, trust, and fairness bring crew members of diverse backgrounds together as a self-identified and supportive team. No longer does his captaincy rest simply on the rules of Star Fleet, but his commanders and his (former) peers as well demonstrate their support for him. Such legitimacy ensures that they are more likely to comply in the future and encourage others to do so as well, thus solidifying what might become trust in the organization itself.

Here I systematically examine the roles that justice and interpersonal trust play in the creation of legitimacy. Few studies (outside of the realm of procedural justice) bring these three major concepts together. All function, in different ways, as social "glue," binding individuals to each other, to their groups, and to society more generally. Tyler, Boeckmann, Smith, and Huo (1997) contend that "Justice judgments ... are the 'grease' that allows groups to interact productively without conflict and social disintegration" (p. 6). "Trust is at the very heart of the problem of social order

and is essential to the conduct of everyday life” (Cook, 2005:6) and without it, “society itself would disintegrate” (Simmel 1978:178). Thus it is no surprise that these two social processes ultimately contribute to legitimacy, which “has consequences for the stability of just about any feature of social structure emergent in just about any social process” (Zelditch, 2001:51).

This chapter tackles the puzzle of the interrelationships among justice, trust, and legitimacy within organizations. Each may function as an antecedent or consequence of the other, within complex social contexts characterized by uncertainty and risk, variation in power positions and dynamics, and group identities and intergroup dynamics. The chapter highlights how trust and justice contribute to the creation of legitimacy. Although focusing on interpersonal and, to some extent, intergroup dynamics, the emergence of an authority’s legitimacy may suffice as a cornerstone for the development of institutional trust (Tyler & Huo, 2002). The justice and legitimacy models described below typically rely upon a colloquial understanding of interpersonal trust. Though analyzed in greater depth subsequently, in brief, trust refers to willingness to be vulnerable (e.g., Mayer, Davis, & Schoorman, 1995). Campos-Castillo et al. (forthcoming) contend that this definition extends beyond the interpersonal level to the institutional level as well. The development of legitimacy implies support for authorities and the organizations that they represent (Tyler, 2006a), which may inspire trust in the institution per se. Thus, the analysis of this chapter has implications for issues regarding institutional trust even though its focus rests largely upon social dynamics within organizations.¹

I first outline approaches to legitimacy, focusing mainly on sociological interpretations stemming from the work of Max Weber. Then, I turn to conceptualizations of justice and two models, stemming from that literature, on the creation of legitimacy: one, the social identity-based model offered by Tyler (1990/2006b, 2001; 2006a; 2010) that relies heavily on procedural justice, and the other a complementary resource-based model emphasizing distributive justice (Hegtvedt & Johnson, 2009). In both, trust plays a central role. Its role in the identity-based model is more developed than in the resource-based model, though both could benefit by explicit definitions of trustworthiness and trust. I offer an analysis of trust to provide a basis for fleshing out more fully the dynamics of justice and trust. In so doing, I highlight power and leadership dynamics, intergroup processes, and behaviors and perceptions of peers in the situation.

Thus, in puzzling through the interrelationships among justice, trust, and legitimacy, this chapter uniquely tackles the problem by drawing upon central social psychological processes. The goal is to unpack the role of trust in the development of legitimacy and in so doing to alert trust researchers to consider the implications of trust beyond the confines of a dyadic interpersonal relationship to processes affecting the larger collectivity, in particular the emergence of legitimacy, which impacts trust in institutions. As a consequence of these concerns, I conclude by offering potential directions for research in largely uncharted territories.

¹ Interorganizational trust and levels of generalized trust characterizing different nation states are largely beyond the scope of this analysis.

Conceptualizing Legitimacy

In discussions of legitimacy, a common contrast emerges between “command and control” and “legitimated” systems. Tyler (2001) describes the former as one in which “leaders tell people what to do by providing clear directives and establishing rewards and punishments leading people to engage in these desired behaviors” (p. 417). In effect, Star Fleet Academy has characteristics of command and control, as evident by the punishment that Kirk received for ostensibly cheating, the means by which they rallied the forces to board ships to thwart the Romulans, and Spock’s decision to exile Kirk to an ice-covered planet in response to his challenges to Spock’s authority. Yet as Tyler (2001, 2003) contends, such systems are a costly means by which to manage people, and they function to undermine trust as well. Tyler suggests that legitimacy is a far more effective basis for achieving group or organizational goals. For the last 24 centuries, scholars have recognized the problem of achieving legitimacy in groups (Zelditch, 2001). Here, I sample some of the themes from that scholarly record and draw from more recent work to offer a general definition.

Themes from philosophical accounts of political legitimacy emphasize the importance of “consent” or agreement with whatever is being legitimated: a person, a position, a rule, an institution, a system of governance (see Zelditch, 2001). Sources of consent for the establishment of a “social contract” include private or personal interests, considerations of the common good from a citizen’s perspective, and more generally the general will of the people to constitute the common good. Consent and transformation of legitimacy into state authority, which cultivates the compliance of its citizens, may stem from what Rawls (1993) and Buchanan (2003) characterize as the development of a “fair system of cooperation,” involving just distributions and protections of human rights.

This emphasis on different sources of consent evolved in the work of sociologist Max Weber (1922/1968) and inspired the following definition: Legitimacy is the process through which patterns of behavior or a cultural/social object gains social support and approval (Johnson, Dowd, & Ridgeway, 2006). Moreover, what is legitimated is “in accord with the norms, values, beliefs, and practices, and procedures accepted by a group” (Zelditch, 2001: 33). Johnson et al. (2006) also point out the importance of consensus regarding what becomes legitimated, which has implications for inspiring organizational or institutional level dynamics. Regardless of level, legitimacy entails a perceived obligation to obey (Tyler, 2001; Zelditch & Walker, 1984).²

While Tyler (2001) emphasizes a personal sense of obligation to obey, sociologists distinguish between personal beliefs (labeled “propriety”) regarding what is legitimated and collective sources. Weber (1922/1968) and more recent theorists

²Tyler (2006:376) indicates also that what is legitimated is “appropriate, proper, and just.” As a consequence, he conflates legitimacy and justice, which is problematic when attempting to dissect the complex relationships among justice, trust, and legitimacy. For purposes of this analysis, I treat these concepts as distinctive.

(Dornbusch & Scott, 1975; Walker & Zelditch, 1993; Zelditch & Walker, 1984) argue that people come to behave in ways consistent with a legitimated order because they develop cognitions that others accept the rules of that order. When individuals act in accord with the legitimated order, those behaviors become normative and their source—the legitimated order (or person, rule, object, institution)—comes to be seen as objective and valid. Beyond a person's personal beliefs, collective sources of legitimacy include others in positions of authority or others occupying similar positions. *Authorization* emerges when authorities support and approve whatever is being legitimized and *endorsement* typifies situations in which peers voice support and approval. Even in the absence of personal beliefs about the legitimacy of an order, individuals may comply because they perceive such compliance to be expected by others who may level formal sanctions (from authorities, even in the absence of a monitoring system) or informal sanctions (from peers, perhaps in the form of ostracism).

In the Star Trek story, Kirk clearly believes in himself as a captain, but others do not share that belief when he is first revealed to be on board the *Enterprise*. He gets promoted to first officer (and later to captain) owing to formal rules, legitimated through support by authorities, about command hierarchy and replacement processes. He does not, however, have support from his peers for his first new position. Yet, over time, owing to his interactions with his peers, endorsement for his new position grows. Characterizing those interactions are justice processes and the development of trust.

Although legitimacy, justice, and trust are forms of social glue, they remain distinct conceptually. Here I focus on the different, albeit interrelated, roles that justice and trust play in the development of legitimacy. Much research contends that trust underlies the emergence of cooperation (see, e.g., Cook & Cooper, 2003; Mayer et al., 1995; Tyler, 2011; Weber, Malhotra, & Murnighan, 2005). Such cooperation is akin to the compliance wrought by legitimacy and is a more effective means than command and control systems to achieve goals (e.g., Mayer et al., 1995; Molm, Schaefer, & Collett, 2009). Models of legitimacy likewise offer trust as an antecedent, either directly to legitimacy or as a foundation for assessments of justice. Yet, importantly, legitimacy transcends the individual relationships involving trust, for example between two people such as an authority and subordinate or parent and child, where the flow of trust is bidirectional, dependent upon the attributes of the giver and receiver of trust (Hardin, 1992). Legitimacy coheres individuals within groups to larger groups or institutions, for instance workers to their organization or citizens to government or polity. Moreover, legitimacy emphasizes the collectivity (both authorities and peers) and collective processes more than individuals (or corporate actors) per se. Barbalet (2009) warns that trust should not be confused with legitimacy, which captures an orientation toward acceptance of an order, position, person, rule, or the like as right and proper, *even if one personally disagrees*. Trusting relationships that individuals develop can, however, contribute to the development of the legitimacy of a particular entity, which in turn may inspire institutional trust.

Justice and Legitimacy Models

To begin to sort out the complex relationships among justice, trust, and legitimacy, I first review two models—one identity-based and the other rooted in resources—that link justice and legitimacy.³ Both models introduce considerations of trust, largely relying on colloquial meanings rather than clear conceptual analysis. As argued further below, consideration of a more formal conceptualization of trust enhances understanding of the development of legitimacy.

Conceptualizing Justice

The two legitimacy models focus on different types of justice. Thus prior to their introduction, I offer conceptualizations of three central forms of justice (see Jost & Kay, 2010). Generally, perceptions of justice stem from a comparison between an actual state of affairs (regarding a distribution of benefits or burdens, procedures, or interactional treatment) and that expected based on consensual justice rules relevant in a given situation (e.g., Hegtvedt, 2006; Jasso, 1980). Scholars have thus identified rules and specified situations in which the rules are considered just (see Leventhal, Karuza, & Fry, 1980).

Distributive justice exists when benefits and burdens are dispersed according to equity or contribution level (or “merit” more generally), equality, or needs rules, in situations emphasizing productivity, social harmony, or social welfare, respectively (Leventhal et al., 1980). For example, once in a leadership position, Kirk distributes resources and opportunities to act to his subordinates in ways commensurate with their skills to facilitate productivity—the defeat of the Romulans. Jost and Kay (2010) characterize *procedural justice* as governing forms of decision-making intended to preserve the basic rights of individuals and *interactional justice* as pertaining to treating human beings with dignity and respect. Bies (2001) augments interactional justice by including considerations of demonstrating sensitivity and appropriateness, avoiding prejudicial treatment, being truthful and honest, and offering justifications for decisions.

Tyler and Lind (1992) argue that procedural justice includes both formal or structural rules and interpersonal rules. The former include representation or voice, accuracy, consistency, correctability, and neutrality or lack of bias (Leventhal et al., 1980). When colleagues typify some of Kirk’s decisions as “hotheaded” or reckless, it is likely that he violated formal rules of fair decision-making. Interpersonal procedural justice encompasses informal rules regarding respectful, neutral treatment, and trustworthiness. Both interpersonal procedural justice and interactional justice signal information to individuals about their standing or value to their groups.

³ See edited volumes by Jost and Major (2001) and Bobocel, Kay, Zanna, and Olson (2010) on the relationship between justice and legitimacy per se.

Evidence shows that procedural and interactional justice overlap but predict different behavioral responses to injustice (e.g., Colquitt, Conlon, Wesson, Porter, & Ng, 2001). Perceptions of decision-making procedural justice affect evaluations of the system or organization, while those of interpersonal procedural justice influence evaluations of authorities (Ambrose, Seabright, & Schminke, 2002). Here I refer to “just treatment” to encompass the interpersonal facets of procedural justice and interactional justice. Kirk evidences “just treatment” in an extreme form when he risks his life to save the life of a colleague, and more routinely when he pays kudos to his associates for well-done work.

Identity- and Resource-Based Models of Legitimacy

Tyler’s (1990/2006b) seminal book on *Why People Obey the Law* introduces a procedural justice-legitimacy model focusing on identity-relevant elements. He has elaborated that model in a series of pieces (e.g., Tyler, 2001, 2003a, 2010). Designed to contrast with command/control models of securing compliance, the procedural justice model pays little attention to how authorities distribute resources to their subordinates. Hegtveldt and Johnson (2009), building on the work of Blau (1964), offer a resource-based model to complement Tyler’s model. Below I briefly describe each of these models, highlighting how each incorporates concerns with trust.

Procedural Justice Identity-Based Model

The identity-based model focuses on how an authority “treats” subordinates. The authority may be someone representing agreed-upon legal establishments (e.g., police, judges) or of a particular rank in an organization. From citizens’ or subordinates’ viewpoint, that treatment signals the extent to which they are valued members of the group. Specifically, Tyler draws upon social identity theory (Tajfel & Turner, 1986) to argue that people want positive identities and to be included in valued groups. When authorities interact with their group members in just ways, by using procedurally just decision-making rules or demonstrating respect toward and bolstering the dignity of those subordinates, they enhance subordinates’ identities of themselves. Those positive self-feelings, in turn, boost individuals’ identification and commitment to the group that the authority represents as well as the authority himself or herself. Such identification and commitment represent the support necessary to signal that the authority is legitimate, which increases the likelihood of compliance with his or her requests and mandates.

The procedurally just treatment represented in Tyler’s (1990/2006b) study of compliance with legal authorities emphasized the extent to which citizens perceived that police acted toward them with respect and lack of bias and signaled trustworthy and benevolent motivations. Tyler (2001) emphasizes that these relational judgments “indicate to people the quality of their social relationships within the group” (p. 422).

Attention in this initial model to the role of trustworthiness, representing the extent to which authorities are deserving of trust, hints at the critical role that trust may play in the development of legitimacy. Studies focused on organizational settings likewise confirm the expected impact of procedural justice on legitimacy (e.g., Hinds & Murphy, 2007; Tyler, 1997; Tyler & Blader, 2000; Sunshine & Tyler, 2003).

Tyler and his colleagues have made significant attempts to draw out the role of trust in the relationship between procedural justice and legitimacy. Trust or trustworthiness is no longer a component of procedural justice but a separate factor. Tyler (2003b; 2011) argues that trust, like procedural justice, is a social motivation enabling cooperation, even in the absence of incentives or sanctions. Motive-based trust “involves inferences about intentions behind actions, intentions that flow from a person’s unobservable traits and character ... [including] the expectation of actions based on ethical principles” (Tyler, 2011:43). Tyler suggests that people are more likely to cooperate with authorities if they deem that flowing from within those authorities is the willingness to keep specific promises or commitments and the intention to “do what is good for them [the perceivers]” (Tyler, 2003b:559) such as acting in fair and ethical ways. Tyler and Huo (2002) measure motive-based trust in terms of whether respondents explicitly indicate trust toward an authority and perceive that the authority considers their views; tries hard to do the right thing by them; takes into account their needs; and demonstrates care about their concerns. In their study of respondents who had contact with police, motive-based trust and procedural justice separately and significantly increase deference to a third party’s effort to solve a problem. Likewise in their organizations study, Tyler and Blader (2000) also demonstrate that procedural justice and motive-based trust contribute independently to cooperation.

With the decoupling of motive-based trust and procedural justice, Tyler and his colleagues examine what shapes motive-based trust. Tyler and Huo (2002) show that shared social bonds and the understandability of an authority’s actions help inspire motive-based trust. Similarly, Tyler and Blader (2000) provide evidence that quality of decision-making and of treatment of subordinates within an organization precede motive-based trust. Findings from De Cremer, van Dijke, and Bos (2006) also indicate that formal procedural justice rules about decision-making positively affect trust. In other words, acting in just ways shapes trust.

Tyler’s identity-based model of justice and legitimacy has expanded to more fully make out the role of trust. No longer is “trustworthiness” simply an element of procedural justice, but as represented in terms of motive-based trust, it is an independent contributor to the development of deference and cooperation, behaviors akin to those expected when authorities are legitimate. With emphasis on social bonds and interpersonal aspects of procedural justice as precursors to motive-based trust, the identity-based model reiterates one of its assumptions: that individuals—authorities and subordinates alike—see themselves as members of the same group. This assumption, however, ignores the differential positions occupied by each group in an organizational hierarchy and the potential primacy of different status- or power-based social identities. Plus, the model fails to account for interaction dynamics, including the exchange of resources, which characterize behavior in organizations.

Power in organizations is rarely the coercive form epitomized in control and command models. Thus, complementing the identity-based approach to legitimacy is a resource-based approach that offers a different conceptualization of power, captures the dynamics of exchange, and considers how distributive justice concerns also contribute to the development of legitimacy.

Distributive Justice Resource-Based Model

Hegtvedt and Johnson (2009) propose a resource-based model of justice and legitimacy based on social exchange principles (e.g., Blau, 1964; Lawler, Thye, & Yoon, 2009; Molm, 2006) and emphasizing distributive justice processes (albeit not to the exclusion of other types of justice). They circumscribe the model to situations involving at least three levels of an organizational hierarchy. And, while recognizing that occupants at different levels of an organizational hierarchy may see themselves as members of different groups, they argue that regardless of group membership, authorities and subordinates engage in social exchange.

The social exchange framework assumes that in pursuit of maximizing their outcomes, individuals exchange valued resources creating an interdependent relationship, where the resource possessed by one person is sought after by another. Resources may be tangible or intangible. For example, when Kirk arrives on the ice-covered planet, he needs Scotty's engineering know-how to get off the planet, and Scotty wants what Kirk promises him. Characterizing relationships and networks of relations are power differences, with occupants of some positions more dependent upon others for resources than others are dependent upon them. Initially, for example, Kirk is highly dependent upon Spock, who as acting captain controls the resources of the Enterprise. Generally, in organizations, authorities and subordinates occupy different power positions and may be more likely to identify more with other members of their own group. Such power differentials may create group divisions and potentially cultivate mistrust between members of different groups.

The social exchange framework makes two important distinctions. First, it differentiates between structural power (derived from patterns of dependence) and power use. The latter characterizes situations in which powerful actors withhold desired resources from their exchange partners or use their power to extract highly beneficial trade agreements for themselves. Such extraction may, if extreme, appear exploitive and possibly coercive as well.⁴ Second, the nature of the exchange may vary. Exchanges may be negotiated, involving explicit offers and counteroffers resulting in binding agreements, or they may be "reciprocal," which involves the provision of resources without immediate expectation of return but with (perhaps nonconscious) expectations of future returns (Molm, 2006). For example, when Kirk dives to reach Sulu whose parachute has been lost, Kirk bestows rewards on Sulu with no expectation of instant return. With uncertainty of a return, reciprocal

⁴Molm (1997) uses "coercive power" to explicitly describe employment of punishment in exchange relationships. My use here is more colloquial.

exchanges are riskier than negotiated ones and tend to enhance the building of trust in relationships (Molm et al., 2009). In general, “reciprocated choices” in the course of social exchange help to uphold social relationships (Blau, 1964).

Anchored in interdependent social exchange relations, the resource-based model of legitimacy considers not simply the viewpoint of subordinates or power-disadvantaged members of organizations, but also that of the authorities or power-advantaged members. As Blau (1964) argues, authorities depend on subordinates’ good performances to achieve the organization’s overarching goals (e.g., production of a specific item, rendering services). Below I describe the model offered by Hegtvedt and Johnson (2009) to illustrate how resources can play a pivotal role in the dynamics between authorities and subordinates resulting in the development of legitimacy.

In the structural power-imbalance characterizing organizations, authorities have more control over both material and nonmaterial resource distributions than do their subordinates. Power use may be constrained by existing (formal and informal) organizational norms (all of which may vary by organization type and size, complexity, and the context of economic uncertainty). Such norms may likewise constrain authorities’ use of negative sanctioning. Plus, typically, authorities recognize and want to avoid the material and nonmaterial costs of sanctioning. (And, as described earlier with regard to command and control perspectives, sanctioning systems alone may achieve short-term compliance but inhibit the development of legitimacy.) In this context, authorities attempt to secure subordinates’ cooperation and arrest the rise of conflicting interests and mistrust between power-advantaged and -disadvantaged members of the organization. Thus (assuming the support or “authorization” of their superiors), it is in the interests of authorities to use their power benevolently (not coercively). Benevolent power use involves provision of resources to employees to ensure that they have what they need to accomplish their jobs (in exchange for their labor), and demonstrates the authority’s trustworthiness and willingness to ensure distributive fairness to promote subordinates’ welfare and collective interests. Essentially, when Kirk took control of the Enterprise and initiated the (ultimately successful) attack on the Romulans, he gave his subordinates what they needed and had faith that they would do their best with what they had.

Each subordinate assesses whether the authority provides him or her with what is needed to get his or her job done. Indeed, getting the necessary resources to perform one’s job may be particularly important in new exchange relationships. In effect, subordinates are in repeated exchanges with their authority (e.g., a manager), some of which may be explicitly negotiated, but many of which are simply reciprocal. Successful exchanges produce two major consequences: (1) they facilitate the development of commitment (see Lawler et al., 2009); and (2) they create interpersonal trust. The latter is particularly true when a preponderance of those successful exchanges is reciprocal rather than negotiated (Molm et al., 2009). In addition, each subordinate determines the extent to which the authority provides his or her peers with necessary resources. In that way, subordinates can evaluate the extent to which they as a *collective* are supported. Moreover, subordinates who view the benevolent use of power in exchanges across their peers are likely to believe that the authority

has taken their needs—as individuals and as a collectivity—into account, attempted to do the right thing by them, and demonstrated care about their concerns—all elements of what Tyler and Huo (2002) capture in their notion of motive-based trust. Subordinates may also be more likely to attribute these successful and beneficial exchanges to the good intentions of their manager. These actual and observed interpersonal positive encounters, moreover, may facilitate creation of trust in the organization as well.

Observations of their peers allow subordinates to more fully assess both the distributive (from exchanges) and procedural justice of their workplace. To do so they may compare their own outcomes to those of others to assess distributive fairness. And, in the absence of outcome information, they may rely on their observations of how the authority makes decisions affecting them all and how he or she treats all the workers in interaction.⁵ Such comparisons provide a basis to discern agreement among others with regard to perceptions of the authority and other aspects of the workplace, and doing so offer a foundation for assessing collective interests among the subordinates and creating solidarity. As Settoon, Bennett, and Liden (1996) show, observations that outcomes and treatment are fair for others as well as oneself reinforce the sense of the collective and the welfare of members of the organizational group.

Assuming that subordinates' assessments result in personal and collectively shared perceptions of fairness of and trust in authorities, they may feel more inclined to fulfill work obligations. In effect, joint obligations toward each other emerge between authorities and subordinates. Fairness and trust processes, coupled with social obligations, stimulate social approval of the authority. That is, subordinates endorse the authority, which in turn leads to voluntary compliance with his or her requests. Securing endorsement, moreover, may affect the way in which superiors view the authority (augmenting authorization). Together these processes may pave the way for the growth in institutional trust as well.

Research on leader-member exchange supports elements of the resource-based model of legitimacy. Dulebohn, Boomer, Liden, Brouer, and Ferris (2012) characterize leaders “low” in leader-member exchange as focused on economic exchange involving formally agreed-upon reciprocation of tangible benefits, whereas those “high” on leader-member exchange capitalize on the less tangible and formal nature of exchanges in the workplace. Kirk, most likely, would rate high on leader-member exchange, which tends to heighten perceptions of both procedural and distributive justice, cultivate feelings of mutual obligation and reciprocity, and increase affective attachment.

The resource-based model of justice and legitimacy recognizes that the success of the underlying exchanges depends upon subordinates' view that the authority is trustworthy. Yet, like the early version of the identity-based model, it only roughly spells out what the authority must do to achieve trustworthiness. The resource-based

⁵Reliance on aspects of procedural justice to assess the fairness of one's own outcomes in the absence of comparison information on the outcomes of others is called the “fair process effect” (see van den Bos, 2005).

model emphasizes the emergence of trust in the relationship as a result of repeated (especially reciprocal) interpersonal exchanges, as well as the observation of the same sort of exchanges between the authority and other subordinates. Personal and observed experiences of others that produce what is perceived to be a fair distribution of outcomes facilitate the development of trust and the emergence of legitimacy. Somewhat akin to the identity-based model, both trust and justice motives contribute to the development of social obligations necessary to the emergence of legitimacy.

Though largely complementary, the two justice and legitimacy models propose different ways to develop the “connections” among subordinates and authorities—through status or identity concerns versus resource concerns. Both emphasize the development of endorsement and highlight trust as potentially antecedent to justice evaluations as well as a consequence of those evaluations. The resource-based model, however, recognizes the potential importance of differences between subordinates and authorities given their structural positions, and calls attention to the dynamics among subordinates, which may have further implications for the role of trust in the justice/legitimacy process. To augment these models and more fully grasp the connections among justice, trust, and legitimacy requires more in-depth consideration of what trust is, how it emerges, and its consequences in social dynamics.

Bringing in Trust Considerations

Given the existing models of justice and legitimacy, at the core of this chapter is the following question: How do trust dynamics complement justice processes in the emergence of legitimacy? The foregoing analyses highlight considerations of trust in existing justice and legitimacy models. Tyler (2003b) emphasizes that trust and procedural justice are “social motives, i.e., motives that are internally or socially generated. They flow from within the person, rather than being linked to incentives or sanctions” (p. 558). He emphasizes that procedural justice promotes cooperation beyond that sustained by instrumental concerns. The resource-based model, though more instrumental, recognizes the importance of the exchange of resources (not merely the invoking of sanctions or incentives) and the benevolent use of power across all workers as a means to ensure a fair distribution of resources and the foundation for trust, which may foster social obligations between authorities and subordinates. To flesh out the role of trust in these models requires going beyond the elementary definition offered at the beginning of this chapter.

Adopting a Working Definition of Trust

From now classic studies focusing on civic engagement (Putnam, 1993) and societal functioning (Fukuyama, 1995), research on trust has grown extensively (see, e.g., edited volumes by Cook, 2001; Cook, Levi, & Hardin, 2009; Kramer & Cook,

2004; Ostrom & Walker, 2003). Among the many avenues of trust research, the focus here is on relational trust within groups and organizations (for a discussion of trust directed toward the organization or institution itself, see other chapters in this volume). Cook (2005) characterizes trust as an emergent property in certain types of exchange relationships. Weber et al. (2005) augment that characterization by stressing the importance of interdependence, with trust potentially flowing from authorities to subordinates and from subordinates to authorities. Additionally, they contend that most definitions of trust incorporate elements of vulnerability or risk as well as intentionality.

The classic definition by Mayer and colleagues (1995) referenced earlier captures these elements: “The willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party” (p. 712). This definition signals that trust is independent from the sanctioning characteristic of control and command systems and functions as an alternative means to achieve group goals effectively. Similarly, focused on social exchange relationships, Molm et al. (2009:2) define trust as a “belief that an exchange partner will not exploit or take advantage of an actor.” Not surprisingly, this definition dovetails with extensive research showing that when facing the uncertainty and risk in exchange relationships, individuals are likely to develop commitments (e.g., Cook & Emerson, 1978; Lawler et al., 2009) and a sense of the trustworthiness of their partner as a precursor to that commitment (Kollock, 1994). Molm et al.’s definition of trust also resonates with that of Robinson (1996:576): “expectations, assumptions, or beliefs about the likelihood that another’s future actions will be beneficial, favorable, or at least not detrimental to one’s interests.” Such a definition implies the benevolent use of power indicated in the resource-based model of justice and legitimacy. In general, trust definitions signal wariness about how one actor might behave toward another actor, that is, the potential risk that behavior will not unfold as expected or as beneficially as expected.

Development of Trust in Authority/Subordinate Relationships

As the definitions suggest, trust develops in contexts characterized by uncertainty (Hardin, 2002). Hardin (1992) argues that whether a person trusts another depends upon attributes of the trustor, that is, the person who is willing to be vulnerable to another party, as well as attributes of the specific trustee, that is, the person to whom trust is given. Whether the trustor risks potential exploitation may be shaped by the extent to which he or she views the trustee as trustworthy, given the particular contextual circumstances (beyond uncertainty). In general, attributions of trustworthiness “can only be made in situations in which the partner has both the incentive and opportunity to exploit the actor but instead behaves benignly” (Molm et al., 2009:6).

Many scholars have suggested factors contributing to the perception of trustworthiness. Hardin (2002) argues that assessments of trustworthiness derive from personal experience with the trustee coupled with other information pertaining to the

trustee's reputation, integrity, competence, openness, credibility, dependability, consistency, and the like. Mayer et al. (1995) highlight and expand on three of these characteristics: domain-specific competence, benevolence, and integrity. Competence refers to a group of skills and characteristics that facilitate influence or task success in a particular domain. Benevolence involves the trustee doing "good" to the trustor and the development of attachment between parties. Integrity is characterized by adherence of the trustee to principles acceptable to the trustor and includes the consistency of the trustee's past actions, his/her credible communication and congruency between words and actions, and a belief that the trustee has a strong sense of justice.

Elsbach's (2004) antecedents to trustworthiness likewise include elements identified by Hardin and Mayer et al. and implicitly highlight aspects of justice as well. She distinguishes between behavioral and cognitive factors, and in so doing more clearly captures notions consistent with procedural justice rules and lays the basis for considering the role that trust plays in shaping legitimacy. Her behavioral factors emphasize the authority's (1) behavioral consistency, which increases subordinates' confidence in their manager's competence and willingness to take risks on his/her behalf; (2) accurate, open, and thorough communication, which helps subordinates to feel like there is a sharing of ideas; (3) willingness to share control to signal his/her benevolence and subordinates' ability to protect and affirm their own self-worth; (4) demonstration of concern for subordinates' needs and interests; and (5) integrity, which builds upon the other four behavioral components and reduces subordinates' perceived risks in working with him/her. Factors 1–3 reflect decision-making elements of procedural justice and factors 4 and 5 reflect interpersonal aspects. Clearly, how an authority behaves plays into how subordinates perceive him/her and the workplace more generally. Elsbach also highlights the cognitive processes of social categorization and comparison that underlie whether subordinates will define their authorities as members of their in-group or as outsiders. As discussed further below, consideration of authorities as in-group members typically enhances trust (Williams, 2001), but with professional norms of "goodwill," subordinates may be willing to trust authorities even if defined as "outside" the in-group circle.

As Hardin (1992) noted, the context of the relationship between authority and subordinates also matters for whether trust develops. Trust researchers underscore situational elements (see Schoorman, Mayer, & Davis, 2006; Weber et al., 2005), including the actual and perceived stakes involved; the balance of power in the relationship, affected by the alternatives available to the trustor; and the availability of information affecting attributions about the trustee's behavior. Weber and colleagues recognize that parties have differing perspectives on the choices available to trustee and trustor, and self-serving motivations may affect how each party perceives the other. These differences may also be exacerbated by power asymmetry, as described further below.

Authorities who act in ways to reveal their trustworthiness facilitate the development of trusting relationships with their subordinates and vice versa. As the preceding suggests, many factors contributing to trustworthiness stem from elements of justice processes. And, as the introduction highlights, justice, trust, and legitimacy

contribute significantly to shaping and maintaining social order. Justice and legitimacy models highlight contextual issues, and such factors affect the development of trustworthiness. Thus the next section examines three aspects of the context that have bearing upon the justice, trust, and legitimacy connections: power and leadership dynamics; intergroup dynamics; and elements of the social context.

Contextual Factors Affecting the Role of Trust and Justice in the Development of Legitimacy

Much of the foregoing discussion has revealed how intricately trust and justice are related and how both processes potentially stimulate the emergence of legitimacy, especially in the form of endorsement by subordinates for an authority. In examining contextual factors that are likely to have bearing upon the direction of the trust and justice relationship as well as the likelihood of development of endorsement, domains of future research may surface. Below, I examine three contextual features: power inequality and leadership dynamics; intergroup dynamics; and behaviors and perceptions of others in the situation.

Power Inequality and Leadership Dynamics

By virtue of the hierarchies characterizing most organizations, work (as well as many other) relations involve power inequalities. In reviewing the resource-based model of legitimacy, I have represented those inequalities from a social exchange perspective. The mutual dependence of authorities on subordinates and vice versa ensures reciprocal interdependence (Cropanzano & Mitchell, 2005) and increases the likelihood of mutual evaluations. Here I detail how perceptions and behaviors of *both* authorities and subordinates fuel the establishment of legitimacy (of the authority himself/herself, of the position of authority, or of a rule or decision made by the authority).

As Schoorman et al. (2006) outline, power inequality affects how trust develops. They show how the respective positions of authority and subordinate affect perceptions of information, risk levels, and actions. For authorities viewing subordinates and subordinates viewing either authorities or their peers, different opportunities exist to get information relevant to assessments of competence, benevolence, and integrity as a means to judge trustworthiness. Occupants of the respective positions have different (1) opportunities to act in a trustworthy fashion; (2) needs to invest in demonstrating trustworthiness; and (3) perspectives on the benefits of trust.

Weber et al. (2005) suggest that for subordinates occupying power-disadvantaged positions, they have more at stake and thus may suffer more anxiety than their power-advantaged manager. At the same time, they may benefit more from the establishment of mutual trust, which allows them to go about their jobs without the

burden of monitoring and sanctions and with the possibility of advancement. Thus, it is in their interests to assess the authority's trustworthiness. Their attributions of trustworthiness depend upon their personal experiences with the authority, their observations of the authority with their peers, and their perception of others' views on the authority. And, as previously noted, the extent to which authorities demonstrate benevolence and integrity—potentially through fair treatment and distributions—stimulates assessments of trustworthiness. Establishing that the authority is trustworthy reduces anxiety regarding constantly having to manage their self-presentation and wondering about the meaning of how the authority treats them. Reduced anxiety among subordinates may allow for better performances, which enhance the likelihood of promotion and indirectly benefit the authority for having an effective work group. Enhanced performances coupled with demonstration of trust in the authority may also increase the value of the subordinates to the authority and to the organization more generally. Thus, from a subordinate's viewpoint having a trustworthy authority is beneficial. And, when an authority's trustworthiness extends to the organization (see Campos-Castillo et al., [forthcoming](#)), being able to trust in the institution may also promote subordinates' well-being.

Likewise, power-advantaged authorities may assess their subordinates' trustworthiness (Kramer & Gavrieli, 2004; Smith & Overbeck, 2014; Weber et al., 2005). Even though they may have less need to reciprocate the trust of subordinates, such reciprocation may occur when the subordinate acts favorably, for example, as demonstrated by a good performance. Owing to their position of power, authorities face fewer constraints on their behavior and are more likely to be forgiven for missteps (especially if authorized by their superiors or already endorsed by subordinates).⁶ When an authority acts in an unexpected fashion generally or in an unfair manner specifically, which might threaten the perception of his or her trustworthiness, subordinates may initially discount the behavior or make an excuse for it (i.e., attribute it to something beyond the authority's control). Repeated or extensive violations of expectations or rules, however, may damage the halo worn by authorities and begin to undermine their position.

Even though authorities may be less interested in reciprocation of respect, most typically want to be seen as effective leaders. Kramer (2011) describes effective leaders as those who compose well-functioning groups that readily heed to direction; facilitate coordination; create and maintain a supportive context; and provide coaching when needed. In effect, effective leadership involves elements of fair treatment and benevolent power use—key components to assessing an authority as trustworthy.

Despite the differential vantage points and interests of power-disadvantaged and -advantaged actors in organizations, leaders *and* subordinates must put effort into relations as a basis for mutual trust (Cogliser, Schriesheim, Scandura, & Gardner, 2009; Maslyn & Uhi-Bien, 2001). As illustrated above and observed by other scholars, the trustworthiness of subordinates stems from their performance (Kramer,

⁶In other words, existing legitimacy of an authority increases the likelihood of tolerance of missteps or violations (Hegtvedt & Johnson, 2000).

1996), and that of authorities from their interpersonal qualities and behaviors, including fairness and support for their subordinates (e.g., Brehm & Gates, 2004; Dirks & Skarlicki, 2004), that is, implementation of fair processes, treatment, and distributions. When both parties reveal their trustworthiness, loyalty, commitment, and support grow (Uhl-Bien & Maslyn, 2003), which undergirds the legitimacy of the authority and the organizational hierarchy. In the battle against the Romulans, when Kirk and Spock left the ship, they had to trust their subordinates to enact their duties while those remaining on the Enterprise trusted that their leaders would successfully dismantle the weapon destined to destroy Earth. The mission's success and ultimately the legitimacy of Kirk's command were at stake. Such mutual trust among power-differentiated parties may help to overcome a potential stumbling block to the establishment of legitimacy: perceived intergroup differences between the power advantaged and the power disadvantaged.

Intergroup Dynamics

The identity- and resource-based models of justice and legitimacy differ with regard to the extent to which they cast authorities and subordinates as members of the same group. Tyler (2006a; 2010) tends to emphasize the potential that these differentially positioned actors do view themselves as members of the same group. Hegtvedt and Johnson (2009), in contrast, suggest otherwise, drawing attention to differences in power, experience, and the nature of tasks performed. Mayer et al. (1995) further emphasize diversity in the workplace, including differences on personal and social characteristics as well as hierarchical position of individuals and variation in the functions of groups within an organization (for example, the medical staff versus engineers on the Enterprise, or simply classified staff versus faculty in a university). Dulebohn and colleagues (2012) argue that "Difference between leaders and followers may create barriers, detachment, distance, and interpersonal conflict thereby leading to conditions that are unfavorable for high-quality interpersonal relationships" (p. 1723). Yet, within most organizations, authorities and their workers in the various groups that constitute the larger entity may have some sense of a shared, overarching identity focused on the commonalities of employment by the same larger entity. The individuals staffing the various functions of the Enterprise are all members of Star Fleet, for example.

To stimulate and maintain the legitimacy of the authorities and the activities of the organization, however, requires consideration of intergroup dynamics and the forging of an overarching identity of various members of different groups. The justice and legitimacy models focus largely on the immediate or local unit, consisting of a particular authority and his or her subordinates. Cross-unit considerations involve actors at higher levels in the organizational hierarchy (e.g., upper management) and those at lower levels across groups serving various functions in the organization or those involving the functionally different units. Fairness and trust processes potentially ameliorate the possibility of disruption owing to "differences between leaders and followers" within a given functional unit and across units as well.

Mayer and colleagues (1995) stress that workplace diversity may inhibit perception of interpersonal similarity or common background and experiences and thus inhibit identification with a particular work group. Similarly, Rubini and Palmonari (2012) detail how categorization of self and others may build boundaries between members of a work unit. Situational factors may affect the extent to which individuals perceive themselves as more similar to others. They suggest that viewing each person in terms of multiple complex categories, including “aspirational categories,” reveals the permeability of the boundaries of the categories in which individuals slate themselves and others, which in turn heightens the possibility that people will perceive some degree of similarity among themselves. Perceptions of similarity have two consequences: (1) trust among members grows (Moreland & Levine, 2002); and (2) the potential for a sense of “we” or a superordinate identity emerges (Gartner, Dovidio, Anastasio, Bachman, & Rust, 1993). Identification of superordinate goals, achieved through cooperation, further boosts the superordinate or inclusive identity and decreases potential intergroup (i.e., authority versus subordinate) conflict. Authorities can facilitate this by treating in-group and out-group members similarly as a means to enhance identification with an “inclusive category” (consisting of one’s in-group, out-group, and authority), which bolsters the legitimacy of the authority (Wenzel, 2006).

Other scholars expand on how perceived social similarity in organizational settings is a basis for the emergence of trust. Hogg (2005) proposes that subordinates must perceive their authority as “group-prototypical,” meaning that he or she represents the common characteristics typically true of subordinate group members (e.g., education, background, experience). Doing so enhances social attraction and positive attributions, all key to forming trusting relationships. Dulebohn et al. (2012) stress that perceived similarity on work issues illustrates shared interests, values, and attitudes that forge solid relationships. Socialization to organizational rules and shared understandings also allows differentially categorized parties to seize on similarities (Kramer, 2011) and recognize a normative system, which enhances trust. Training at Star Fleet academy, for example, epitomizes such socialization. An organization acts as a “stage manager,” letting people work with less monitoring because they can trust in others’ cooperativeness. Thus weakening of boundaries between groups inspires trusting interpersonal relationships, which inspire the emergence of legitimacy, and possibly ensure trust in the institution as well.

Beyond perceived similarity as a means to reduce intergroup differences, social exchange scholars view networks and embeddedness of relations as ways to overcome differences inherent in groups between authorities and subordinates. Cook (2005) argues that networks of workers, including authorities and subordinates, who assess each other’s trustworthiness become rooted in trust, which facilitates daily interaction and further cooperation. Of course, simply trusting an exchange partner does not lead that person to behave in a trustworthy fashion (Kiyonari, Yamagishi, Cook, & Cheshire, 2006). Thus, as Cook stresses, repeated risk-taking interactions are necessary to determine trustworthiness. Uzzi (1996) further recognizes that economic relationships, for example, between employers and employees, are embedded in networks of personal social relations with the latter allowing for

the operation of trust beyond that signified in formal agreements. For example, Kirk's friendship with the medical doctor "Bones" and the engineer Scotty augment the trust necessary to cooperation beyond that given by resource provision. And, Cheshire, Gerbasi, and Cook (2010) show how exchange dynamics in a small network affect one or more other exchange relationships among actors embedded in the larger system. The nature of such changes shapes whether trust or conflict emerges in the dynamics of interaction within or between groups.

Thus research on categorization/identity and exchange processes highlights ways in which authorities and subordinates can overcome their group differences to forge pathways of trust, which in turn provide a basis for legitimacy. Some pathways include considerations of justice, whereas others rest on perceived similarities or embeddedness in other relationships. Implicit in these categorization/identity and exchange processes is consideration of how others, beyond the perceiver, may be assessing the situation or behaving in it.

Beyond the Perceiver: Impact of the Social Context

Power, leadership, and intergroup processes relevant to shaping fairness and trust to ensure the development of legitimacy recognize that an authority and a subordinate do not exist in a vacuum. Rather, others, especially other subordinates, constitute the social context in which these processes occur. These others may be coworkers of the subordinate or the authority making assessments of each other's trustworthiness or fair treatment (or in exchange terms, other network members). They may also be workers or authorities in other groups in the organization. Others' behaviors or views may directly affect a perceiver's assessment or the perceiver may draw upon his or her observations of the treatment of others themselves.

While developments in justice research have brought into consideration the influence of third parties (who may not directly benefit from a distribution, procedure, or treatment) on perceivers' assessments of their own outcomes and treatment (see Skarlicki & Kulik, 2005), scholars have paid little explicit attention to how the observations of others affect the development of trust. Yet input (actual or as perceived by the focal actor) from these observers may be central to assessments of precursors to trust, including fairness in the workplace and shared similarity among workers and authorities.

Information from others assists generally in making sense out of situations (Weick, 1995). More specifically, such information may shape assessments of characteristics of authorities (or subordinates) that contribute to judgments of trustworthiness. For example, with regard to assessing integrity, Mayer et al. (1995) call attention to the importance of credible communications from others about the honorable actions of the authority. For example, in scenes from *Star Trek*, subordinates on the control deck would nonverbally communicate with each other when Kirk would issue commands; those facial expressions conveyed meanings about their trust or wariness regarding his orders. Additionally, perceivers might assess the

compatibility of the authority's statements about goals, leadership style, or value of subordinate input with his or her actual behavior toward subordinates.

In a related fashion, information about the outcomes and treatment of others or on how consistently decision-making rules are applied across all workers is critical to subjective assessments of distributive, interactional, and procedural justice (see Hegtvedt, 2006), which in turn may shape assessments of an authority's benevolence as well as integrity. Indeed, Long, Bendersky, and Morrill (2011) describe a process of fairness monitoring within organizations by which subordinates gather and process information through observations of others and social comparisons. By doing so, they can assess the extent to which performance rewards seem fair, and that authorities treat all workers with respect and uphold organizational procedures designed to ensure consistency, accuracy, and ethicality. Such monitoring, they argue, is especially important when there is uncertainty, such as at the beginning of tenure in an organization; turmoil within the organization; and deviation from expected treatment. Fairness monitoring provides clarity in interpreting one's own treatment and increases the reliability of those judgments. As noted previously, authorities who act fairly are more likely to be judged as trustworthy. And, as the identity- and resource-based models suggest, fairness contributes directly to the perceived legitimacy of the authority as well (also see Long et al., 2011).

Beyond explicit concerns with fairness evaluations, observations of or from others play three other roles. First, they provide information relevant to the attributions that individuals make about an authority's behavior (see Kelley, 1967). In effect, when a perceiver assesses an authority's behavior, he or she may register whether it is "distinct" toward only one subordinate or common for many; "consistent" across time and circumstances; or "consensual" insofar as most authorities would behave in the same way, under the same circumstances. To the extent that an authority consistently behaves in the same positive way toward subordinates—something Kirk managed to achieve though he was reputed to be hotheaded—individuals are likely to make an internal attribution for the behavior, or at least recognize it as organizationally sanctioned behavior (especially if other authorities behave the same way). Such attribution for positive behavior provides a clear basis for the trustworthiness of the authority and, as previously discussed, recognition of the organizationally sanctioned behavior (which would constitute an external attribution) nonetheless stimulates a sense of similarity that may enhance trust.

Second, as Smith and Overbeck (2014) stress, others in the situation generally monitor the authority's behavior. People imagine that others are monitoring powerholders so any one individual does not need to obtain direct information on them. Essentially, people assume that with multiple eyes watching, authorities are less likely to act immorally or in an untrustworthy fashion. And, third, a perceiver's desire to assess what others think about how well an authority is doing fundamentally underlies the meaning of legitimacy, that is, the approval and support necessary to accept a person or act as appropriate and proper (see Hegtvedt & Johnson, 2000).

Thus whether it is through the observation of the treatment of others or knowledge of others' beliefs, the social context of an organization may cue evaluations of an authority or his or her behavior, which in turn potentially affect justice and trust,

and ultimately legitimacy. “Others” may likewise play a role in responses to situations involving the violation of rules or demonstration of untrustworthy behavior. Though rarely explicitly investigated, emphasis on others seems to pertain mainly to their effects on cognitive assessments of fairness and trustworthiness. As noted in closing, this emphasis may omit consideration of more affective dynamics in the development of legitimacy through fairness and trust processes.

Conclusion: Trust Connections and Directions

The goal of this chapter was to flesh out the role of trust in justice and legitimacy processes. Existing models of the emergence of legitimacy, focusing largely on endorsement stemming from similarly situated peers, emphasize justice processes and hint at the role of trust. Research on the social identity-based model has begun to tease apart the role of procedural justice, especially its interpersonal components, and trust on legitimacy of authorities. Trust may contribute to assessments of procedural justice; yet motive-based trust (see Tyler, 2011) may also operate independently to ensure the social bonds underlying the emergence of legitimacy. Analyses of the dynamics of distributive justice and trust, as represented in the resource-based model of legitimacy, propose that perceived justice in outcomes helps to forge trust. Although this specific proposal awaits greater empirical scrutiny, the overview of trust processes reveals that the extent to which an authority ensures fair distributions, procedures, and treatment contributes to evaluations of trustworthiness. Future studies might explicitly address the impact of each type of justice on assessments of trustworthiness, from both the viewpoints of power-advantaged authorities and power-disadvantaged subordinates. And, to get at how leaders and subordinates interpret each other’s behaviors may require more qualitative methodologies than currently employed.

As Hegtvædt and Johnson (2009) point out, the identity- and resource-based models of the role of justice in stimulating legitimacy are complementary. They argue that the latter may be particularly important initially, when an authority is new to the group. Moreover, the resource-based model draws attention to the potential differences, at least in power, between authorities and subordinates, which gives rise to questions of intergroup dynamics. Research on leadership in organizations provides a basis for considering ways to augment trust among power-differentiated actors. Those means, additionally, may help to bridge perceptions of intergroup differences. Thus, another avenue of research examining the antecedents to legitimacy might focus on factors attenuating intergroup differences, especially those stemming from power positions, which in turn may enhance evaluations of justice and development of trust.

The foregoing arguments presume that justice and trust are central to stimulating legitimacy and cast assessments of each largely in cognitive terms. De Cremer et al. (2006) contrast cognitive and affective bases of trust (see also McAllister, 1995). They argue that trust may seem cognitively based when its development emphasizes

assessment of behavioral components contributing to an authority's trustworthiness and ensuring his or her predictability. In contrast, trust seems to stem from more affective sources when the focus is on how interactions between authorities and subordinates meet the needs and concerns of both parties. Such a distinction, however, does not directly address the role of affect and emotions in the development of trust. A growing number of investigations of justice processes focus on the influence of mood on justice evaluations and the impact of perceived injustice on an array of emotions (see Cropanzano, Stein, & Nadisic, 2011; De Cremer, 2007; Hillebrandt & Barclay, 2013). Extrapolating from that literature, negative emotions in response to injustice may jeopardize the development of trust, whereas positive emotions might enhance it. More fine-grained consideration of the nature of the emotions, however, may be important. For example, depression in response to injustice might be less likely to undermine trust than anger.

Weber et al. (2005) introduce some emotional elements (e.g., anxiety) into their attributional account of the development of trust. And, Schoorman et al. (2006) recognize that "emotions do influence the perception of the antecedents of trust and, therefore, the trust in relationships" (p. 348) but note that they have hardly been investigated. With the connection between justice and trust and the extensive literature on emotional responses to the experience of justice or injustice, integration of emotional elements seems warranted. Of particular interest may be how the contextual elements focused on power differences, intergroup processes, and observers' assessments impact emotions in trust situations and subsequent legitimacy.

Throughout this discussion, my emphasis has largely focused on interpersonal elements of justice, trust, and the emergence of legitimacy. It cannot, however, be stressed enough that the models and issues described above have bearing upon the development of institutional trust. In effect, they constitute micro foundations for the development of people's trust in the organizations in which they are embedded or the institutions that affect their lives. As Tyler (1990/2006b) describes, individuals' encounters with legal authorities have a profound impact on the perceived legitimacy of those authorities, their compliance with them, and ultimately their trust in the institution of law enforcement. Yet, as Campos-Castillo et al. (forthcoming) point out, the influence of interpersonal trust on the development of institutional trust may depend on the nature of the institution at issue. Thus future research might more explicitly address factors affecting the impact of the legitimacy of an authority and the organization he or she represents on the emergence of institutional trust.

Captain Kirk would not have achieved the legitimacy of his rank had he failed to engage with others fairly, which provided a basis for developing relationship trust. That trust might subsequently give him a bye when he acts in some "unconventional," even momentarily unfair, ways. Here I have focused on how trust and fairness may build legitimacy, which ultimately may shape institutional trust. Equally important is how trust and legitimacy may thwart negative responses to perceived injustice and potential social change. But investigation of that issue awaits the next Star Trek movie.

References

- Ambrose, M. L., Seabright, M. A., & Schminke, M. (2002). Sabotage in the workplace: The role of organizational injustice. *Organizational Behavior and Human Decision Processes*, 89, 947–965.
- Barbalet, J. (2009). A characterization of trust, and its consequences. *Theory and Society*, 38(4), 364–382.
- Bies, R. J. (2001). Interactional (in)justice: The sacred and the profane. In J. Greenberg & R. Cropanzano (Eds.), *Advances in organizational justice* (pp. 89–118). Stanford, CA: Stanford University Press.
- Blau, P. M. (1964). *Exchange and power in social life*. New York: Wiley.
- Bobocel, D. R., Kay, A. C., Zanna, M. P., & Olson, J. M. (Eds.). (2010). *The psychology of justice and legitimacy*. New York: Psychology Press.
- Brehm, J., & Gates, S. (2004). Supervisors as trust brokers in social-work bureaucracies. In R. M. Kramer & K. S. Cook (Eds.), *Trust and distrust in organizations: Dilemmas and approaches* (pp. 41–64). New York: Russell Sage.
- Buchanan, A. (2003). *Justice, legitimacy and self-determination*. Oxford: Oxford University Press.
- Campos-Castillo, C., Woodson, B. W., Theiss-Morse, E., Sacks, T., Fleig-Palmer, M., & Peek, M. E. (forthcoming) Examining the relationship between interpersonal and institutional trust in the political and health care contexts. In E. Shockley, T. M. S. Neal, L. M. PytlikZillig, and B. H. Bornstein (Eds.), *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration*. New York: Springer
- Cheshire, C., Gerbasi, A., & Cook, K. S. (2010). Trust and transitions in modes of exchange. *Social Psychology Quarterly*, 73(2), 176–195.
- Cogliser, C. C., Schriesheim, C. A., Scandura, T. A., & Gardner, W. L. (2009). Balance in leader and follower perceptions of leader-member exchange: Relationships with performance and work attitudes. *Leadership Quarterly*, 20, 452–465.
- Colquitt, J. A., Conlon, D. E., Wesson, M. J., Porter, C. O. L., & Ng, K. Y. (2001). Justice at the millennium: A meta-analytic review of 25 years of organizational justice research. *Journal of Applied Psychology*, 86, 425–445.
- Cook, K. S. (Ed.). (2001). *Trust in society*. New York: Russell Sage.
- Cook, K. S. (2005). Networks, norms, and trust: The social psychology of social capital. *Social Psychology Quarterly*, 68(1), 4–14.
- Cook, K. S., & Cooper, R. M. (2003). Experimental studies of cooperation, trust, and social exchange. In E. Ostrom & J. Walker (Eds.), *Trust and reciprocity* (pp. 209–244). New York: Russell Sage.
- Cook, K. S., & Emerson, R. M. (1978). Power, equity, and commitment in exchange networks. *American Sociological Review*, 43, 721–739.
- Cook, K. S., Levi, M., & Hardin, R. (Eds.). (2009). *Whom can we trust? How groups, networks, and institutions make trust possible*. New York: Russell Sage.
- Cropanzano, R., & Mitchell, M. S. (2005). Social exchange theory: An interdisciplinary review. *Journal of Management*, 31(6), 874–900.
- Cropanzano, R., Stein, J. H., & Nadisic, T. (2011). *Justice and the experience of emotion*. New York: Routledge.
- De Cremer, D. (Ed.). (2007). *Advances in the psychology of justice and affect*. Charlotte, NC: Information Age Publishing.
- De Cremer, D., van Dijke, M., & Bos, A. E. R. (2006). Leader's procedural justice affecting identification and trust. *Leadership & Organizational Development Journal*, 27(7), 554–565.
- Dirks, K. T., & Skarlicki, D. P. (2004). Trust in leaders: Existing research and emerging issues. In R. M. Kramer & K. S. Cook (Eds.), *Trust and distrust in organizations: Dilemmas and approaches* (pp. 21–40). New York: Russell Sage.

- Dornbusch, S. M., & Scott, W. R. (1975). *Evaluation and the exercise of authority*. San Francisco: Jossey-Bass Publishers.
- Dulebohn, J. H., Boomer, W. H., Liden, R. C., Brouer, R., & Ferris, G. R. (2012). A meta-analysis of the antecedents and consequences of leader-member exchange: Integrating the past with an eye toward the future. *Journal of Management*, *38*, 1715–1759.
- Elsbach, K. D. (2004). Managing images of trustworthiness in organizations. In R. M. Kramer & K. S. Cook (Eds.), *Trust and distrust in organizations: Dilemmas and approaches* (pp. 275–292). New York: Russell Sage.
- Fukuyama, F. (1995). *Trust: The social virtues and the creation of prosperity*. New York: Free Press.
- Gartner, S. L., Dovidio, J. F., Anastasio, P. A., Bachman, B. A., & Rust, M. C. (1993). The common ingroup identity model: Recategorization and the reduction of intergroup bias. In W. Stroebe & M. Hewstone (Eds.), *European review of social psychology* (Vol. 2, pp. 247–278). Chichester: Wiley.
- Hardin, R. (1992). The street level epistemology of trust. *Analyse & Kritik*, *14*, 152–176.
- Hardin, R. (2002). *Trust and trustworthiness*. New York: Russell Sage.
- Hegtvedt, K. A. (2006). Justice frameworks. In P. J. Burke (Ed.), *Contemporary social psychological theories* (pp. 46–69). Stanford, CA: Stanford University Press.
- Hegtvedt, K. A., & Johnson, C. (2000). Justice beyond the individual: A future with legitimacy. *Social Psychology Quarterly*, *63*, 298–311.
- Hegtvedt, K. A., & Johnson, C. (2009). Power and justice: Toward an understanding of legitimacy. *American Behavioral Scientist*, *53*(3), 376–399.
- Hillebrandt, A., & Barclay, L. J. (2013). Integrating organizational justice and affect: New insights, challenges, and opportunities. *Social Justice Research*, *26*, 513–531.
- Hinds, L., & Murphy, K. (2007). Public satisfaction with police: Using procedural justice to improve police legitimacy. *Australian & New Zealand Journal of Criminology*, *40*(1), 27–42.
- Hogg, M. A. (2005). Social identity and leadership. In D. M. Messick & R. M. Kramer (Eds.), *The psychology of leadership* (pp. 53–80). Thousand Oaks, CA: Sage.
- Jasso, G. (1980). A new theory of distributive justice. *American Sociological Review*, *45*, 3–32.
- Johnson, C., Dowd, T. J., & Ridgeway, C. L. (2006). Legitimacy as a social process. *Annual Review of Sociology*, *32*, 53–78.
- Jost, J. T., & Kay, A. C. (2010). Social justice: History, theory, and research. In S. T. Fiske, D. T. Gilbert, & G. Lindzey (Eds.), *Handbook of social psychology* (5th ed., Vol. 2, pp. 1122–1165). Hoboken, NJ: John Wiley & Sons Inc.
- Jost, J. T., & Major, B. (Eds.). (2001). *The psychology of legitimacy: Emerging perspectives on ideology, justice, and intergroup relations*. New York: Cambridge University Press.
- Kelley, H. (1967). Attribution theory in social psychology. In D. Levine (Ed.), *Nebraska symposium on motivation* (Vol. 15, pp. 192–240). Lincoln, NE: University of Nebraska Press.
- Kiyonari, T., Yamagishi, T., Cook, K. S., & Cheshire, C. (2006). Does trust beget trustworthiness? Trust and trustworthiness in two games and two cultures: A research note. *Social Psychology Quarterly*, *69*, 270–283.
- Kollock, P. (1994). ‘An eye for an eye leaves everyone blind’: Cooperation and accounting systems. *American Sociological Review*, *58*, 768–786.
- Kramer, R. M. (1996). Divergent realities and convergent disappointments in hierarchic relations: Trust and the intuitive auditor at work. In R. M. Kramer & T. R. Tyler (Eds.), *Trust in organizations* (pp. 216–245). Thousand Oaks, CA: Sage.
- Kramer, R. M. (2011). Trust and distrust in the leadership process: A review and assessment of theory and evidence. In A. Bryman, D. Collinson, K. Grint, B. Jackson, & M. Uhl-Bien (Eds.), *Handbook of leadership* (pp. 136–150). Los Angeles: Sage.
- Kramer, R. M., & Cook, K. S. (Eds.). (2004). *Trust and distrust in organizations: Dilemmas and approaches*. New York: Russell Sage.
- Kramer, R. M., & Gavrieli, D. A. (2004). Power, uncertainty, and the amplification of doubt: An archival study of suspicion inside the oval office. In R. M. Kramer & K. S. Cook (Eds.), *Trust and distrust in organizations: Dilemmas and approaches* (pp. 342–370). New York: Russell Sage.

- Lawler, E. J., Thye, S., & Yoon, J. (2009). *Social commitments in a depersonalized world*. New York: Russell Sage.
- Leventhal, G. G., Karuza, J., Jr., & Fry, W. R. (1980). Beyond fairness: A theory of allocation preferences. In G. Mikula (Ed.), *Justice and social interaction* (pp. 167–218). New York: Springer-Verlag.
- Long, C., Bendersky, C., & Morrill, C. (2011). Fairness monitoring: Linking managerial controls and fairness judgments in organizations. *Academy of Management Journal*, *55*(5), 1045–1068.
- Maslyn, J. M., & Uhi-Bien, M. (2001). Leader-member exchange and its dimensions: Effects of self-effort and other's effort in relationship quality. *Journal of Applied Psychology*, *86*, 697–708.
- Mayer, R. C., Davis, J. H., & Schoorman, F. D. (1995). An integrative model of organizational trust. *Academy of Management Review*, *20*(3), 709–734.
- McAllister, D. J. (1995). Affect- and cognition-based trust as foundations for interpersonal cooperation in organizations. *Academy of Management Review*, *23*(3), 24–59.
- Molm, L. D. (1997). *Coercive power in social exchange*. Cambridge, UK: Cambridge University Press.
- Molm, L. D. (2006). The social exchange framework. In P. J. Burke (Ed.), *Contemporary social psychological theories* (pp. 24–45). Stanford, CA: Stanford University Press.
- Molm, L. D., Schaefer, D. R., & Collett, J. (2009). Fragile and resilient trust: Risk and uncertainty in negotiated and reciprocal exchange. *Sociological Theory*, *27*, 1–32.
- Moreland, R. L., & Levine, J. M. (2002). Socialization and trust in work groups. *Group Processes and Intergroup Relations*, *5*, 185–201.
- Ostrom, E., & Walker, J. (Eds.). (2003). *Trust and reciprocity: Interdisciplinary lessons from experimental research*. New York: Russell Sage.
- Putnam, R. D. (1993). *Making democracy work: Civic traditions in modern Italy*. Princeton, NJ: Princeton University Press.
- Rawls, J. (1993). *Political liberalism*. New York: Columbia University Press.
- Robinson, S. L. (1996). Trust and breach of the psychological contract. *Administrative Science Quarterly*, *41*, 574–599.
- Rubini, M., & Palmonari, A. (2012). Different and yet human: Categorization and the antecedents of intergroup trust. In I. Marková & A. Gillespie (Eds.), *Trust and conflict: Representation, culture, and dialogue* (pp. 73–82). London: Routledge.
- Schoorman, D. F., Mayer, R. C., & Davis, J. H. (2006). An integrative model of organizational trust: Past, present, and future. *Academy of Management Review*, *32*(2), 344–354.
- Settoon, R. P., Bennett, N., & Liden, R. C. (1996). Social exchange in organizations: Perceived organizational support, leader-member exchange, and employee reciprocity. *Journal of Applied Psychology*, *81*(3), 219–227.
- Simmel, G. ([1907] 1978). *The philosophy of money*. London: Routledge.
- Skarlicki, D. P., & Kulik, C. T. (2005). Third-party reactions to employee (mis)treatment: A justice perspective. *Research in Organizational Behavior*, *26*, 183–229.
- Smith, P. K., & Overbeck, J. R. (2014). The leaders' rosy halo: Why do we give powerholders the benefit of the doubt? In J.-W. van Prooijen & P. A. Lange (Eds.), *Power, politics, and paranoia: Why people are suspicious about their leaders* (pp. 53–72). Cambridge, UK: Cambridge University Press.
- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, *37*(3), 513–548.
- Tajfel, H., & Turner, J. C. (1986). The social identity theory of intergroup behavior. In S. Worchel & W. G. Austin (Eds.), *Psychology of intergroup relations* (pp. 2–24). Chicago: Nelson-Hall.
- Tyler, T. R. (1990/2006b). *Why people obey the law*. New Haven, CT: Yale University Press.
- Tyler, T. R. (1997). The psychology of legitimacy: A relational perspective on voluntary deference to authorities. *Personality and Social Psychology Review*, *1*, 323–345.
- Tyler, T. R. (2001). A psychological perspective on the legitimacy of institutions and authorities. In J. Jost & B. Major (Eds.), *The psychology of legitimacy: Emerging perspectives on ideology, justice, and intergroup relations* (pp. 416–436). Cambridge: Cambridge University Press.

- Tyler, T. R. (2003a). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*, 30, 283–357.
- Tyler, T. R. (2003b). Trust within organizations. *Personnel Review*, 32(5), 556–568.
- Tyler, T. R. (2006a). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, 57, 375–400.
- Tyler, T. R. (2010). Legitimacy and rule adherence: A psychological perspective on the Antecedents and consequences of legitimacy. In D. R. Bobocel, A. C. Kay, M. P. Zanna, & J. M. Olson (Eds.), *The psychology of justice and legitimacy* (pp. 251–271). New York: Psychology Press.
- Tyler, T. R. (2011). *Why people cooperate: The role of social motivations*. Princeton, NJ: Princeton University Press.
- Tyler, T. R., & Blader, S. L. (2000). *Cooperation in groups: Procedural justice, social identity, and behavioral engagement*. Philadelphia: Psychology Press/Taylor & Francis.
- Tyler, T. R., Boeckmann, R. J., Smith, H. J., & Huo, Y. J. (1997). *Social justice in a diverse society*. Boulder, CO: Westview.
- Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law*. New York: Russell Sage.
- Tyler, T. R., & Lind, E. A. (1992). A relational model of authority in groups. In M. P. Zanna (Ed.), *Advances in experimental social psychology* (Vol. 25, pp. 115–191). San Diego, CA: Academic.
- Uhl-Bien, M., & Maslyn, J. M. (2003). Reciprocity in manager-subordinate relationships: Components, configurations, and outcomes. *Journal of Management*, 29(4), 511–532.
- Uzzi, B. (1996). The sources and consequences of embeddedness for economic performance of organizations: The network effect. *American Sociological Review*, 61, 674–698.
- van den Bos, K. (2005). What is responsible for the fair process effect? In J. Greenberg & J. A. Colquitt (Eds.), *Handbook of organization justice* (pp. 273–300). Mahwah, NJ: Lawrence Erlbaum.
- Walker, H. A., & Zelditch, M. (1993). Power, legitimacy, and the stability of authority: A theoretical research program. In J. Berger & M. Zelditch (Eds.), *Theoretical research programs: Studies in the growth of theory*. Stanford, CA: Stanford University Press.
- Weber, M. ([1922] 1968). *Economy and society*. New York: Bedminster Press.
- Weber, J. M., Malhotra, D., & Murnighan, J. K. (2005). Normal acts of irrational trust: Motivated attributions and the trust development process. *Research in Organizational Behavior*, 26, 75–101.
- Weick, K. E. (1995). *Sensemaking in organizations*. Thousand Oaks, CA: Sage.
- Wenzel, M. (2006). Legitimacy of regulatory authorities as a function of inclusive identification and power over ingroups and outgroups. *European Journal of Social Psychology*, 36, 239–258.
- Williams, M. (2001). In whom we trust: Group membership as an affective context for trust development. *Academy of Management Review*, 26, 377–396.
- Zelditch, M. (2001). Theories of legitimacy. In J. T. Jost & B. Major (Eds.), *The psychology of legitimacy: Emerging perspectives on ideology, justice, and intergroup relations* (pp. 33–53). New York: Cambridge University Press.
- Zelditch, M., & Walker, H. A. (1984). Legitimacy and the stability of authority. *Advances in Group Processes*, 1, 1–25.

Chapter 5

Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority

James L. Gibson

Politicians and scholars worldwide have long been impressed with the fragility of judicial power. When it comes to securing compliance with their decisions, courts are said to have neither the power of the “purse”—the ability to raise and expropriate money to encourage compliance—nor the power of the “sword”—the ability to coerce compliance. In the absence of these assets, courts really have only a single form of effective political capital: legitimacy.¹

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¹ Useful reviews of Legitimacy Theory can be found in Tyler (2006), Levi, Sacks, and Tyler (2009), and Gibson and Nelson (2014a).

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Compliance with court decisions is often contingent upon judicial institutions being considered legitimate. Legitimacy is a normative concept, basically meaning that an institution is acting appropriately and correctly within its mandate.² Generally speaking, a great deal of social science research has shown that people obey the law more out of a felt normative compunction deriving from legitimacy than out of instrumental calculations of the costs and benefits of compliance (e.g., Tyler, 1990, 2006). As a consequence, social scientists have paid considerable attention to the legitimacy of courts.

The empirical analysis of legitimacy dates back to Easton's (1965) work on "systems theory", with Easton substituting the concept "diffuse support" for judgments of legitimacy. Diffuse support is a fundamental commitment to an institution that manifests in a willingness to support the institution that extends beyond mere satisfaction with the institution's performance at the moment ("specific support"). This distinction between institutional support and performance satisfaction is a fundamental element of Legitimacy Theory.

According to the democratic theory that undergirds American liberal democracy, institutions—especially courts—must be free to make decisions in opposition to the preferences of the majority; indeed, it is specifically a function of courts (at least in the American case, and in many European cases, where the judiciary is vested with the power of having the last say on the meaning of the constitution) to overturn the actions of the majority when those actions infringe upon the fundamental rights of minorities. Courts must on occasion make hard decisions that are greatly displeasing to the majority, as in freeing obvious criminals due to violations of due process, restraining the majority from imposing its religious beliefs on the entire society, and spying on dissenters and malcontents who are thought to threaten the political security of the majority. If democracy can be simply defined (following Dahl, 1971) as "majority rule, with institutionalized respect for the rights of the minority, especially rights allowing the minority to compete for political power", then the judiciary clearly represents the "minority rights" half of the equation. If courts are dependent upon majority approval for their decisions to be accepted, then one of the most important political functions of the judiciary is in jeopardy. According to this view of democracy, the legitimacy of the judiciary cannot be too heavily dependent upon the majority being pleased with the short-term performance of its courts.

This approach to legitimacy led Easton to coin a telling phrase: institutions require a "reservoir of goodwill" in order to function effectively. Gibson and Caldeira (2009) liken this reservoir to loyalty, even to the loyalty between two friends. One may disappoint a friend without necessarily destroying the friendship.

²Tyler (2006, p. 375) provides a useful definition of legitimacy: "Legitimacy is a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just. Because of legitimacy, people feel that they ought to defer to decisions and rules, following them voluntarily out of obligation rather than out of fear of punishment or anticipation of reward. Being legitimate is important to the success of authorities, institutions, and institutional arrangements since it is difficult to exert influence over others based solely upon the possession and use of power. Being able to gain voluntary acquiescence from most people, most of the time, due to their sense of obligation increases effectiveness during periods of scarcity, crisis, and conflict."

Loyalty to another requires standing by that other even when one might disapprove of the other's actions. Indeed, it is easy to be loyal to another who acts in an approving fashion; the test of loyalty involves disapproval or discontent. In similar fashion, institutions do not require legitimacy when they are pleasing people with their policies. Legitimacy becomes crucial in the context of dissatisfaction; legitimacy therefore requires an "objection precondition" (e.g., Sullivan, Piereson, & Marcus, 1982)—it becomes most relevant when citizens object to something the institution has done. Problems of compliance do not typically arise when court decisions align with the preferences of their constituents; rather, when they do not align, legitimacy or institutional loyalty provides the rationale for accepting or acquiescing to an unwanted ruling of a court. In this sense, *legitimacy is for losers*. Thus, it is not difficult to understand why scholars are so interested in the legitimacy of courts.

With this renewed interest in judicial legitimacy has come some important intellectual debates and controversies. Foremost among these is the fundamental question of how connected diffuse and specific supports are. Some scholars—whom Gibson and Nelson (2014b) have dubbed "the specific-support revisionists"—claim to have unearthed evidence of a far closer connection than heretofore believed, with the consequence that diffuse support might be more fragile than earlier research has indicated. Debated as well is the question of how disappointment in a court ruling translates, or does not translate, into acquiescence to an unwanted judicial ruling. The mechanisms of this connection are not currently well understood. Finally, what is it about courts that sustains and propels their legitimacy? Here, there is less controversy, but mainly because there has been less thinking about the question of how legitimacy becomes activated and empowered. Thus, some of the most fundamental attributes of Legitimacy Theory are being re-thought and reconsidered.

The purpose of this chapter is to investigate these questions, in part using existing data and research, and in part by presenting some new empirical evidence. I then turn to a synthesis of theories of information processing in an effort to explain how the symbols of judicial authority structure the connection between performance evaluations and institutional support. I begin with the question of how strongly diffuse and specific supports are intertwined.

The Specific Support – Diffuse Support Linkage

Those studying public opinion toward the U.S. Supreme Court have of late become concerned that the legitimacy of the institution may be on the retreat.³ Spurred by highly salient and unpopular Court decisions such as *Kelo*, *Citizens United*, and the

³I use the term "concerned" to indicate renewed interested in the topic, without expressing any normative view on whether it is desirable for the Court to possess large stores of institutional legitimacy. Empirical research on judicial legitimacy need not make any normative judgment about whether legitimacy is desirable or undesirable. From the perspectives of some, having a weak Court may be beneficial. My research is agnostic on this issue. For some thoughts on whether the U.S. Supreme Court can have *too much* legitimacy, see Gibson and Nelson (2015a).

Obamacare ruling,⁴ some have speculated that the institution's "reservoir of goodwill" is facing (or beginning to face) a California-sized drought. This view has been forcefully stated in the scholarly literature (e.g., Bartels & Johnston, 2013), and has even made its way into the *New York Times* (Liptak, 2011) and into the research agenda of the Pew Research Center for the People and the Press (2013).

The question of the stability of the Court's legitimacy is a matter of practical as well as theoretical import. A fragile Court is likely to act more timidly than a secure Court; or, more precisely, justices with heightened concerns about institutional legitimacy might even alter their votes in highly salient cases so as to protect their institution.⁵ More generally, if an elemental function of the Supreme Court is to check majority opinion when it runs amok, then the so-called countermajoritarian dilemma may be quite a dilemma indeed.⁶ Without a reservoir of goodwill, the Court is even more vulnerable than indicated by the many formal weaknesses of the institution.

That support for the Supreme Court would be so volatile runs counter to the conventional wisdom on the sources of legitimacy for the Court. Court attitudes are typically thought of as obdurate because they are grounded in slow-moving attributes of citizens: more general support for democratic institutions and processes, levels of information and knowledge about the Court, and, to a much lesser degree, overall satisfaction with the institution's performance (Gibson & Caldeira, 2009; Gibson & Nelson, 2014a). Moreover, according to the theory of "value-based regeneration"—the process by which performance dissatisfaction recedes and Court attitudes revert to their grounding in support for democratic institutions and processes (Mondak & Smithey, 1997)—short-term detours do not last long. Court support is not invariant—the literature reports a number of instances in which institutional support for a court has changed.⁷ So, we have a conundrum; a growing literature now reports a direct empirical and theoretical conflict on the question of whether diffuse support is or is not highly responsive to changes in specific support.

⁴ *National Federation of Independent Business v. Sebelius*, 132S. Ct. 2566 (2012).

⁵ Crawford (2012) reports that Chief Justice Roberts acted strategically to protect the Court's legitimacy during the opinion-writing process for *National Federation of Independent Business v. Sebelius*, changing his vote from one to strike down the Affordable Care Act to one that preserved the constitutionality of the legislation.

⁶ Pildes (2010, p. 157) declares "*Citizens United* is the most countermajoritarian decision invalidating national legislation on an issue of high public salience in the last quarter century."

⁷ To list just a few such reports: see Gibson and Caldeira (1992), on change in the attitudes of African Americans toward the U.S. Supreme Court; Gibson and Caldeira (2009), on change in support for the Supreme Court that resulted from the controversy over the Alito nomination; Gibson (2012), on change in support for the Kentucky Supreme Court over the course of an election; and Gibson, Gottfried, Delli Carpini, and Jamieson (2011), on similar electoral-cycle change in support for the Pennsylvania Supreme Court.

The key to answering this question has to do with understanding the connection between performance evaluations and institutional support. The conventional wisdom is that the relationship is “sticky,” with diffuse support (a “reservoir of goodwill”) only diminishing after a sustained series of performance disappointments (e.g., Baird, 2001; Gibson & Caldeira, 1992).

However, it turns out that the specific-support revisionists have questioned whether diffuse support really is resistant to alteration by changes in specific support. Initiated largely by Bartels and Johnston (2013), and joined more recently by Christenson and Glick ([in press](#)) (and, to a lesser and somewhat different degree, Nicholson & Hansford, 2014), this view posits a far stronger relationship between specific and diffuse supports than heretofore imagined.⁸ For example, Bartels and Johnston claim to have discovered a strong effect of disappointment in a decision of the Court, with those learning that the Court had ruled against their position on the issue of whether the government can monitor the internet expressing less institutional support than those who were told the Court had ruled in favor of the respondents’ position. They conclude, “. . . we examined the influence of a *single decision*, so the size of the effects found is quite impressive and reinforces the importance of Court policymaking for citizen judgments of legitimacy” (p. 196, emphasis in original).⁹ It is one thing to argue that *accumulated grievances* can undermine judicial legitimacy, as Gibson and Caldeira (1992) suggested happened among African Americans, or to suggest that blockbuster Supreme Court rulings, like *Bush v. Gore*, could have consequences for the Court’s diffuse support (although Gibson, Caldeira, & Spence, 2003b, suggest they do not). It is quite another to claim that *each unpopular Court decision*—even each run-of-the-mill decision—may be dangerous to the institution’s health. If legitimacy cannot protect the institution when it makes unpopular decisions, then the U.S. Supreme Court loses its independence in the sense that its support is tied too closely to satisfying the policy preferences of its constituents.

In a similar vein, Christenson and Glick ([in press](#)) investigated the effects of the Supreme Court’s decision on Obamacare (*National Federation of Independent Business v. Sebelius*), searching in particular for possible consequences of ideological disagreement with the Court and of the switch in vote by Chief Justice Roberts from finding the law unconstitutional to judging it constitutional. The basic hypotheses of their research are that citizens would use the Court’s ruling to reassess the ideological location of the institution, and that the American people would judge Roberts’ action as strategic and politicized behavior, thereby undermining the view that the Court is not an ordinary political institution (a bedrock belief of institutional legitimacy).

⁸In their analysis of the legitimacy of high courts worldwide, Gibson, Caldeira, and Baird (1998) report an average correlation of diffuse and specific supports of .33.

⁹For a direct challenge to many of the conclusions of Bartels and Johnston, see Gibson and Nelson (2015b).

Like Bartels and Johnston, Christenson and Glick conclude that “the decision provides new information that people can use to update their assessments of the Court’s ideology, and that these updates affect assessments of legitimacy” (p. 21).¹⁰ Their assumed process goes something like: (1) citizens perceive and categorize the decision; (2) on the basis of their understanding of the decision—and their projection of the ruling onto an ideological continuum—they reevaluate their perception of the ideological location of the Court; (3) they then recalculate the distance between their own ideological location (assuming they have one) and the Court’s newly revealed location; and (4) on the basis of this new distance score, citizens reconsider whether to extend legitimacy to the Court as an institution. Thus, their approach is much like that of Bartels and Johnston; according to Christenson and Glick, it is not so much disagreement with the policy that is important to citizens, but is rather what the decision reveals about the overall ideological position of the U.S. Supreme Court.¹¹ Ideological distance from the Court is crucial to determining whether to support the institution.

Christenson and Glick go a step beyond the ideological disagreement analysis initiated by Bartels and Johnston by also considering the procedural aspects of Supreme Court decision-making. As I have noted, they employ what they call a “quasi-experiment” to assess the impact of Chief Justice Roberts’ strategic voting in the case. Their hypothesis is that strategic behavior is thought by the Court’s constituents to be insincere and political, and, as a consequence, support for the institution will decline.¹² Thus, their model suggests that citizens learn about ideology and

¹⁰Christenson and Glick test this hypothesis with a decidedly unrepresentative nonprobability sample of opt-in respondents—a Mechanical Turk sample. This sample’s attributes differ markedly from those of probability-based samples (e.g., Table A1, p. 28), with about one-half of the opt-in sample reporting having a college degree (a characteristic not even true, of course, of college sophomores), and with those having some college adding another 37 % to the sample. Moreover, unlike many internet surveys, the authors included in their solicitation of participation in the survey a description of its content (a “survey about politics and health care” – p. 27), a practice further creating selection bias and unrepresentativeness. Finally, the authors were extremely lenient in how they used the results of three screener tests (e.g., Berinsky, Margolis, & Sances, 2014), allowing respondents who failed two of the three screening questions into their sample (p. 27). The consequence of this latter decision is of course to boost the power of their sample while simultaneously introducing measurement error associated with the respondents who did not pay attention to the questions asked.

¹¹My analysis of the Bartels and Johnston experiment (see below) is relevant to this assumption. In particular, I find that ideology played a confused role in structuring reactions to the experimental stimulus (the decision), in part because the policy did not map (in the minds of the respondents) neatly onto the ideological continuum. Policy disagreement performed much better in their experiment than did ideological disagreement. It is important not to assume that policy preferences and ideology are the same thing (as decades of research on public opinion has shown).

¹²This hypothesis is similar to that of Gibson and Caldeira (2009), with the difference being that the exogenous event for Gibson and Caldeira is the politicization of the Court via the campaigns for and against the confirmation of Samuel Alito to a seat on the Court.

process from rulings by the Supreme Court, and that both are important for assessments of institutional legitimacy.¹³

A crucial question arising from the work of Bartels and Johnston and Christenson and Glick thus concerns the stability of institutional support attitudes. The specific-support revisionists seem to believe that extant theory posits little change in legitimacy attitudes over time, as if the attitudes were completely impervious to exogenous influences. Empirically, it is true that the literature provides only the most limited evidence of change in legitimacy attitudes, mainly because no long-term panel data that include such measures exist. Still, using cohort analysis on cross-sectional data, Gibson and Caldeira (1992) show that the attitudes of African Americans toward the U.S. Supreme Court seemed to change over time (with the exception of what might be termed the “Warren Court/Civil Rights” cohort), most likely owing to the slow accumulation of dissatisfactions with Court decisions that seemed to turn against the interests of African Americans. In addition, while Gibson and Caldeira (2009) have argued that legitimacy attitudes are obdurate, they meant *resistant* to change rather than *impervious* to change. Indeed, their panel data reveal that the confirmation battle over Samuel Alito took a swipe out of the Supreme Court’s legitimacy. Furthermore, the mere fact that specific support and diffuse support are typically moderately correlated indicates that change in one attitude is to some degree associated with change in the other attitude. Few observers of American politics believe that many political attitudes are fixed and entirely unchangeable.

Where scholars differ seems to be on the degree of “stickiness” in the relationship between change in performance satisfaction and institutional support. A simple instrumental model would suggest little stickiness; a change in performance satisfaction would lead directly to a change in support, in what is essentially a one-to-one relationship. “Stickiness” means that institutional support responds to changing satisfaction in considerably less than a one-to-one manner (and perhaps nonlinearly as well). Indeed, there may be many processes by which change occurs, perhaps change is a step-function, with readjustment of Court attitudes only taking place after a certain quantity of pleasing or displeasing decisions accumulates. Gibson and Caldeira (2009) have likened institutional support to loyalty. The very definition of loyalty is that attitudes toward another are not strictly a function of “what you have done for me lately.” Loyalty can be undermined and can change, but typically loyalty is not altered by a single disappointing transaction. But neither is loyalty completely unaltered by the actions of the other; repeated disappointments can cause loyalty to dissolve, reinstating an instrumental, quid-pro-quo calculus.

¹³ Some of their empirical findings run contrary to their expectations, requiring post-hoc explanations that are not entirely persuasive (e.g., the Roberts strategic treatment actually *increased* support for the Court—Christenson and Glick, p. 16). In light of having practically no external validity, and with internal validity that is to some degree compromised by the study’s research design (as they acknowledge, theirs is not a true experimental research design), the question of the impact of the ruling on this case must be considered to be unanswered by their analysis.

Thus, the empirical question of the degree of linkage between decisional dissatisfaction and institutional support is a matter of great theoretical import. Indeed, in some fundamental sense, Legitimacy Theory *requires* that the connection not be overly strong (see, e.g., Easton, 1975, p. 442). As Gibson and Caldeira (1992) put it, “[t]heoretically and conceptually, the two forms of support should *not* bear a close relationship to one another. To conceive of the former as a simple and contemporaneous function of the latter would undermine much of the utility of distinguishing institutional commitments from satisfaction with outputs. The stability of political institutions would then simply turn on their performance in the short run. In a theoretical sense, then, diffuse support *must* be disconnected from specific support to at least some degree” (p. 1127, emphasis in original). Given the importance of the theoretical question, additional empirical analysis is essential. Providing a new test of the revisionist hypothesis is therefore one of the purposes of this chapter.

Reconsidering the Bartels and Johnston Data

Beyond the Gibson and Nelson critique of the Bartels and Johnston analysis, it is perhaps useful to return to the evidence Bartels and Johnston produced in support of their thesis. In this section, I will look carefully at their experimental evidence to determine just how well their data fit with their claims and conclusions.

A central contention of my theoretical perspective is that “legitimacy is for losers.” It is therefore important to re-examine their evidence from the point-of-view of whether the respondent is learning about a decision of which he or she approves or disapproves.

In their experiment, all survey respondents were provided a short vignette describing the outcome of a single Supreme Court decision involving the ability of the federal government to monitor citizen communications.¹⁴ Respondents were randomly assigned to one of two groups; one group received a “liberal” Court decision (not allowed to monitor), while the other group received a “conservative” Court decision (allowed to monitor). Bartels and Johnston report no evidence that liberals uniformly favor a prohibition on the government monitoring citizen communications or that conservatives uniformly oppose such a prohibition; they simply assume that allowing monitoring is a conservative decision. Thus, according to their set-up, some of the respondents were told about a decision with which they were satisfied, while another portion was told about a decision with which they were dissatisfied.

¹⁴The criteria by which this issue was selected are not clear. Based on an analysis by Gibson et al. (2014) of similar issues, it seems that the policy on which Bartels and Johnston focused is not unusually salient to more than one-half of the American people.

Table 5.1 The conditional effect of ideological self-identification on the influence of policy dissatisfaction on institutional support (Bartels and Johnston experimental data)

| Ideological self-identification/policy manipulation | Institutional support | | |
|--|-----------------------|-----|-----|
| | Mean | SD | N |
| Extremely liberal ($p = .098$; $\eta^2 = .32$) | | | |
| Loser (conservative) | .58 | .23 | 18 |
| Winner (liberal) | .73 | .17 | 10 |
| Liberal ($p = .027$; $\eta^2 = .20$) | | | |
| Loser (conservative) | .61 | .18 | 61 |
| Winner (liberal) | .68 | .20 | 65 |
| Slightly liberal ($p = .975$; $\eta^2 = .00$) | | | |
| Loser (conservative) | .66 | .19 | 56 |
| Winner (liberal) | .66 | .16 | 57 |
| Moderate ($p = .124$; $\eta^2 = .08$) | | | |
| Unknown (conservative) | .56 | .17 | 189 |
| Unknown (liberal) | .59 | .16 | 189 |
| Slightly conservative ($p = .682$; $\eta^2 = .04$) | | | |
| Loser (liberal) | .60 | .21 | 77 |
| Winner (conservative) | .59 | .20 | 62 |
| Conservative ($p = .408$; $\eta^2 = .06$) | | | |
| Loser (liberal) | .57 | .21 | 102 |
| Winner (conservative) | .60 | .22 | 111 |
| Extremely conservative ($p = .188$; $\eta^2 = .21$) | | | |
| Loser (liberal) | .55 | .19 | 23 |
| Winner (conservative) | .63 | .19 | 17 |

Note: Following each type of ideological self-identification (above) is the probability from a student's t -test of the difference of means for institutional support under the null hypothesis of no difference in support scores. Eta is the measure of association between the manipulation (dichotomous) and the institutional support index

I have examined how the manipulation interacts with the pre-existing ideological self-identifications of the respondents. That is, *within* each category of ideological self-identification, some were told about a satisfying decision while others were told about a dissatisfying decision. If Bartels and Johnston were correct, one would expect that the dissatisfied would express lower levels of institutional support than the satisfied. Table 5.1 reports the analysis necessary to test that expectation.¹⁵ The table reports the results of a student's t -test of the difference in court support across experimental conditions within each category of ideological identification.

¹⁵These data are from a "national probability sample" fielded by Knowledge Networks. No response rate or other details are presented about the survey. The data set is available at the supplemental materials site of the *American Journal of Political Science*.

Table 5.2 The conditional effect of policy preferences on the influence of policy dissatisfaction on institutional support (Bartels and Johnston experimental data)

| Policy preference/policy manipulation | Institutional support | | |
|---|-----------------------|-----|-----|
| | Mean | SD | N |
| Strongly oppose monitoring ($p = .000$; $\eta^2 = .33$) | | | |
| Loser (conservative) | .54 | .23 | 64 |
| Winner (liberal) | .70 | .22 | 63 |
| Oppose monitoring ($p = .003$; $\eta^2 = .20$) | | | |
| Loser (conservative) | .57 | .19 | 129 |
| Winner (liberal) | .64 | .15 | 106 |
| Support monitoring ($p = .280$; $\eta^2 = .06$) | | | |
| Loser (liberal) | .60 | .17 | 197 |
| Winner (conservative) | .58 | .17 | 185 |
| Strongly support monitoring ($p = .000$; $\eta^2 = .23$) | | | |
| Loser (liberal) | .56 | .20 | 163 |
| Winner (conservative) | .65 | .19 | 139 |

Note: Following each type of policy preference (above) is the probability from a student’s *t*-test of the difference of means for institutional support under the null hypothesis of no difference in support scores. Eta is the measure of association between the manipulation (dichotomous) and the institutional support index

The first conclusion the table supports is that the experimental manipulation does not perform uniformly as predicted by the Bartels and Johnston hypothesis. For example, self-identified liberals support their hypothesis: winners (those told of a liberal court decision) express more support for the institution than those told of a conservative Court decision, and the difference across treatments is statistically significant at .027. Self-identified conservatives, however, violate the Bartels and Johnston expectations: their legitimacy levels do not differ at all according to the type of decision to which they were exposed. Indeed, while I acknowledge that the within-identification category *N*s are sometimes small, *only* among liberals is there a difference that approaches conventional levels of statistical significance. Bartels and Johnston place a great deal of emphasis on ideological disagreement with the Court in the first portion of their article. From their experimental data, it appears that ideologically unwelcomed decisions have very little impact indeed on the willingness of most citizens to extend legitimacy to the U.S. Supreme Court.

Even if Bartels and Johnston do not, I recognize a difference between ideological disagreement with the institution and policy disagreement in the context of a single case. Their experiment is about policy disagreement, not ideological disagreement. I therefore report the same analysis of differences in legitimacy by experimental treatment, but this time using the respondents’ policy preferences on government monitoring as the controlling variable.¹⁶ These results are reported in Table 5.2.

¹⁶The absence of “don’t know/uncertain” responses to this policy question is highly unusual. Typically, representative samples of the American people include large proportions of respondents unable to form a preference on any given issue of public policy. That is not so in their data set.

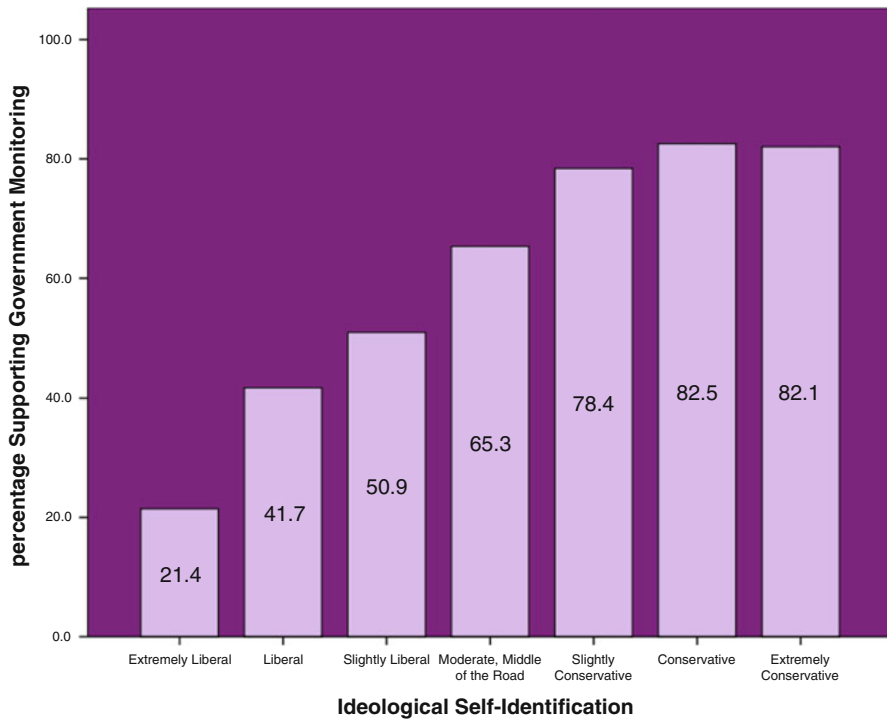


Fig. 5.1 Connecting policy preferences with ideological self-identifications, Bartels and Johnston data (2009)

Note: $N=1,035$. As to the relationship between ideological self-identification and policy views, $r=.31$, $p<.001$. *Source:* Bartels and Johnston (2013)

These results are more favorable to the Bartels and Johnston hypothesis. For instance, among strong opponents of government monitoring, legitimacy is considerably higher among those told that the Court made a satisfying decision as compared to those told that the Court made a decision allowing monitoring. Similar confirming relationships are found among those opposing monitoring and those strongly supporting monitoring.

Table 5.2 does, however, report a disquieting conflict with their hypothesis. Among those supporting monitoring ($n=382$), no difference in institutional support levels is observed. Indeed, were one inclined to examine nonsignificant differences, as I am not, one would find a mean of .60 among losers and a smaller mean of .58 among winners (opposite of the expectation). These data present an important challenge to the hypothesis, among the modal preference category in their data.

Why is it that ideology performs so poorly as a conditioning variable in comparison to policy preferences? One answer is fairly simple, the respondents had considerable difficulty mapping their ideological preferences onto this particular policy area (or vice versa). The correlation between ideological self-identification and positions on this issue is not particularly strong: $r=.31$ (see Fig. 5.1). It is especially noteworthy that slight conservatives, conservatives, and extreme conservatives differ very

little in their support for government surveillance (even while slight liberals, liberals, and extreme liberals do differ in their degrees of opposition). For slight conservatives, conservatives, and extreme conservatives, the percentages of respondents favoring government monitoring are 78.4, 82.5, and 82.1 %, respectively. Thus, there is little difference according to intensity of conservatism, and consensual majorities of conservatives support the “conservative” position. Among liberals, the data are more cooperative. The percentages of respondents supporting monitoring are 50.9, 41.7, and 21.4 %, for slight liberals, liberals, and extreme liberals, respectively. Thus, preferences do vary, but at least among slight liberals in the sample, more respondents hold “conservative” preferences than “liberal” views. The failure of ideology to map clearly onto policy preferences stands as a reasonable explanation of why the relationship I depict in Table 5.2 is stronger than that in Table 5.1. This evidence means that the Bartels and Johnston experiment is relevant only to policy satisfaction and dissatisfaction, not more general ideological agreement and disagreement.

On the basis of their policy preferences and the manipulation to which they were exposed, all respondents can be characterized as either “winners” or “losers” in the Bartels and Johnston experiment (as in Table 5.2, above). Across all respondents, winners (slightly less than one-half of the sample) have a mean support score of .63; the score for losers is .57. With an overall standard deviation of .19, this difference seems small. It is statistically significant, given an N of 1,052, but η^2 is only .14, which indicates that the experimental treatment accounts for 1.9 % of the variance in institutional support. This hardly seems like compelling evidence that specific support and diffuse support are so connected as to threaten the legitimacy of the U.S. Supreme Court.

I note as well that the logic of the Bartels and Johnston experiment is that losers express lower legitimacy because they lost on this case. Conversely, of course, winners express higher legitimacy because they won. Without some sort of control condition, the experiment cannot distinguish between a lift in support among winners and a knock in support among losers.¹⁷ Moreover, it is noteworthy that Bartels and Johnston are largely silent on the *benefits* the Court receives from making decisions pleasing to its constituents. Thus, their research design has some inherent limits. In particular, we do not know whether the Court profits from satisfying decisions or whether it is harmed by dissatisfying decisions.

Gibson and Nelson on the Legitimacy of Losers

One more bit of evidence on the specific support/diffuse support connection is available. In a new analysis, Gibson and Nelson (2014b) have reported an experiment directly connected to the thesis that “legitimacy is for losers.” They investigate

¹⁷Six respondents have a diffuse support score but no preference on the policy issue (only a total of 12 respondents had no opinion on the issue, which seems very small for a nationally representative sample). These respondents had a mean support score of .53. Compared to them, winners and losers both have higher institutional support scores.

the hypothesis that institutional support for the U.S. Supreme Court is diminished by disappointment with the Court over its ruling in a case. Their analysis introduces several important innovations to the study of this relationship. First, their research design reflects that fact that *legitimacy is for losers*—that is, legitimacy is most relevant to those who hold views contrary to the ruling of the Court. Consequently, all respondents learn of a Supreme Court decision of which they disapprove. Second, they employ a survey-based design that includes both a true experiment and a quasi-experiment (a “one-group pretest-posttest” design) using data collected from a nationally representative sample by TESS/KN. Third, to provide a demanding test of the hypothesis, they focus on a legal issue *selected by the respondent* as being important to him or her. Finally, tipping their hat to verisimilitude, they incorporate the symbols of judicial authority (e.g., justices in robes) into their analysis (more on this below). Thus, their test of the dissatisfaction/ legitimacy hypothesis is a demanding, but nonetheless important and realistic, one.

The findings of Gibson and Nelson run dramatically counter to those of the specific-support revisionists. Even when faced with an objectionable decision on legal issues of some importance to the respondents, support for the U.S. Supreme Court actually *grew* over the course of the survey. These empirical findings lead Gibson and Nelson to conclude that the Court’s legitimacy is not overly sensitive to its constituents’ dissatisfaction with its decisions—and that perhaps the specific-support revisionist theory is in further need of revision.

Reconsidering the Obamacare Ruling

The conclusions of the specific-support revisionists are further challenged by research on the effects of the *Bush v. Gore* decision; after all, if a salient Supreme Court decision can move public support, that effect should be most likely to appear in cases, like *Bush*, that are particularly prominent. As Gibson and Nelson (2014a) note, *Bush v. Gore* is, in many ways, the “acid test” of the “single decision can have deleterious effects on institutional legitimacy” theory.¹⁸ Important for this controversy, Gibson, Caldeira and Spence (2003b) compared evaluations of the Court’s diffuse support at the pinnacle of the public controversy surrounding the decision with similar cross-sectional evidence from 1987 to 1995. Their results provide absolutely no support for the theory that this decision undermined aggregate perceptions of institutional legitimacy. These results have been echoed in a number of other studies of the case (e.g., Kritzer, 2001; Nicholson & Howard, 2003; Yates & Whitford, 2002).

¹⁸ *Bush v. Gore* can be considered to be an “acid test” because of (1) the political significance of the decision, (2) the deep divisions of the justices, (3) divisions paralleling ideology and partisanship, (4) the unprecedented expansion of the U.S. Supreme Court involvement in the administration of elections in the states, and (5) Sandra Day O’Connor’s apparent prejudgment of the case at a cocktail party prior to the Court issuing its decision. See Gibson et al. (2003b).

A Supreme Court ruling that some consider to be nearly equivalent to *Bush v. Gore* is the 2012 blockbuster on the constitutionality of Obamacare. As with *Bush v. Gore*, the substantive issue is important to many people, the Court's decision was widely broadcast, and the decision carried with it the potential to harm the legitimacy of the Court itself (or at least so believed Chief Justice Roberts). It is not surprising, therefore, that the specific-support revisionists would find this opinion interesting.

Recall that Christenson and Glick ([in press](#)) investigated the effects of the Supreme Court's decision on Obamacare, searching in particular for possible consequences of ideological disagreement with the Court and of the switch in the vote by Chief Justice Roberts. It is noteworthy, however, that their analysis did not test the simple hypothesis that those who got the ruling they wanted from the Court increased their support for the institution, while those who got an adverse ruling decreased their institutional support. This is the basic hypothesis of the specific-support revisionists. It is useful therefore to consider this hypothesis with some new data from a nationally representative survey.

The TAPS survey fielded at Washington University in St. Louis asked a small battery of Supreme Court support items in May (t_1) and July (t_2) of 2012, which is shortly before and after the Supreme Court ruling on Obamacare (late June, 2012).¹⁹ These items are derived from the set recommended by Gibson, Caldeira, and Spence (2003a), and have been used widely in measuring Supreme Court legitimacy (e.g., Gibson & Caldeira, 2009; Gibson & Nelson, 2015b). Table 5.3 reports the frequencies for the items in the May and July surveys.²⁰ In order to avoid any confounds due to analyzing different respondents at the two points in time, I confine this analysis to those who answered the questions in both the May and July surveys.

¹⁹The American Panel Survey (TAPS) is modeled on the KN KnowledgePanel. The survey is a monthly online survey of about 2,000 people. Panelists were first recruited as a national probability sample with an address-based sampling frame in the fall of 2011 by Knowledge Networks for the Weidenbaum Center at Washington University. Two replenishment efforts have kept the panel at approximately 2,000 panelists. Individuals without internet access were provided a laptop and internet service at the expense of the Weidenbaum Center. In a typical month, more than 1,700 of the panelists complete the online survey. More technical information about the survey is available at taps.wustl.edu. Panel respondents are regularly asked to complete surveys over the internet. Like the KnowledgePanel, the compound response rate for any given survey is low (typically in the single digits). Moreover, as part of an on-going series of surveys, the respondents become experienced if not semi-professional questionnaire takers.

²⁰Care must be taken with the TAPS data, as with all data sets relying on semi-professional respondents who (a) agree to be questioned repeatedly over months and years, and (b) learn from their experience how to engage in satisficing behavior when answering surveys. One of the consequences of this is that semi-professional respondents learn that there are no consequences of answering questions with a "don't know" reply, or even not answering questions at all. As Table 5.3 depicts, a fairly sizable portion of the respondents either had no attitudes toward the Supreme Court or were unwilling to put in the cognitive effort to match their attitudes to the questions asked. RDD samples typically report considerably fewer "don't know" responses, although some believe that this is a function of social desirability pressures that mitigate against admitting ignorance to a live interviewer. Still, in the case of panel analysis such as that presented here, there is no reason to believe that satisficing behavior is any more prevalent within one wave of the survey versus another.

Table 5.3 Change in loyalty toward the United States Supreme Court, 2012 TAPS data

| Indicator | Level of diffuse support for the Supreme Court | | | | | |
|---|--|-----------|------------|------|------|-------|
| | Percentage | | | Mean | SD | N |
| | Not supportive | Undecided | Supportive | | | |
| Do away with the court | | | | | | |
| <i>t</i> ₁ | 13.3 | 28.6 | 58.1 | 3.67 | 1.05 | 1,362 |
| <i>t</i> ₂ | 12.6 | 29.0 | 58.4 | 3.70 | 1.12 | 1,363 |
| Reduce jurisdiction | | | | | | |
| <i>t</i> ₁ | 21.9 | 34.7 | 43.4 | 3.34 | 1.07 | 1,365 |
| <i>t</i> ₂ | 21.3 | 33.2 | 45.4 | 3.39 | 1.14 | 1,358 |
| Too mixed up in politics | | | | | | |
| <i>t</i> ₁ | 40.2 | 38.5 | 21.3 | 2.77 | .99 | 1,359 |
| <i>t</i> ₂ | 47.2 | 33.3 | 19.6 | 2.63 | 1.03 | 1,358 |
| Remove judges who rule against majority | | | | | | |
| <i>t</i> ₁ | 26.7 | 36.6 | 36.7 | 3.16 | 1.10 | 1,360 |
| <i>t</i> ₂ | 21.0 | 33.7 | 45.3 | 3.35 | 1.14 | 1,357 |
| Make court less independent | | | | | | |
| <i>t</i> ₁ | 39.1 | 23.7 | 37.2 | 3.05 | 1.20 | 1,362 |
| <i>t</i> ₂ | 31.2 | 26.5 | 42.3 | 3.19 | 1.25 | 1,347 |
| Control the actions of the Supreme Court | | | | | | |
| <i>t</i> ₁ | 32.9 | 34.1 | 33.0 | 3.07 | 1.09 | 1,364 |
| <i>t</i> ₂ | 30.8 | 33.6 | 35.6 | 3.10 | 1.16 | 1,360 |

Note: The percentages are calculated on the basis of collapsing the five-point Likert response set (e.g., “agree strongly” and “agree” responses are combined), and sum to 100 % across the three percentage columns (except for rounding errors). The percentage “Supportive” is the percentage of respondents giving a reply supportive of the Court, not necessarily of the statement itself. The means and standard deviations are calculated on the uncollapsed distributions. Higher mean scores indicate more institutional loyalty.

The propositions (*t*₁ followed by *t*₂) are:

Do away with the Court:

If the Court started making decisions that most people disagree with, it might be better to do away with the Court.

If the Supreme Court started making a lot of decisions that most disagree with, it might be better to do away with the Court altogether.

Reduce jurisdiction:

The right of the Supreme Court to decide certain types of controversial issues should be reduced.

The right of the Supreme Court to decide certain types of controversial issues should be reduced.

Too mixed up in politics:

The U.S. Supreme Court gets too mixed up in politics.

The U.S. Supreme Court gets too mixed up in politics.

Remove judges who rule against majority:

Justices who consistently make decisions at odds with what a majority of the people want should be removed.

Justices on the Court who consistently make decisions at odds with what the majority want should be removed from their position.

Make Court less independent:

The U.S. Supreme Court ought to be made less independent so that it listens a lot more to what the people want.

The Court ought to be made less independent so that it listens a lot more to what the people want.

Control the actions of the Supreme Court:

We ought to have stronger means of controlling the actions of the U.S. Supreme Court.

It is inevitable that the Court gets mixed up in politics; we ought to have stronger means of controlling the Court.

The overwhelming aggregate pattern of the data in this table is one of stasis.²¹ For instance, on the “do away with the Court” item, 58.1 % of the respondents supported the Court in May; in July, the percentage was 58.4 %. The responses to the items at the two interviews are all strongly correlated, with correlations ranging from .50 to .63.

At the same time, however, whatever change is indicated by the data seems to reflect increased support for the Court. If one simply compares the “% Support” column for t_1 and t_2 , one sees that for five of the six items, institutional support increases, even if the changes are far from large.

Of course, aggregate data on change can (and typically do) obscure individual-level change. On a simple index of the number of supportive replies given to the six items at the two time points, the t_2 replies indicate an average of .16 more supportive replies than at t_1 , with 25.9 % of the respondents giving fewer supportive answers at t_1 than at t_2 and 32.0 % giving more supportive answers at t_2 . Taking the intensity of replies into account via a simple summated index, 45.8 % of the respondents expressed more support for the Court at t_2 than at t_1 (compared to 38.7 % who expressed less support).²² To the extent that the sample changed its views of the Court from before to after its ruling on Obamacare, it seems that the legitimacy of the institution rose slightly. Or at least that Court support did not decline.²³

Adding Winners and Losers to the Analysis

A key argument of Legitimacy Theory is that “legitimacy is for losers.” It therefore is necessary to consider the respondents’ views on healthcare to determine whether winners and losers in the litigation changed their views of the institution at equal rates. Although support for the plan was asked in the July survey, confounding the analysis a bit, the data indicate a moderate relationship between support and changes in legitimacy ($r = .31$). Those who favored health care increased their institutional support; the support of opponents declined.

²¹ For reasons that are not at all clear, there are some slight (and minor) changes in the question wording of the items across the surveys. I doubt that differences are sufficient to affect the responses, but, of course, have no evidence for that view.

²² Thus, there is more change in this data set than in the Christenson and Glick M-Turk data set inasmuch as their mean change score is very close to 0.

²³ I have created an index of change in support that is simply the difference in summated indices calculated at t_2 and t_1 . Within each time period, the six-item sets of items are quite reliable: at t_1 , Cronbach’s alpha = .88; mean interitem correlation = .55; at t_2 , alpha = .90; mean interitem correlation = .61. Common Factor Analyses of each set strongly confirm the unidimensionality of the measures (with trivial eigenvalues for the second extracted factor). Strong loadings are observed for all of the items. At t_1 , the correlation of the factor score from the CFA and a simple summated index is .995; at t_2 , it is .994. The correlation of the factor scores across interviews is .70; the correlation of the indices is also .70. Consequently, it really makes no difference which measure of Court support is used for my analyses; by selecting the summated indices, the natural metric of the measures is maintained, and no confounding influence of different factor loadings (and hence factor score coefficients) at t_1 and t_2 is possible.

The pattern of change in Court legitimacy is revealing beyond this basic correlation. The mean change score for those who oppose Obamacare is $-.17$ ($SD = .76$, $N = 568$). For those supporting Obamacare, the mean is $.27$ ($SD = .63$, $n = 395$). So the first conclusion is that, to the extent that attitudes changed owing to the ruling, the Court garnered considerably more support (on average) from the winners than it lost from the losers (although, as I have noted, there were somewhat more losers than winners, at least in terms of the objective outcome of the litigation). Among those with an opinion on Obamacare, the ruling of the Court worked to the net benefit of the institution.

A considerable number of respondents was uncertain of their views of the health care law. Among these respondents, some change in Court support took place ($M = .15$; $SD = .59$; $n = 400$), indicating that support for the Court increased somewhat. Thus, the simple conclusion from this analysis is that winners on the litigation threw more support to the Court, losers withdrew support, and those without a stake in the outcome became marginally more supportive of the institution, looking more like the winners than the losers.²⁴

But did the Supreme Court's ruling really cause these changes? To do so, I hypothesize that the respondents must know that they had won or lost on the issue by the Supreme Court's ruling.²⁵ Fortunately, TAPS asked whether the respondent knew that the Court had ruled on the constitutionality of Obamacare, and, in a follow-up, whether the respondent could say how the Court ruled. A large majority (69.1 %) said they knew the Court had ruled on the matter, and of those, 82.1 % said they thought the Court had ruled the law constitutional.²⁶

At this point in my analysis, the picture painted by these data begins to change. I first find no relationship ($p = .318$, $N = 1,364$, $r = .04$) between knowing that the Court had ruled and change in legitimacy.²⁷

Combining the two questions about awareness of the Court's ruling allows me to assess change in institutional support according to knowledge that the Court had ruled and the accuracy of that information. After all, a nontrivial portion of the

²⁴A follow-up question was asked of the opponents of the law that allows differentiation of those who opposed the law because it went too far and those opposed it because it did not go far enough. The latter group is small ($n = 24$), but their support for the Court actually declined more than those who opposed the law because it went too far. Given this unexpected pattern in these data, I have ignored the responses to this question in my analysis.

²⁵I concede that some respondents probably learned about the decision, updated their views of the Court, but then forgot that they had learned about the decision. No data are available to estimate the size of this group; given the salience of the health care debate, it seems unlikely that the group is very numerous.

²⁶Of course, the respondents could simply have searched the internet for the answers to the TAPS questions while they were completing the interview. Internet surveys invariably overestimate true levels of political knowledge.

²⁷Those who say they do not know whether the Court ruled and those who say they "don't know" whether they know have the same average change score. Thus, I have collapsed these two categories of respondents, creating a simple dichotomy of whether the respondent knew or did not know that the Supreme Court had ruled in the matter.

sample thought that the Court had ruled the law unconstitutional. In terms of attitude change, it is more useful to know what the respondents believed about the Court’s decision than the truth about that decision. Figure 5.2 reports these results.

The greatest decline in Court legitimacy took place among those who thought the Court had ruled the law *unconstitutional*. However, the greatest increase occurred among those claiming to know the Court had ruled, but who admitted not knowing the direction of the ruling (although the number of such respondents is small). Those oblivious to the Court’s ruling changed their support not at all. Thus, these data are a bit confused, perhaps because the analysis does not control for the respondent’s own preference on the law.

Figure 5.3 reports change by the respondent’s position on the law and awareness of the decision. The first portion of the figure shows that, among opponents of the law—losers in the litigation—change in support was generally negative. However, those who understood that the Court had ruled in favor of their position (unconstitutional) became the *least* supportive (changed most) of all of the opponents of the law. This is a surprising finding in that these respondents thought the Court had decided in favor of their position. Indeed, those who thought the Court had ruled against their position (constitutional) became less supportive of the Court, as

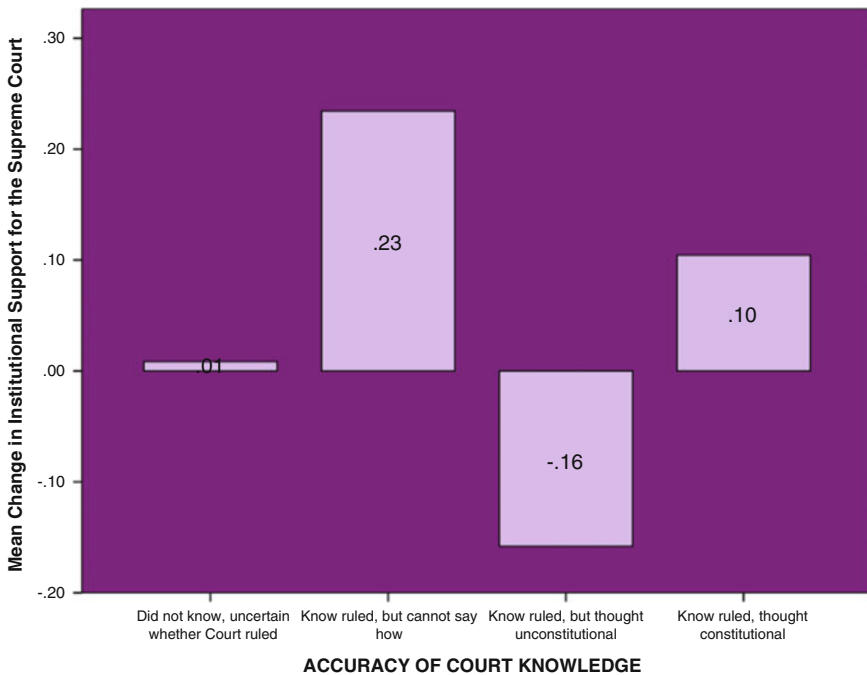


Fig. 5.2 Change in Court support as a function of the accuracy of one’s knowledge of the Supreme Court’s ruling on Obamacare

Note: The numbers of cases across the four categories of court knowledge are 422, 37, 130, and 770. The difference of mean changes in support for the Court across these categories is significant at $p < .001$, with $r = .06$ and $\eta^2 = .12$. *Source:* TAPS

expected, but at a substantially lesser rate than those who thought they got from the Court what they wanted. This is a confusing finding, to say the least. Moreover, there is not much difference in changing attitudes between those who did not know the Court ruled and those who thought the Court ruled against their preferences. The overwhelming conclusion from this portion of the figure is that the Court’s ruling seemed to have little systematic effect on the Court’s institutional support.

Among supporters of the legislation (winners), the results are a little better behaved. For instance, those who did not know the Court had ruled changed their attitudes the least, although they became slightly more positive toward the institution. Those who thought the Court ruled in favor of their position became significantly more supportive of the institution, but not as supportive of those who could not recall how the Court ruled (although the number of such respondents is quite

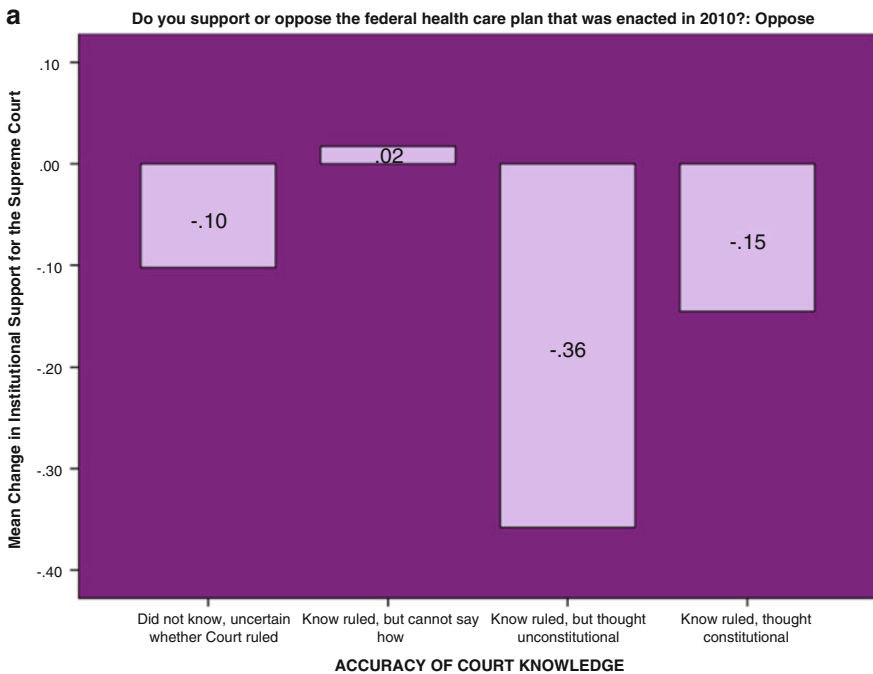


Fig. 5.3 Court support as a function of the accuracy of one’s knowledge of the Supreme Court’s ruling on Obamacare, controlling for the respondent’s policy preference. **(a)** Note: The numbers of cases across the four categories of court knowledge are 231, 21, 27, and 121. The difference of mean changes in support for the Court across these categories is significant at $p < .001$, with $r = .20$ and $\eta^2 = .22$. Source: TAPS. **(b)** Note: The numbers of cases across the four categories of court knowledge are 126, 5, 95, and 339. The difference of mean changes in support for the Court across these categories is significant at $p = .056$, with $r = -.02$ and $\eta^2 = .12$. Source: TAPS. **(c)** Note: The numbers of cases across the four categories of court knowledge are 65, 11, 9, and 308. The difference of mean change in support for the Court across these categories is not significant at $p < .05$, with $r = .12$ and $\eta^2 = .13$. Source: TAPS

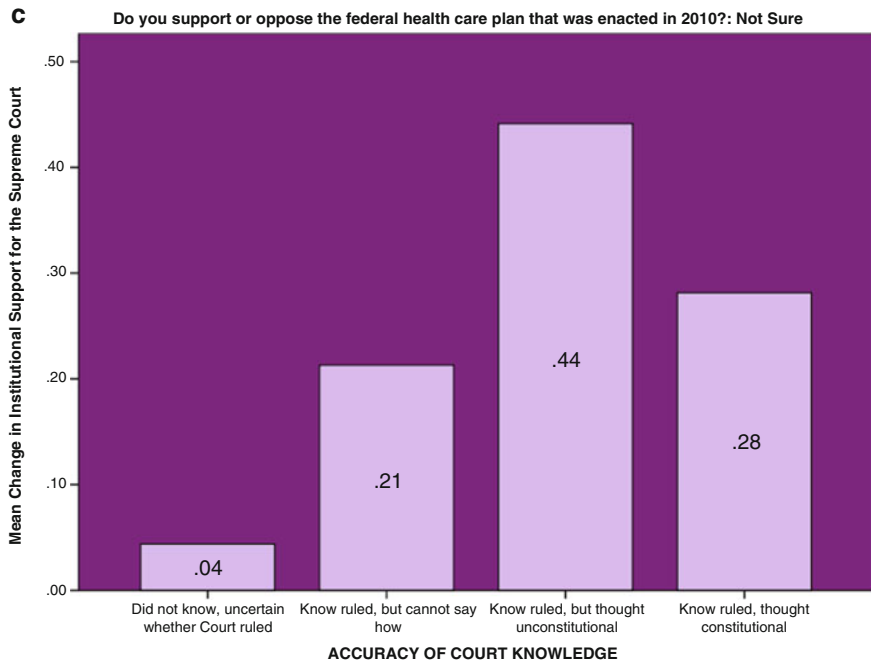
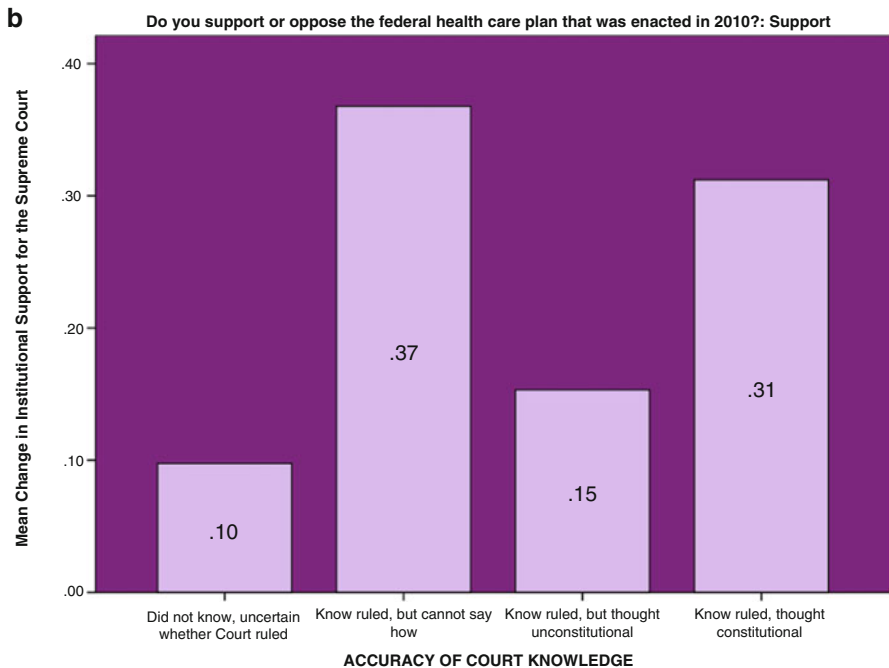


Fig. 5.3 (continued)

small for the latter group). Indeed, the group that increased its support for the Court the most is those who said they knew the Court had ruled, but who could not say how the Court decided the case. Furthermore, change in Court support is more positive for the losers in the litigation than for those who could not say how the Court ruled. Again, these data do not make a great deal of sense.

The final group is those without a position on the health care legislation. It is comforting that those who could not say how the Court ruled changed their views very little. However, it is unclear why simply knowing that the Court had ruled, but not knowing how it ruled, would be associated with a significant increase in Court support, as the data reveal. Moreover, in light of their lack of preference on the matter, it is also surprising to see that those thinking the Court had ruled the law unconstitutional increased their support more than those who thought the Court had declared Obamacare constitutional. Since these respondents could not be pleased or displeased with the Court's decision, it is unclear why these two categories of respondents increased their support for the Court over the course of the two-month period bracketing its ruling.

Putting all of the components of the figure together, the Court experienced the greatest *loss* of support from those who opposed the law and who thought the Court had ruled it *unconstitutional* (winners), and the greatest *gain* in support among those who *did not know* how the Court ruled. These results are difficult to square with the view that the ruling on the Affordable Health Care Act fundamentally changed the respondents' views toward the Court.

One more figure is perhaps useful. Figure 5.4 examines the effect of policy preferences among those with clearly accurate and inaccurate views of the outcome of the case.

Among those accurately understanding the Supreme Court's ruling, some relationship between approving the ruling (the respondent's position on the law) and change in legitimacy exists. Winners increased their support; losers decreased their support. Noteworthy is the finding that those who did not know if they won or lost—because they did not have a position on the law—increased their support at a rate greater than the loss of support among those who lost on the case. Indeed, the difference in change in support for the Court between those supporting Obamacare and those without an opinion is trivial. Furthermore, as I noted above, winners increased their support for the Court more than losers decreased their support (on average). This figure is important because it is confined to those who accurately perceived the Supreme Court's ruling.

Among those misunderstanding the ruling, the results are very difficult to understand (even if the subgroup sizes are quite small). Among opponents of the law who thought they *won* on the case, support for the Court decreased significantly. Among supporters of the legislation who thought they *lost* on the case (a very small number), support for the Court increased significantly. Among those not sure of their position on the law, support increased the most. The only way to make sense of these data is to conclude that the respondents were confused about what constitutes a constitutional or unconstitutional decision by the Court (and perhaps about what their own preferences were on the matter).

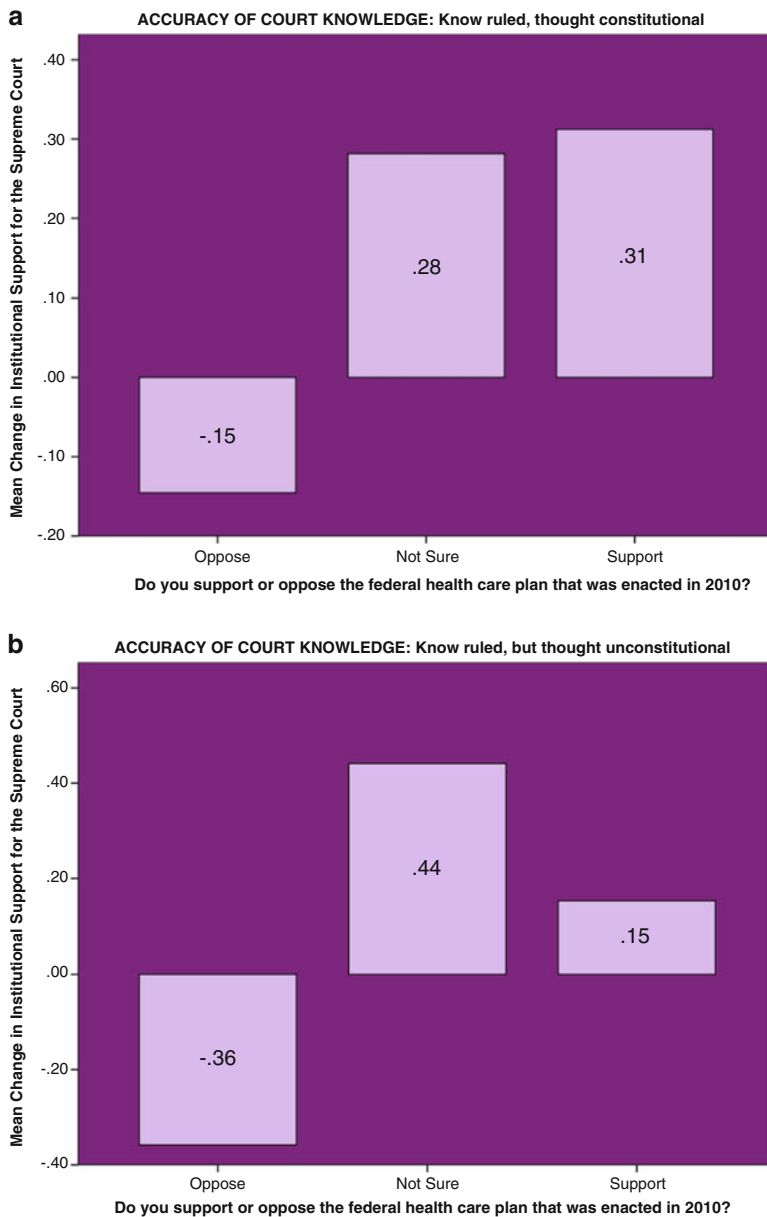


Fig. 5.4 Change in Court support as a function of one’s policy preference on Obamacare, controlling for the respondent’s knowledge of the Supreme Court’s ruling

(a) Note: The numbers of cases across the four categories of court knowledge are 339, 121, and 308. The difference of mean changes in support for the Court across these categories is significant at $p < .001$, with $r = .29$ and $\eta^2 = .31$. Source: TAPS

(b) Note: The numbers of cases across the four categories of court knowledge are 95, 27, and 9. The difference of mean changes in support for the Court across these categories is significant at $p < .001$, with $r = .39$ and $\eta^2 = .47$. Source: TAPS

Multivariate Analysis

This sort of detailed analysis of the patterns in these data is useful because it shows just how little the data conform to the expectation that winners increased their support for the Court and losers decreased their support. However, the analysis can be misleading because it is often based on small numbers of cases.

The first step in a more systematic analysis is to estimate a simple model in which change in support is predicted by one's policy preference, awareness of whether the Supreme Court ruled, and, if aware, knowing whether the Court ruled the law unconstitutional or constitutional. For this analysis, those who did not know how the Court ruled were scored halfway between unconstitutional and constitutional. This scoring system, of course, inflates the relationship between the two knowledge variables, but their correlation is still only .48.

When change in support is regressed on these three variables, 8 % of its variance can be explained. Only a single variable—the respondent's policy preference—achieves statistical significance, although the coefficient for knowing *how* the Court ruled is significant at .082 (the coefficient for knowing *that* the Court had ruled is entirely insignificant). The coefficient for policy preferences is .44, which is the amount of change in support between those opposing the law and those supporting the law (0 versus 1). (Recall that change in support varies from -3.0 to $+3.0$, with a standard deviation of .70.) By comparison, the insignificant coefficient for knowing how the Court ruled is much smaller: $b = .11$. It seems that knowing something about the Supreme Court's ruling is largely irrelevant to changes in support for the institution.

It is useful to incorporate in the model information about whether the respondent thought that the Court had ruled in the respondent's favor. I therefore have modeled the relationships within a multivariate equation comprised of three variables:

1. R's own policy preferences (scored as 0, .5, 1).
2. Whether R knew that the Court has ruled on the matter (0, 1).
3. Whether R perceived the outcome as congruent with her or his preferences ($-1, 0, 1$).

The latter variable is scored as -1 , incongruent; 0, not congruent because of no preference or because of no knowledge of how the Court had ruled; and 1, congruent. Change in support is positively correlated with all three variables: for policy preferences, $r = .27$; for knowledge that the Court had ruled, $r = .04$; and for whether the respondent perceived the outcome to be favorable or unfavorable (winner or loser), $r = .15$. The multivariate results are shown in Table 5.4.

As the table reports, the respondent's own policy preferences are moderately related to the change in support, with supporters of the legislation becoming more supportive of the Court. However, the other coefficients raise some important questions. First, whether the respondent knew that the Court had ruled on the matter is only very weakly and insignificantly ($p = .123$) related to change in support (with the aware people becoming more supportive). Moreover, whether one was a winner or not—whether one perceived the Court's ruling to be in agreement with one's policy preferences—has little or no independent impact on change in support (the coefficient is entirely indistinguishable from zero). Indeed, in a hierarchical regression in

Table 5.4 The predictors of changing support for the U.S. Supreme Court, TAPS 2012 data

| Predictor | OLS regression results | |
|---|------------------------|------|
| | <i>b</i> | s.e. |
| R's own policy preference | .51*** | .06 |
| Whether aware that the Supreme Court had ruled | .06 | .04 |
| Whether perceived outcome was preferred (winner v. loser) | -.05 | .03 |
| Equation | | |
| Intercept | -.21*** | .05 |
| Standard deviation – Dependent variable | .70 | |
| Standard error of estimate | .68 | |
| <i>R</i> ² | .08*** | |
| <i>N</i> | 1,357 | |

Note: *b*=unstandardized regression coefficient; s.e.=standard error of unstandardized regression coefficient; *R*²=coefficient of determination

Significance of regression coefficients: ****p*<.001, ***p*<.01, **p*<.05

Table 5.5 The predictors of changing support for the U.S. Supreme Court, TAPS 2012 data, interactive effects

| Predictor | OLS regression results | |
|---|------------------------|------|
| | <i>b</i> | s.e. |
| R's own policy preference | .22* | .10 |
| Whether aware that the Supreme Court had ruled | -.12 | .07 |
| Whether perceived outcome was preferred (winner v. loser) | -.08* | .04 |
| Preference × Awareness interaction | .52*** | .14 |
| Preference × Perceived outcome interaction | -.12 | .09 |
| Equation | | |
| Intercept | -.08 | .05 |
| Standard deviation – Dependent variable | .70 | |
| Standard error of estimate | .67 | |
| <i>R</i> ² | .09*** | |
| <i>N</i> | 1,362 | |

Note: *b*=unstandardized regression coefficient; s.e.=standard error of unstandardized regression coefficient; *R*²=coefficient of determination

Significance of regression coefficients: ****p*<.001, ***p*<.01, **p*<.05

which policy preferences are entered into the equation first, followed by the two Court-related variables, the latter as a set fails to produce a statistically significant change in the amount of variance explained in the change dependent variable (the change in *R*²= .003; *p*= .130).

However, an interactive effect is present in these data (see Table 5.5). When the two-way interaction terms drawn from the preference variable and the two awareness variables are added to the equation in Table 5.4, the increase in *R*² is significant at *p*= .004. Only one of the interaction terms has a statistically significant coefficient: the interaction between policy preferences and knowledge that the Court had ruled. The

effect of knowing that the Court had ruled on the matter is to add to the effect of policy preferences on attitude change (.22 + .52). No interaction exists between policy preferences and knowing whether one had won or lost in the litigation. One of the more interesting findings of this table is that knowing that the Court had ruled matters for legitimacy, and that knowing *how* the Court ruled—more precisely, knowing whether one won or lost by the Court’s ruling—has few consequences for legitimacy.

The predicted values from the interaction equation, however, are not especially well behaved. The greatest expected gain in support for the Court is among those who supported the legislation, knew that the Court had ruled, and thought they had *lost* ($\hat{Y} = .73$, *s.e.* = .15, *n* = 9). Even those who did not know how the Court ruled are expected to become more supportive of the Court than those who thought the Court had declared the law constitutional ($\hat{Y} = .53$, *s.e.* = .08, *n* = 11 versus $\hat{Y} = .33$, *s.e.* = .04, *n* = 308). Contrariwise, the group expected to withdraw support the most is those who opposed the law, knew the Court had ruled, and who thought the Court declared the law unconstitutional ($\hat{Y} = -.29$, *s.e.* = .07, *n* = 95). Similar respondents who did not know how the Court ruled are expected to change just about as much ($\hat{Y} = -.21$, *s.e.* = .04, *n* = 5). The most sensible finding from this analysis is that change in support was least among those without an opinion on the law who were oblivious to the Court’s ruling ($\hat{Y} = .02$; *s.e.* = .03, *n* = 231).

These findings suggest that change in support for the Court had very little to do with the Court’s ruling on Obamacare. Supporters and opponents of the law certainly differed in how they altered their support for the Court, but that change was not dependent upon knowing that the Court had ruled on the matter or understanding that one’s position had or had not been adopted by the Court. Between the two measurements of support for the Court, the Court did indeed rule on the constitutionality of Obamacare. Perceptions of that ruling, however, had practically no impact on evaluations of the Court as an institution.

The finding that knowing the Court’s ruling had more of an impact than knowing whether the Court ruled favorably or unfavorably (from the viewpoint of the respondent’s policy preference)—and that the impact was one of increasing support for Court—seems compatible with the predictions of Positivity Theory. Boosts to support for the Court come not so much from learning that the Court had issued a favorable ruling, but rather from simply paying attention to the Court—to the extent that one is able to discover that the Court had issued a ruling. The data do not allow exploration of the mechanics of this relationship, but the findings are at a minimum, not incompatible with Positivity Theory.

In general, quite a number of impediments exists that block the effects of a ruling on a single decision on the institutional legitimacy of the U.S. Supreme Court. Respondents must learn of the decision, understand what the Court ruled, fit that understanding with their own preferences, and draw conclusions about the institution. It is noteworthy that, out of 1,357 respondents, 607 (44.7 %) failed to have an opinion on the legislation and knew that the Court had ruled on the case and knew how the Court had ruled. In some sense, *nearly one-half of the sample could not have been influenced by the Supreme Court’s decision on Obamacare*. At least some respondents may also think about how the Court reached its decision, whether its decision-making processes were procedurally fair. Moreover, elites are continuously

attempting to get their constituents to misunderstand Court decisions, or at least to frame understandings. Much can go wrong in learning about the Court, rendering the connection between the Court's actual ruling and changes in institutional support quite tenuous. Communications processes seem to be the Achilles' heel for the specific-support revisionists.

The Role of Symbols in Mitigating the Impact of Policy Disappointment

It remains to consider why the relationship between specific and diffuse supports is sticky—that is, why performance disappointment does not more readily translate into the withdrawal of support from the institution of the Supreme Court. In two papers, Gibson and his colleagues have explored the ways in which the symbols of judicial authority figure into the information-processing streams of ordinary citizens.

The Supreme Court is an institution thoroughly enveloped in symbols. The most obvious example is the dress of the judges (black robes), but in addition the building itself resembles a temple, the judges (justices) are addressed in honorific terms (“your honor”), and everything about courtroom proceedings is awash in the symbols of judicial authority (e.g., Lady Justice, “oyez, oyez”). It should not be surprising, therefore, that these symbols influence how people perceive and evaluate courts. As Nicholson and Hansford (2014) observe: “Since the Court dresses itself in legal symbols, both literally (i.e., the wearing of black robes by the justices) and figuratively (by emphasizing reliance on the Constitution, precedent, and legal norms), its image is decidedly positive relative to the elected branches of government” (p. 2).

Gibson, Lodge, and Woodson (2014) suggest that judicial symbols can play an important role in conditioning the relationship between the two forms of support. Specifically, they argue that the effects of disappointment with a Supreme Court ruling can be blocked when people are exposed to legitimizing judicial symbols at the same time at which they learn of an unwanted ruling by the Court. Gibson, Lodge, and Woodson have shown an effect of judicial symbols on the willingness to accept a Supreme Court decision with which people disagree, and Gibson and Nelson (2014b) have shown a similar effect on change in Court support as a function of being exposed to an unwanted ruling. Since both of these analyses rely upon the same data set, and many of the concepts and their measures are the same, I will discuss both studies together.

The beginning point of these analyses is the assumption that people do not approve of decisions with which they disagree. However, for some people, an unwanted decision generates disappointment; these are individuals who generally expect the Court to make the “right” decisions on cases. For others, there is no disappointment because the Court is merely acting in an unwanted but predictable fashion. These people do disagree with the Court, but their disagreement is not charged with disappointment.

Those who are disappointed with the institution are hypothesized to withdraw some support from it. In fact, these studies find that policy disappointment makes

people less likely to accept a decision to which they object, and makes them more likely to withdraw some support from the institution. None of these effects is large, but each is statistically significant.

The most interesting finding from their analysis has to do with the blocking effect of judicial symbols. Specifically, when the symbols are present, this normal process of converting disappointment into lessened support for the institution is impeded. Indeed, for both dependent variables—acquiescence to the Court ruling and change in support for the institution—the presence of symbols takes a fairly healthy coefficient and reduces it to zero. For example, Gibson, Lodge, and Nelson found that, with exposure to only the abstract symbols, the effect of decisional disappointment on willingness to accept an unwanted Court decision is significantly negative: $-.13$. However, for those respondents shown the judicial symbols, the coefficient is $.01$, which is obviously statistically indistinguishable from zero, but which also is significantly different from $-.13$. In the absence of judicial symbols, disappointment translates into resistance to the Court's decision, with those more disappointed being less likely to accept it. In the presence of judicial symbols, disappointment is overridden, eliminating its consequences for resistance. Similarly, Gibson and Nelson (2014b) found that, in the absence of judicial symbols, the regression coefficient connecting policy disappointment and change in institutional support is $-.30$; in the presence of these symbols, the coefficient declines to the trivial level of $-.05$ (and, of course, the difference between these two coefficients is statistically significant).

From the two papers, we also learn that symbols do not create attitudes—the direct effect of the symbols on attitude change is negligible, for instance—but instead the symbols seem to bring latent Supreme Court attitudes into working memory, thereby affecting the response variables. Without the symbols, the information-processing processes differ.

Exactly how do symbols play this role? These two papers are woefully short when it comes to investigating the mechanisms underlying the empirical findings. However, the findings are compatible with a substantial body of literature in social and political psychology, and, generally, with the Positivity Theory of Gibson and Caldeira.

Positivity Theory begins by noting an asymmetry between pleasing and displeasing decisions. When citizens are confronted with a decision with which they agree, they rarely seek an explanation; instead, they simply credit the institution for acting wisely (Lodge & Taber, 2013).²⁸ However, when confronted with a displeasing decision, they do not punish the institution to the same extent as they reward it for a pleasing one. Gibson and Caldeira dub this unusual asymmetry “Positivity Theory.”²⁹

²⁸ Simon and Scurich (2011) report some interesting findings relevant to the difference between those who are disappointed in a decision of the Court and those who are not (i.e., winners and losers). Their focus is on judicial reasoning, a process variable. They conclude (2011, p. 719): “Participants were indifferent toward the modes of reasoning when they agreed with the outcome of the judges’ decision, but were differentially sensitive to the judicial reasoning when the judge’s decision frustrated their outcome.” This finding seems compatible with my claim that legitimacy is for losers.

²⁹ Confusion always exists about how Positivity Theory and the ubiquitous negativity bias are related. Negativity bias—the tendency to give negative stimuli greater psychological weight than

This positivity bias is reinforced by exposure to powerful symbols of judicial authority. When citizens pay attention to judicial proceedings, they are bombarded with a host of specialized judicial symbols, typically beginning with the court building itself (often resembling a temple—see Resnik, 2012), and proceeding through special dress for judges (robes), and honorific forms of address and deference (“your honor”), directed at a judge typically sitting on an elevated bench, surrounded by a panoply of buttressing symbols (a gavel, the blind-folded Lady Justice, balancing the scales of justice, etc.). These judicial symbols frame³⁰ the context of court decisions and seem to convey the message that courts are different from ordinary political institutions; that a crucial part of that difference is that courts are especially concerned about fairness, particularly procedural fairness; that, because decisions are fairly made, they are legitimate and deserving of respect and deference; and consequently that a presumption of acquiescence attaches to the decisions.³¹ Thus, the Supreme Court’s legitimacy is sustained, reinforced, and empowered by expo-

positive stimuli—is a general phenomenon that many see as the product of evolutionary psychology (but see Norris, Larsen, Crawford, & Cacioppo, 2011). A bias toward negativity seems commonplace, even if negativity, obviously, does not always trump positivity (i.e., mixed stimuli can still be judged positively). Moreover, some basic “positivity theory” exists. “According to Zajonc’s (1968) mere exposure effect, familiarity (or ‘perceptual fluency’) with a stimulus, induced by mere exposure to it, leads to warmer feelings toward it... Kunst-Wilson and Zajonc found that exposure delivered via subliminal presentation also increased liking for a variety of novel objects, concluding that ‘individuals can apparently develop preferences for objects in the absence of conscious recognition and with access to information so scanty that they cannot ascertain whether anything at all was shown’ (1980, 558). Zajonc (2001) suggests such an effect may occur because increases in familiarity, in the absence of negative information, signal something about the benign, safe nature of the stimulus” (Kam and Zechmeister, 2013, 973).

Positivity Theory, on the other hand, is a theory about the context within which ordinary people encounter Supreme Court rulings, and therefore does not necessarily stand in opposition to negativity bias. The empirical underpinning of Positivity Theory is the well-established relationship between attentiveness to the Court and willingness to extend legitimacy to the institution. The theory explains this relationship by suggesting that exposure to the institution is simultaneously accompanied by exposure to the symbols of judicial authority. When people pay attention to the Court, they typically see judges in robes, working in temple-like buildings, surrounded by symbols of deference and respect (e.g., honorific titles, depictions of Lady Justice). When people pay attention to the Court, they often are disappointed in the decisions the justices make, but that disappointment is cushioned by legitimizing symbols attached to the context of the decision. The theory acknowledges that the positivity of symbols does not necessarily trump the negativity of losing on legal policy—with high-stakes’ cases like abortion perhaps being a primary example. But the theory suggests that episodes of attention to the Court are associated with *both* evaluations of the decisions the Court makes and the institutional context of those decisions. Finally, Positivity Theory holds that the Court’s decision in *Bush v. Gore* is a perfect exemplar of the process, especially since the losers in the litigation—Democrats and African Americans in particular—did not withdraw support from the Court as an institution (e.g., Gibson et al., 2003b; Price & Romantan, 2004).

³⁰The literature on framing is voluminous—for a useful review see Chong and Druckman (2007).

³¹See Baird and Gangl (2006). In a similar vein, Ramirez (2008) finds that the support Texas college students extend to the Supreme Court is based on perceptions of procedural fairness, which in turn are influenced by how the mass media depicts decision making on the Court.

sure to the strong and pervasive symbols of the authority of law and courts, according to Positivity Theory.

As I have noted, some empirical evidence has been adduced in support of Positivity Theory. More important, a theory by which symbols communicate with citizens can be cobbled together from existing theory concerning how citizens process information.

An initial attempt to look inside the black box of Positivity Theory can be derived from the work of Lodge and Taber (2000, 2005, 2013), Taber, Cann, and Kucsova (2009), and Taber and Lodge (2006). Building on three decades of cognitive science research, their Theory of Motivated Political Reasoning posits *dual processing on a bicameral structure of memory*. Central to the theory is a distinction between subconscious (“System 1”) and conscious (“System 2”) information processing for judgments, preferences, and decision-making (see Kahneman, 2012). System 1 processes operate outside conscious awareness, are relatively spontaneous, fast, unreflective, and effortless, whereas System 2 processes are conscious, slow, deliberative, and effortful, bounded by the small capacity and serial processing limitations of conscious working memory (Miller, 1956).

It is important to recognize that subconscious processes underlie *all* conscious processing (Bargh, 2007), and, most important, the operations of System 1 affect how System 2 operates. Memory retrieval and storage processes of System 1 occur outside of awareness and are therefore subconscious, but these subconscious processes provide the concepts and ideas that become the conscious thoughts in System 2. Thus, undergirding Positivity Theory are two interdependent processes—conscious and subconscious—which interact continually in the stream of information processing. Any explicit expression of an attitude requires the contributions of both System 1 and System 2.

In System 1, affective and cognitive reactions to a stimulus are triggered unconsciously and spread activation through associative pathways (Collins & Loftus, 1975; Neely, 1977). Environmental events trigger these automatic mental processes within a few hundred milliseconds of registration, beginning with a subconscious appraisal process that matches the stimulus to memory objects. Shortly thereafter, positive and/or negative feelings associated with these memory objects are aroused (Fazio, Sanbonmatusu, Powell, & Kardes, 1986; Zajonc, 1980). Based on the automatic activation of objects and their affective and cognitive associations, processing goals are established by these associations (Bargh, Gollwitzer, Lee-Chai, Barndollar, & Trötschel, 2001; Kay, Wheeler, Bargh, & Ross, 2004), and these goals motivate the depth and “direction” of downstream deliberative processing (Lodge & Taber, 2013). Through previously learned mental associations, the first subconscious steps down the stream of processing establish the rudimentary meaning of the event, positive or negative affect, and motivational goals. The associations, rudimentary meanings, and goals activated by this stimulus then enter conscious processing and the operations of System 2 begin. Thus, only at the tail-end of the decision stream does one become consciously aware of the associated thoughts and feelings unconsciously generated moments earlier in response to an external stimulus.

As part of these early processing events in System 1, activation will spread to conceptually associated objects. Accordingly, exposure to judges' robes or other judicial symbols should spread activation to legal concepts and principles like legitimacy that have become associated with these symbols largely through socialization processes (Sears, 2001) and experience (Benesh & Howell, 2001; Silbey, 2005). If an expressed attitude is called for, it will be constructed from an integration of the positive and/or negative tallies linked to the activated considerations drawn from long-term memory.

Subconscious stimulus events are ubiquitous in everyday life (Bargh, 1997). They may be manipulated by advertisers who wish consumers to associate positive feelings and conducive concepts with their products (Forgas, 1995). For example, Erisen, Lodge, and Taber (2014) found that simple affective primes ("smiley" or "frowny" cartoon faces) presented outside of conscious awareness altered the affective balance of subsequent thoughts on two political issues and ultimately changed attitudes on those issues. Lodge, Taber, and Verhulst (2011) showed similar effects of affectively charged word primes such as "rainbow" and "cancer" on the evaluations of fictitious candidates (see also Westen, Blagov, Harenski, Kilts, & Hamann, 2006). What all these studies have in common is attention to subconscious processes of information processing and their subsequent influences affecting conscious attitudes.

Thus, this Theory of Motivated Political Reasoning fits well with Positivity Theory. Whenever a person sees a judicial symbol, System 1 automatically triggers learned associated thoughts, which for most people in the U.S. will be ones of legitimacy and positivity. This activation leads to more conscious legitimating and positive thoughts in System 2, causing people to be motivated to accept the court's decision. Thus, the unconscious processes of System 1 feed legitimating thoughts to System 2. The symbols fundamentally change the motivations and thoughts that people bring to the decision about whether to accept a judicial decision.

I acknowledge that connected thoughts may be activated and made available for use in subsequent processing of stimuli through processes not involving exposure to symbols. For judicial politics' scholars, for instance, the mere mention of the Supreme Court is most likely sufficient to activate a wide and deep network of thoughts about the Court. Because one can imagine nonsymbol-based processes, the most useful research design is one that allows the researcher to pinpoint the specific, independent effect of exposure to symbols—as in an experimental design such as the one Gibson and his colleagues employ in their research.

Consequently, respondents who are asked to evaluate a Supreme Court decision after being exposed to the symbols of judicial authority are hypothesized to react differently from those not exposed. This is because the symbols have activated a more expansive (or at least different) set of considerations, making such facts, figures, and values more readily accessible in working memory, and therefore more influential on downstream information processing and decision-making (see Lodge & Taber, 2013).

When people are confronted with a Supreme Court decision that they oppose, it is natural to think about what can be done in response. Simple, affect-driven, motivated processing can be pretty succinct: "I don't like the decision and I therefore

want to see what can be done to reverse it.” When asked whether such a decision should be accepted and acquiesced to, many would say “no way!”

When thoughts about judicial legitimacy are readily accessible in working memory (because they have been previously activated), thought processes may become more deliberative. One common additional response³² would be to question how the decision was made—for example, was the decision-making process fair?—and then to consider whether the decision is “legitimate” and whether it can and should be challenged. One might not like a decision, but thoughts about legitimacy are often juxtaposed against any such dissatisfaction, thereby increasing the likelihood of acquiescence and decreasing the likelihood of blaming the institution for its decision and thereby withdrawing support from it.

Some psychologists have reported experimental results indicating that political symbols do indeed have the type of effect we hypothesize here.³³ For example, Butz, Plant, and Doerr (2007) showed that the U.S. flag is associated with egalitarianism, and that exposure to the flag reduces hostile nationalistic attitudes toward Muslims and Arabs by increasing the influence of egalitarianism on these judgments. Addressing a similar process, Ehrlinger et al. (2011) discovered that exposure to the Confederate flag decreases positive attitudes toward Barack Obama. The authors suggest that this may be through the flag’s activation of negative attitudes toward blacks. Similarly, Hutchings, Walton, and Benjamin (2010) report an analysis of public reactions in Georgia to Confederate symbols. Hassin, Ferguson, Shidlovski, and Gross (2007) found that exposure to the Israeli flag has the effect of moving Israeli subjects to the political center on a variety of political issues and on actual voting behavior, possibly by having activated the value of political unity. In transitional justice research, attention to the importance of symbols is also commonplace (e.g., Nobles, 2008). Weisbuch-Remington, Mendes, Seery, and Blascovitch (2005) take this line of research a step further by presenting symbolic stimuli that cannot be consciously perceived (because they are presented too briefly), and by then demonstrating a physiological impact of the symbols. The common component of these studies is that they show that political symbols affect attitudes by *changing the types of considerations people use to come to their final political judgments*.

³²The process I describe here has much in common with “sober second thought” models of deliberation. For instance, Gibson (1998) posits that decisions about whether to tolerate political activities by one’s enemy are influenced by an initial “gut” reaction that is sometime tempered by further deliberation about democracy and freedom, in a two-step process.

³³For an early analysis of the influence of symbols in law and politics see Posner (1998). Posner posits that “Symbols dominate American politics and permeate the law, but they are poorly understood” (p. 765) and then adopts a game theoretic approach in an effort to understand the influence of symbols. However, his research does not consider individual differences in reactions to the symbols of law and politics, and he offers no microlevel theory in his analysis.

Concluding Thoughts

If nothing else, this chapter has demonstrated that research on Legitimacy Theory has acquired a renewed vibrancy. Long-standing assumptions and findings are being challenged, as the theory is put through its paces. This cannot but be a positive development when it comes to understanding the power or powerlessness of courts.

In this review of some of the elements and hypotheses of the theory, I have argued three main points.

1. Diffuse and specific supports are only loosely connected. Like any form of loyalty, their interrelationship is “sticky.”
2. Policy disappointment is not a major threat to the institutional legitimacy of the U.S. Supreme Court. We know this first through the examination of the effects of blockbuster cases such as *Bush v. Gore* and the Obamacare litigation. Part of the difficulty with the theory of the specific-support revisionists is that it relies on a simple and simplistic model of how citizens acquire information about Supreme Court rulings, even highly salient ones.

We also know this through a re-analysis of the Bartels and Johnston experiment. A sizable portion of their sample did not adjust its views of the Court when confronted with an unwelcome decision. Overall, the consequences of policy disappointment for legitimacy are meager.

3. I have outlined a theory of information processing that is centered on the symbols of judicial authority and that can account for the weak relationship between policy disappointment and institutional attitudes. Basically, the symbols activate thoughts about the Court that dampen the translation of disappointment into withdrawal of support. Existing research demonstrates this effect with regard to acquiescence to an unwanted Court ruling and change in institutional support when exposed to an important decision contrary to the person’s preferences. Symbols do not change attitudes; instead, they seem to change the mix of considerations available in working memory when citizens are asked to render judgments about the Supreme Court. Outcomes, it seems, are quite dependent on which mix is available.

In the end, a great deal more work on citizens’ attitudes toward the Court is necessary. Positivity Theory continues to acquire bits of empirical support, but a comprehensive test of the theory has not yet been produced. Most important, many of the microlevel mechanisms associated with the influence of symbols on information processing have been neither specified nor tested empirically. Fortunately, the research community seems sufficiently engaged with these questions that the future will undoubtedly bring much more analysis and important empirical and theoretical advances.

References

- Baird, V. A. (2001). Building institutional legitimacy: The role of procedural justice. *Political Research Quarterly*, *54*, 333–354.
- Baird, V. A., & Gangl, A. (2006). Shattering the myth of legality: The impact of the media's framing of Supreme Court procedures on perceptions of fairness. *Political Psychology*, *27*, 597–614.
- Bargh, J. A. (1997). The automaticity of everyday life. In R. S. Wyer Jr. (Ed.), *The automaticity of everyday life: Advances in social cognition* (Vol. 10, pp. 1–61). Mahwah, NJ: Lawrence Erlbaum Associates.
- Bargh, J. A. (2007). *Social psychology and the unconscious: The automaticity of higher mental processes*. Philadelphia, PA: Psychology Press.
- Bargh, J., Gollwitzer, P., Lee-Chai, A., Barndollar, K., & Trötschel, R. (2001). The automated will: Nonconscious activation and pursuit of behavioral goals. *Journal of Personality and Social Psychology*, *71*, 230–244.
- Bartels, B. L., & Johnston, C. D. (2013). On the ideological foundations of Supreme Court legitimacy in the American public. *American Journal of Political Science*, *57*, 184–199.
- Benesh, S. C., & Howell, S. E. (2001). Confidence in the courts: a Comparison of users and non-users. *Behavioral Sciences and the Law*, *19*, 199–214.
- Berinsky, A. J., Margolis, M. F., & Sances, M. W. (2014). Separating the shirkers from the workers? Making sure respondents pay attention on self-administered surveys. *American Journal of Political Science*, *58*, 739–753.
- Butz, D. E., Plant, A., & Doerr, C. (2007). Liberty and justice for all? Implications of exposure to the U.S. flag for intergroup relations. *Personality and Social Psychology Bulletin*, *33*, 396–408.
- Chong, D., & Druckman, J. N. (2007). Framing theory. *Annual Review of Political Science*, *10*, 103–126.
- Christenson, D., & Glick, D. (in press). Chief Justice Roberts's: The micro-foundations of the Supreme Court's legitimacy. doi:10.1111/ajps.12150
- Collins, A. M., & Loftus, E. F. (1975). A spreading-activation theory of semantic processing. *Psychological Review*, *86*, 407–428.
- Crawford, J. (2012, July 1). Roberts switched views to uphold health care law. *CBS News*. Retrieved from http://www.cbsnews.com/8301-3460_162-57464549/roberts-switched-views-to-uphold-health-care-law/.
- Dahl, R. A. (1971). *Polyarchy: Participation and opposition*. New Haven, CT: Yale University Press.
- Easton, D. (1965). *A systems analysis of political life*. New York, NY: John Wiley.
- Easton, D. (1975). A re-assessment of the concept of political support. *British Journal of Political Science*, *5*, 435–457.
- Ehrlinger, J. E., Plant, A., Eibach, R., Columb, C., Goplen, J., Kunstman, J., et al. (2011). How exposure to the confederate flag affects willingness to vote for Barack Obama. *Political Psychology*, *32*, 131–146.
- Erisen, C., Lodge, L., & Taber, C. S. (2014). Affective contagion in effortful political thinking. *Political Psychology*, *12*, 190–210.
- Fazio, R., Sanbonmatusu, D., Powell, M., & Kardes, F. (1986). On the automatic activation of attitudes. *Journal of Personality and Social Psychology*, *50*, 229–238.
- Forgas, J. (1995). Mood and judgment: The affect infusion model. *Psychological Bulletin*, *117*, 39–66.
- Gibson, J. L. (1998). A sober second thought: An experiment in persuading Russians to tolerate. *American Journal of Political Science*, *42*, 819–850.
- Gibson, J. L. (2012). *Electing judges: The surprising effects of campaigning on judicial legitimacy*. Chicago, IL: University of Chicago Press.

- Gibson, J. L., & Caldeira, G. A. (1992). Blacks and the United States Supreme Court: Models of diffuse support. *Journal of Politics*, *54*, 1120–1145.
- Gibson, J. L., & Caldeira, G. A. (2009). *Citizens, courts, and confirmations: Positivity theory and the judgments of the American people*. Princeton, NJ: Princeton University Press.
- Gibson, J. L., Caldeira, G. A., & Baird, V. (1998). On the legitimacy of national high courts. *American Political Science Review*, *92*, 343–358.
- Gibson, J. L., Caldeira, G. A., & Spence, L. K. (2003a). Measuring attitudes toward the United States Supreme Court. *American Journal of Political Science*, *47*, 354–367.
- Gibson, J. L., Caldeira, G. A., & Spence, L. K. (2003b). The Supreme Court and the US presidential election of 2000: Wounds, self-inflicted or otherwise? *British Journal of Political Science*, *33*, 535–556.
- Gibson, J. L., Gottfried, J. A., Delli Carpini, M. X., & Jamieson, K. H. (2011). The effects of judicial campaign activity on the legitimacy of courts: A survey-based experiment. *Political Research Quarterly*, *64*, 545–558.
- Gibson, J. L., Lodge, M., & Woodson, B. (2014). Losing, but accepting: Legitimacy, positivity theory, and the symbols of judicial authority. *Law and Society Review*, *48*, 837–866.
- Gibson, J. L., & Nelson, M. J. (2014a). The legitimacy of the U.S. Supreme Court: Conventional wisdoms, and recent challenges thereto. *Annual Review of Law and Social Science*, *10*, 201–219.
- Gibson, J. L., & Nelson, M. J. (2014b). Change in institutional support for the U.S. Supreme Court: Is the Court's legitimacy imperiled by the decisions it makes? Unpublished paper, Washington University in St. Louis. Retrieved from <http://dx.doi.org/10.2139/ssrn.2466422>.
- Gibson, J. L., & Nelson, M. J. (2015a). Can the U.S. Supreme Court have too much legitimacy? In B. L. Bartels & C. W. Bonneau (Eds.), *Making law and courts research relevant: The normative implications of empirical research* (pp. 169–179). New York, NY: Routledge.
- Gibson, J. L., & Nelson, M. J. (2015b). Is the U.S. Supreme Court's legitimacy grounded in performance satisfaction and ideology? *American Journal of Political Science*, *59*, 162–174. doi:10.1111/ajps.12107
- Hassin, R., Ferguson, M., Shidlovski, D., & Gross, T. (2007). Subliminal exposure to national flags affects thoughts and behaviors. *Proceedings of the National Academy of Sciences*, *104*, 19757–19761.
- Hutchings, V. L., Walton, H., Jr., & Benjamin, A. (2010). The impact of explicit racial cues on gender differences in support for confederate symbols and partisanship. *The Journal of Politics*, *72*, 1175–1188.
- Kahneman, D. (2012). *Thinking, fast and slow*. New York, NY: Farrar, Straus and Giroux.
- Kam, C. D., & Zechmeister, E. J. (2013). Name recognition and candidate support. *American Journal of Political Science*, *57*, 971–986.
- Kay, A., Wheeler, S. C., Bargh, J., & Ross, L. (2004). Material priming: The influence of mundane physical objects on situational construal and competitive behavioral choice. *Organizational Behavior and Human Decision Processes*, *95*, 83–96.
- Kritzer, H. M. (2001). The impact of *Bush v. Gore* on public perceptions and knowledge of the Supreme Court. *Judicature*, *85*, 32–38.
- Levi, M., Sacks, A., & Tyler, T. (2009). Conceptualizing legitimacy, measuring legitimating beliefs. *American Behavioral Scientist*, *53*, 354–375.
- Liptak, A. (2011, February 5). Doing the judicial math on health care. *New York Times*. Retrieved from <http://www.nytimes.com/2011/02/06/weekinreview/06liptak.html>.
- Lodge, M., & Taber, C. S. (2000). Three steps toward a theory of motivated political reasoning. In A. Lupia, M. McCubbins, & S. Popkin (Eds.), *Elements of reason: Cognition, choice, and the bounds of rationality* (pp. 183–213). New York, NY: Cambridge University Press.
- Lodge, M., & Taber, C. S. (2005). The automaticity of affect for political leaders, groups, and issues: An experimental test of the hot cognition hypothesis. *Political Psychology*, *26*, 455–482.
- Lodge, M., & Taber, C. S. (2013). *The rationalizing voter: Experiments on motivated political reasoning*. New York, NY: Cambridge University Press.

- Lodge, M., Taber, C. S., & Verhulst, B. (2011). Conscious and unconscious processing with implications for experimental political science." In J. Druckman, D. Green, J. Kuklinski, & A. Lupia (Eds.), *Cambridge handbook of experimental political science* (pp. 155–170). New York, NY: Cambridge University Press.
- Miller, G. (1956). The magic number seven, plus or minus two: Some limits on our capacity for processing information. *Psychological Review*, *63*, 81–97.
- Mondak, J. J., & Smithy, S. I. (1997). The dynamics of public support for the Supreme Court. *The Journal of Politics*, *59*, 1114–1142.
- Neely, J. (1977). Semantic priming and retrieval from lexical memory: Roles of inhibitionless spreading activation and limited capacity attention. *Journal of Experimental Psychology: General*, *106*, 226–254.
- Nicholson, S. P., & Hansford, T. G. (2014). Partisans in robes: Party cues and public acceptance of Supreme Court decisions. *American Journal of Political Science*, *58*, 620–636.
- Nicholson, S. P., & Howard, R. M. (2003). Framing support for the Supreme Court in the aftermath of *Bush v. Gore*. *Journal of Politics*, *65*, 676–695.
- Nobles, M. (2008). *The politics of official apologies*. New York, NY: Cambridge University Press.
- Norris, C. J., Larsen, J. T., Crawford, L. E., & Cacioppo, J. T. (2011). Better (or worse) for some than for others: individual differences in the positivity offset and negativity bias. *Journal of Research in Personality*, *45*, 100–111.
- Pew Research Center. (2013). *Supreme Courts [sic] favorable rating still at historic low: few conservatives view the Roberts court as conservative*. Washington, DC: Pew Research Center. Retrieved from <http://www.people-press.org/files/legacy-pdf/3-25-13%20Supreme%20Court%20Release.pdf>.
- Pildes, R. H. (2010). Is the Supreme Court a “majoritarian” institution? *The Supreme Court Review*, *2010*, 103–158.
- Posner, E. A. (1998). Symbols, signals, and social norms in politics and the law. *Journal of Legal Studies*, *27*, 765–798.
- Price, V., & Romantan, A. (2004). Confidence in institutions, before, during, and after “Indecision 2000”. *Journal of Politics*, *66*, 939–956.
- Ramirez, M. (2008). Procedural perceptions and support for the U.S. Supreme Court. *Political Psychology*, *29*, 675–698.
- Resnik, J. (2012). Building the federal judiciary (literally and legally): The monuments of Chief Justice Taft, Warren, and Rehnquist. *Indiana Law Journal*, *87*, 823–950.
- Sears, D. O. (2001). The role of affect in symbolic politics. In J. Kuklinski (Ed.), *Citizens and politics: Perspectives from political psychology* (pp. 14–40). New York, NY: Cambridge University Press.
- Silbey, S. S. (2005). After legal consciousness. *Annual Review of Law and Social Science*, *1*, 323–368.
- Simon, D., & Scurich, N. (2011). Lay judgments of judicial decision making. *Journal of Empirical Legal Studies*, *8*, 709–727.
- Sullivan, J. L., Piereson, J., & Marcus, G. E. (1982). *Political tolerance and American democracy*. Chicago, IL: Chicago University Press.
- Taber, C., Cann, D., & Kucsova, S. (2009). The motivated processing of political arguments. *Political Behavior*, *31*, 137–155.
- Taber, C., & Lodge, M. (2006). Motivated skepticism in the evaluation of political beliefs. *American Journal of Political Science*, *50*, 755–769.
- Tyler, T. R. (1990). *Why people follow the law: Procedural justice, legitimacy, and compliance*. New Haven, CT: Yale University Press.
- Tyler, T. R. (2006). Psychological perspectives on legitimacy and legitimation. *Annual Review of Psychology*, *57*, 375–400.
- Weisbuch-Remington, M., Mendes, W. B., Seery, M. D., & Blascovitch, J. (2005). The nonconscious influence of religious symbols in motivated performance situations. *Personality and Social Psychology Bulletin*, *31*, 1203–1216.

- Westen, D., Blagov, P. S., Harenski, K., Kilts, C., & Hamann, S. (2006). Neural bases of motivated reasoning: An fMRI study of emotional constraints on partisan political judgment in the 2004 US Presidential election. *Journal of Cognitive Neuroscience*, *18*, 1947–1958.
- Yates, J. L., & Whitford, A. B. (2002). The Presidency and the Supreme Court after *Bush v. Gore*: Implications for legitimacy and effectiveness. *Stanford Law and Policy Review*, *13*, 101–118.
- Zajonc, R. (1968). Attitudinal effects of mere exposure. *Journal of Personality and Social Psychology: Monograph Supplement*, *9*(2, Pt. 2), 1–27.
- Zajonc, R. (1980). Feeling and thinking: Preferences need no inferences. *American Psychologist*, *35*, 151–175.
- Zajonc, R. (2001). Mere exposure: A gateway to the subliminal. *Current Directions in Psychological Science*, *10*, 224–228.

Cases

- Bush v. Gore*, 531 U.S. 98 (2000).
- Citizens United v. Federal Election Commission*, 55 U.S. 310 (2010).
- Kelo v. City of New London*, 545 U.S. 469 (2005).
- National Federation of Independent Business v. Sebelius*, 132S. Ct. 2566 (2012).

Chapter 6

Who Trusts the Trial Courts, To What Extent, and Why?

David B. Rottman

Far and away, the US Supreme Court is our most trusted government institution, a status stretching back to the first public opinion survey asking the relevant questions. The Court's interventions into some of the most divisive issues in American life do not reduce the overall level of trust (Gibson & Nelson, 2014). After the Supreme Court disappoints large segments of the public, trust in the Court rebounds because of a reservoir of support based on values people acquire during socialization (what political scientists term "diffuse support") and the Court's close association with potent symbols of justice and impartiality. In addition, the Supreme Court presents the public with an image of decisions reached through a dignified, orderly process; internal disagreements and bickering are kept out of the public eye (Hibbing & Theiss-Morse, 2002, p. 99).

But what about the nation's trial courts? Like the Supreme Court, trial courts require trust from the public to preserve their independence from the other branches of government and to secure compliance and cooperation with their individual decisions. This is problematic for trial courts. For example, the first survey to inquire about trust in trial courts led to the conclusion that "the general public and community leaders are dissatisfied with the performance of courts and rank courts lower than many other major American institutions" (Yankelovich & White Inc, 1978, p. 5). Subsequent surveys reached much the same conclusion. Understanding trust in trial courts requires a different explanatory framework than those that have been successfully applied to the US Supreme Court. Indeed, to one observer, "The greatest error committed in [scholarly] perceptions of judging ... is to extrapolate from the U.S. Supreme Court to judging on other courts" (Tamanaha, 2010, p. 198). We need a fresh start.

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The specific argument of this chapter is that trust in trial courts needs to be explained in relation to three institutional characteristics that, when combined, are unique to trial courts: (1) they are local institutions; (2) people have access to a finely detailed and compelling fictional depiction of how trial courts operate from viewing TV dramas, films, and TV “reality” judges; and (3) members of the public have personal experience in trial courts as decision-recipients and, for jurors, as institutional decision-makers.¹

After considering each of these characteristic in turn, the chapter turns to answering the questions of who trusts trial courts and to what extent. The second half of the chapter is devoted to the task of explaining why people differ in their level of trust in trial courts.

The Case for Trial Court Exceptionalism

Trial Courts Are Locally Organized

Located within the county, city, or district that they serve, trial courts in essence are local, not national or even statewide institutions.² Arguably, the factors that determine levels of trust in trial courts are rooted in the local (usually county or city) level, not in the context of a state judiciary or state judicial branch, both of which are abstractions without a clear empirical existence for most people. People have knowledge about and can have personal experience with a specific trial court and can share their experiences with family, friends, and coworkers. Survey research on trust in state-level government concludes that the courts “were assessed with a more local orientation than the other branches” (Kelleher & Wolak, 2007, p. 719).

What implications for understanding trust stem from trial courts being viewed as a local institution? First, trial courts are embedded in a local government culture.

¹ The articles cited in this chapter use different labels to refer to what I am treating as “trust.” These include “legitimacy,” “loyalty,” support; “trust and confidence,” and “approval.” Treating these attributes as all representing levels of “trust” is an injustice to the careful conceptual work by the authors whose work is cited. Trust is viewed as a common denominator linking these various perceptions of trial courts. Where another label is used by a researcher, it is placed in parentheses after “trust.” “Legitimacy” is generally understood to be the most important resource for an institution, underlying their ability to obtain voluntary compliance and cooperation with its decisions. As Gibson (2010) defines it, “legitimacy is a normative concept basically meaning that an institution is acting appropriate and correctly within its mandate” (p. 837).

² It is unclear where federal trial courts fit into this characterization of trial courts. The only survey-based study of lower federal courts relied upon a relatively small sample size of 210 and the strength of its conclusions was further limited by the use of scale for diffuse trust of at best marginal reliability (Benesh, Scherer, & Steigerwalt, 2009). The analysis tends to support the argument that explaining trust in lower federal courts requires a different set of factors than that used for the US Supreme Court. It is doubtful, however, that members of the public distinguish between federal and state courts at the trial level.

This connection is particularly close in states in which trial courts rely significantly upon local governments for their funding.³ Trial courts can take on a character that, despite certain statewide commonalities, presents a very different image from one county to the next. There are locally based factors that might promote a sense of trust or of a lack of trust.

Second, public policy preferences, to which trial court judges are known to respond, often vary significantly within a state. Locality may be of particular importance in understanding the degree to which the public's policy preferences on topics like sentencing practices are influential on judicial decision-making and how departures from those preferences affect the public's perceptions of the degree to which courts can be trusted. Colorado judges, for example, in the aftermath of the 2006 electoral defeat of an initiative to legalize the use of marijuana, responded to both state and local influences ("different levels of constituent opinion") in their post-2006 sentencing patterns (Nelson, 2014, p. 140). More generally, trust in trial courts may vary according to the demographic profile and ideological slant of specific localities.

Third, and to be explored in more detail later, traditional news media coverage of trial courts is primarily through local television and local newspapers. The main exception is the very selective few trials in any given year that are deemed worthy of extensive and extended news media coverage.

Fourth, being viewed as a local institution has its rewards. Surveys that inquire about feelings toward local, state, and national institutions tend to find the highest levels of trust being present at the local level, with the notable exception of the US Supreme Court (Kelleher & Wolak, 2007, p. 718). Focus group research finds that "local courts attract greater public confidence than the overall state court system" (Wooden & Doble, 2006, p. 11).

There is limited intrastate survey data on which the existence of localism in trust in trial courts can be tested because the size of the samples in state surveys rarely is sufficient to permit, at best, regional differences within the state. California can, however, provide the basis for a modest test of the importance of treating trial courts as local institutions. A statewide survey in 2005 indicates local (county) variation in both the levels of trust and in what matters in establishing a specific perceived level of trust. Among the 22 (of 58) California counties represented in the survey by more than 20 respondents (there were 2,400 respondents in all), average trust level ranged from 1.62 to 2.33 on a scale of 1–4, with lower values indicating the most trust. The intrastate variations in California are roughly equivalent to the variations observed among the states in levels of trust in trial courts. Using a four-point scale from the 2006 Annenberg Foundation's 2006 Judicial Independence Survey, average trust in trial courts varied from 3.1 to 2.4 based on the 21 states with at least 20 survey

³In many states a single county can be served by a multitude of city or rural courts, most of which are primarily or entirely locally funded.

respondents (there were 1,600 respondents overall), with this time higher values indicating the greatest trust (Broschius, 2013, p. 18).⁴

Average procedural justice (the perceived fairness of the decision-making process and the quality of treatment experienced or anticipated) ratings ranged from 1.46 to 2.36 across the same California counties. The relationship between procedural justice perceptions and levels of trust also varied at the individual county level. The correlation between perceived procedural justice and ratings of trust ranged from as low as .21 to as high as .78 (Rottman, 2005). This evidence for intrastate variation in trust by locality from the California survey data is tentative because of the small number of respondents in most of the counties. Nevertheless, these findings suggest that the dynamics underlying trust in trial courts may vary sufficiently at the local level and justify viewing trust in trial courts as a local rather than statewide or national phenomenon.⁵

The Mass Media and the Public Image of Trial Courts

Although trial courts are locally rooted as institutions, the public has an unusual degree of access to a carefully constructed image—generated by the entertainment media—of how trial courts operate. Through the mass media, the courtroom has become “one of our most familiar and best-liked cultural conventions” (Papke, 2007, p. 1231). Generally, exposure to depictions of the courts in popular culture “promotes, encourages, and refines views of social reality” (Papke, 2007, p. 1227). The portrayal of trial courts in various media can be seen as fostering a “script” or stereotype sufficiently pervasive and persuasive to be a major source of information that many survey respondents will draw upon when responding to survey questions asked about the courts (for a description of that stereotype, see Rottman, Hansen, Mott, & Grimes, 2003; Rottman & Tomkins, 1999).

Potentially, this nationally drawn image of what trial courts are like serves as a counterpoint to the locality-specific information that can be gleaned from actual trial court experience. To many, fictional depictions of trial courts in action provide

⁴There is mixed evidence on the extent to which trust in the courts varies significantly among states. In a series of surveys in New England states, Doble and Greene (2000, p. 39) found sharp differences in overall levels of trust indexed by questions on “the state’s judges.” The proportion of the public believing that the state’s judges are doing an excellent or good job varied from 17 to 61 %. On the other hand, more recent surveys replicated in two or more states generally produce nearly identical response patterns to questions about how a state rates in terms of instrumental performance, fairness, accessibility, etc. This consistency in basic patterns over time points to the importance of a national stereotype presumably heavily influenced by national media depictions.

⁵The data are from a 2005 survey sponsored by the California Judicial Council. The general findings are available at Rottman (2005). The total sample included 2,400 California residents, with oversamples of African-American and Asian-American residents. The county-level analysis was carried out on behalf of the author by Joseph Hamm of Michigan State University during the summer of 2014. Results are available from the author.

what they regard as factual representations of how courts operate. A 1999 national survey asked respondents to describe “Where do you frequently get information about the courts” and offered the response choices of “never,” “hardly ever,” “sometimes,” and “regularly.” In the responses, 26 % cited TV “dramas and comedies with a legal theme” and 18 % cited TV reality shows. African-Americans and Latinos were significantly more likely to rely on TV reality programs for information about the courts, relative to whites (National Center for State Courts, 1999, p. 19).⁶

In a more recent survey limited to TV reality judge programs, 32 % of adult respondents reported that they watched such a TV program at least once a week, and 16 % of adult respondents watched three or more times (Annenberg Foundation, 2006, p. 16, Q.35g).⁷ A larger proportion—45 % of the adults—watched “shows that feature court proceedings, like *Law & Order*,” with 21 % reporting watching such programs three or more days per week (Annenberg, Q.35g).

The impact of fictional or “reality” courtrooms likely is magnified because of the sparse coverage trial courts and their judges receive in the news media that might serve as an alternative source of information. Even state high courts receive only limited exposure in print or television news programs. An estimated 1.5 % of state Supreme Court decisions are covered as front-page news in the next day’s major newspaper (Vining & Wilhelm, 2010, p. 715)⁸.

Trial judges and trial courts have a larger presence in local media, but still one that is sporadic in nature. A study of nearly 10,000 state court judges found that the local newspapers in their judicial districts published an average of nine articles per year in which a specific judge is named; however, there is considerable variability in the amount of coverage per judge, with a standard deviation of coverage being 21 articles (Lim, Snyder, & Strömberg, 2012, p. 16).

The source of information about trial courts in the news media appears to matter. Johnson and Bartels (2010) differentiate between “sober media,” such as newspapers and network coverage, and “sensationalist media,” such as radio talk shows or cable news. “High levels of sensational relative to sober media exposures predict decreased diffuse support. In addition, we find that such exposure also significantly moderates the impact of sophistication” (p. 276). Sensationalist news is measured by exposure to cable news and talk radio, and sober media by exposure to newspaper and network news.

⁶However, the same study concluded that “viewers of ‘reality based’ television are somewhat less likely to agree that that would possible for me to represent myself in court if I wanted to” (National Center for State Courts, 1999, p. 25).

⁷The specific question wording is “Please tell me how many days in the past week, if any, you did each of the following. How many days in the past week, did you watch programs like *People’s Court*, *Divorce Court*, *Judge Judy* or *Judge Mathis*?”

⁸News media coverage also is highly selective in the types of cases that reach the public’s attention. Decisions “that include declarations of unconstitutionality, amici, dissent and salient issues ... have a probability approaching or surpassing 0.5” (Vining & Wilhelm, 2010, p. 720).

Exposure to sensationalist media sources provides information that contradicts the image of courts as inherently legalistic and apart from politics. The result is lower trust. On the other hand, exposure to “sober” media accounts of the courts, exemplified by newspaper and network news coverage, reinforces the traditional view of courts as institutions that reach decisions through following rules and without political influence. The models tested by Johnston and Bartels (2010, pp. 275–276) confirm that “high levels of sensational relative to sober media exposure predict decreased diffuse support.” Moreover, high levels of knowledge increase support for trial courts for those individuals relying primarily on “sober” news sources, while they decrease support from those relying primarily on “sensationalist” media.⁹

The coverage of court decisions can be shown to partly shape the likely response of a viewer. Experiment-based research suggests that citizens react more positively to press reports suggesting a legally motivated decision than they do to the suggestion that judicial decision-making is politically motivated (Baird & Gangl, 2006). Here, too, there can be further refinements. Other research finds that the public is more accepting of decisions framed by the media as reached through fair, rather than unfair procedures, but adds that context only applies to situations in which decisions are unfavorable (Ramirez, 2008). News media policies and practices can determine whether specific factual information contributes to a higher or a lower level of perceived trust in trial courts.

Media representations of judges have a unique outlet that contributes in important ways to building the public’s image of the courts. Television reality judges (sometimes called “syndicated” or “syndi-courts” in academic writing (e.g., Kimball, 2005)) are staples of daytime television going back to 1949 (Jamail Center for Legal Research, 2012). “Reality judging” is big business, as indexed by the estimated \$47 million dollars paid annually to Judith Sheindlin (aka “Judge Judy”), a retired New York City judge (Barnes, 2014, p. A1).

The 38 such programs on the air since 1949 provide the public with alternative realities of courtrooms and how judicial decisions are made, primarily dealing with what would be civil matters in actual trial courts. One example is the distortion of the composition of the American bench. In the land of Reality TV, of ten current TV reality judges during the 2007/2008 viewing season, two were white and four were male; the American bench is 20 % female and 6 % African-American (Banks, 2008, p. 38).

Exposure to television reality judges encourages a distorted view of what takes place in a courtroom. One significant distortion is to the role of the judge: “Popular culture appears to cultivate a judge-centered vision of the courtroom proceeding rather than valorizing representation by counsel, a jury of one’s peers, and carefully observed procedural rules” (Papke, 2007, p. 1233). One study divided a pool of prospective jurors into two groups, one consisting of those who were frequent viewers and those who were nonviewers of syndi-court programs. All jurors were asked about their “expectations and interpretation of certain judicial behaviors.” Stark comparisons emerged from a series of yes/no questions: “Judges should frequently ask questions” (83 % of frequent viewers versus 38 % of nonviewers),

⁹Johnston and Bartels (2010) use diffuse and specific support, not “trust” as their dependent variables.

“Judge’s silence indicates belief in one of the litigants” (74 % versus 13 %), and “the Judge should be aggressive with litigants or express displeasure” (64 % versus 26 %), with all contrasts statistically significant. While this being sufficient to encourage further research, the data come from three urban trial courts, with a total sample of 241 jurors (Podlas, 2002).

On a more abstract level, the representation of judicial and court operations from fictional and “reality” judging programs is interpreted as being part of and participating in reinforcing specific popular legal cultures (Kohm, 2006, p. 725). One culture is traditional, and is represented by the venerable “People’s Court.” Another “new popular culture” is based on the model of law offered by the Judge Judges. The different styles are seen as reflections of, and “perhaps an instrument of, wider shifts in politics, citizenship, and the role of the state in the legal affairs of the people” (Kohm, 2006, p. 725). We do not have to endorse such a claim to acknowledge that media representations help build people’s understanding of the purposes and version of truth-finding embodied by the judiciary.

Generally, however, being a frequent viewer of fictional and reality courts does not have a clear positive or negative effect on levels of trust in trial courts. The effects are more subtle. Television reality judges “misrepresent the behavior of real judges and promote illegitimate views of appropriate judicial temperament and activity. This not only distorts the viewing public’s understanding of judges and the legal system they represent, but also reduces the public’s respect necessary for maintaining the credibility of the system” (Podlas, 2002, p. 586).¹⁰ Reality court television promotes unrealistic expectations on the part of pro se litigants regarding the help the judge will provide to them (see also Mather, 2005, p. 251; O’Barr & Conley, 1988). In addition, viewers of reality court television programs are twice more likely than nonviewers to believe that judges should act aggressively, ask questions, and have opinions regarding the verdict (Mather, 2005, p. 251).

There is limited empirical support for the claim that fictional media representations of how courts operate trump what is learned through direct experience in a court.¹¹ Specifically, in one study potential jurors with prior court experience as a nonjuror were asked what information they relied upon to develop an expectation of what they would experience if they were to return to court as first-time jurors.

¹⁰There are television programs that show camera footage of actual encounters between police officers and the public or the adventures of professional bounty hunters, but they represent far smaller share of television programming and have not developed a mini-culture dedicated to the portrayal of typical police actions. Moreover, most police dramas either take place in the station house or depict an elite police force unit.

¹¹The ability of the mass media to create a parallel court system has its limits. Fictional depictions are sometimes directly opposite of what the public overwhelmingly believes about how courts operate. A clear example of a divergence from entertainment media courts and public opinion is found in the speed at which courts decide cases. On television, courts administer swift justice, defendants moving from arrest to a full trial the switch to the next scene, with the impression of swift justice sometimes reinforced by the pace of developments in back stories associated with the main characters’ personal lives or the investigation of other offenses. Also, entertainment-derived images of the courts can change over time. Mather (2005) notes the changing messages inherent in TV and other media content: in TV dramas, defendants a few decades ago generally were not guilty; in today’s TV legal dramas, defendants tend to be guilty.

Frequent viewing of daytime television programming proved to be a more important source of information than their actual direct court experience in forming those expectations (Podlas, 2002).

Social media offers another, and still evolving, source of information about trial court operations, especially in terms of the coverage of major crimes and the resulting court trials. This adds another dimension of how people can come to perceive what happens in trial courts. The only relevant research concerns the influence of social media on citizen knowledge about and confidence in the “criminal justice system.” No direct link was found between the amount of exposure to social media with either knowledge or confidence. However, there is an indication that following high-profile criminal cases primarily through social media “does appear to encourage or allow for citizens to have many more outlets for political and social action” and to report a “heightened tendency to feel more vengeful and even want to take matters into their own hands against perpetrators of crimes” (Rose & Fox, 2014, p. 787). Social media also allows people to build an online community based specifically on the progress of a single criminal case.

In sum, many Americans appear to base their understandings of how trial courts operate to a significant degree on the fictional depictions of trial courts in television (including “reality judges”), films, and novels. There is no parallel media-constructed “imaginary” world built around other institutions. Media depictions of the courts offer a compelling and detailed image of how courts and judges conduct their business. Television dramas, comedies, and reality programs combine with imagery from films and novels to offer what might seem to be an insider’s knowledge about trial courts. The police are the closest institution to trial courts in terms of the intimacy and detail of the representation available to the public through the mass media. Yet although television programs do provide highly edited coverage of patrol officers in a few police departments (and even animal control officers and “bounty hunters”) on the job, this coverage is not equivalent to that of influential TV reality judges. It is likely that many Americans respond to telephone or Internet survey questions about trial courts based to a large degree with answers based on what they have learned through entertainment.

Direct Trial Court Experience

The most powerful alternative to an image of trial courts driven by fiction-based images is the direct court experience reported by more than one-half of all adults. Fifty-six percent of adults report having been a juror during a trial, litigant, defendant, or witness in a case (Princeton Survey Research Associates, 2009).¹² The proportion of American adults reporting one or more direct experiences with a trial court is substantial and rising. National and state surveys record rates of trial

¹²When asked in a national survey about the past 5 years, 37 % of respondents reported direct court contact (Annenberg foundation, 2006). About one-quarter of all adults report prior jury service at some point in their life in a variety of state and national surveys, including National Center for State Courts (1999), Harris Poll (2004), Washington State (1999), Minnesota (1999), New Mexico (1997), and North Carolina (1995).

court experience as 43 % in 1977 (Mahoney, Sarat, & Weller, 1978), 52 % in 1999 (National Center for State Courts, 1999), and 56 % in 2009 (Princeton Survey Research Associates, 2009).

Opportunities for direct court experience abound. In recent years, approximately 105 million new cases are filed annually in state courts (54 % of which are traffic offenses) (LaFountain, Schauffler, Strickland, & Holt, 2012). There are an estimated 149,000 jury trials annually in state courts, two-thirds of which are for criminal matters (Mize, Hannaford-Agor, & Waters, 2007, p. 7).

The most common type of self-reported court experience is that of serving in the decision-making role of a jury member (reported by one in four members of the public in recent national and state surveys). Such exposure to the work of a public institution also distinguishes trial courts from other institutions.

It cannot be assumed that trial court experience is randomly distributed. Some individuals are repeat players in the court system, while others never make it past the initial encounter with the courts. People with court experience typically claim having had more than one point of contact. In a 1999 national survey, 23 % of those reporting direct court experience (52 % of all respondents) reported only one such encounter, and 65 % reported either two or three experiences, with 12 % claiming four or more direct court experiences (National Center for State Courts, 1999, p. 17).

Trial courts today retain some of the imagery associated with the majesty of justice. Judges wear robes, and sit above the fray on a platform (bench) in rooms decorated with symbols—blindfolded justice and others—that communicate that this is a place where rules and procedures will be used to reach decisions. This extends to fictional programming on trial courts, but generally on a subdued scale. But the strength of those symbols to promote a sense of trust may be fading. As Mather (2005, p. 239) observes, “Courthouses constructed more recently have lost much of the dignity and exalted nature of traditional court buildings. Rather than the majestic courthouses in the center of the public square, the post-1950 courts are often indistinguishable from office buildings and located in a newer part of town.”

The immediate context in which that experience takes place is not particularly edifying. Most trial court experiences take place in what amounts to a cattle call conducted in a crowded, poorly amplified room, in which cases can average no more than 60 seconds in front of the judge. Symbols that might reinforce the court’s legitimacy and the role of the court in our system of government are largely reserved for courtrooms in which felony and high-value civil cases are tried. This means that empaneled jurors and witnesses are the court participants exposed to more majestic symbols traditionally associated with fairness, neutrality, and civic importance of the judiciary. Jury trials are held in the largest, most formal, and most symbolically adorned courtrooms. Quiet prevails. There is a clear schedule of when events will start and finish.

Overall, personal experience demystifies the courts (Silbey, Ewick, Schuster, & Kaunelis, 1993). As a result, personal experience: “makes a ‘dramatic difference in the basis upon which people evaluate the court’” (Olson & Huth, 1998, p. 54; see also Tyler, 2001, p. 227). Images and perceptions obtained from direct experience of any kind with trial courts are highly durable (see Wooden & Doble, 2006, p. 17). Events and outcomes associated with court cases heard decades before continue to be influential in how people talk about trial courts. They retain the details of what happened during those experiences (Wooden & Doble, 2006, p. 18).

At the Confluence of Localism, Media-Imagery, and Direct Experience

The combination of localism, non-reality-based images of how courts operate, and the likelihood of direct experience with trial courts brings us to a conundrum of sorts. While in important respects people with actual experience in the courts focus on what they saw and people without experience focus on media representations, that difference is not associated with predictably holding either higher or lower levels of trust. It appears that in explaining trust in trial courts the devil will be in the details (Van De Walle, 2009).

A starting point is the role or roles people have played in the courthouse as defendants, plaintiffs, witnesses, and victims. It can be assumed that the subjective experience of being exposed to trial court decision-making and operations will be highly variable and difficult to predict. The only clear generalities we can offer are that serving as a juror (if that involves deliberating to a verdict) is to some degree associated with higher levels of trust in the courts, while being a party to a case tends to negatively influence trust. This is still too crude a basis for understanding how experience affects trust. The influence of jury service on trust is complex answers to the questions of who trust trial courts, to what extent, and why require that we take into account how these often contrary sources of information come together to influence levels of trust and to influence the relationship of other factors with trust.

Trial court experience nonetheless matters both directly and indirectly, even when the comparison is the crude one of those with, and those without, such experience. For trial courts (and perhaps other institutions, almost certainly the police) direct experience has been shown to have many different effects.¹³ Some of the identified mediating effects of court experience include the following¹⁴:

1. Reduces the influence of media exposure and media-based representation of how courts and judges operate and make decisions. Inferences people draw about courts from fictional and reality TV shows are no longer influential (or have a

¹³This summary draws primarily on analysis of two national and one California study but references other analyses of data from the same and other surveys (see National Center for State Courts, 1999; Rottman, 2005; Rottman et al., 2003; Rottman & Tyler, 2014), checked against the findings of other articles and reports.

¹⁴In making statements about how trial courts are perceived and the nature of the factors directly or indirectly influencing trust the following sources have been used: National studies: Benesh (2006); Brooks and Jeon-Slaughter (2001); Broschius (2013); Cann and Yates (2008); De La Graza and DeSipio (2001); Justice at Stake and National Center for State Courts (2012); Longazel et al. (2011); Mahoney et al. (1978); National Center for State Courts (1999); Peterson et al. (2012); Princeton Survey Research Associates (2009); Rottman et al. (2003); Tyler and Sevier (2014); Tyler and Jackson (2014); Tyler (2001); and Wenzel, Bowler, and Lanoue (2003). State-level surveys: Benesh and Howell (2001); Dougherty, Lindquist, and Bradbury (2006); Rottman (2005); and Silbey & Ewick (1993). In addition, there are dozens of state surveys not analyzed by academics. The number of articles is considerably greater than the number of national surveys. Several national surveys have been used for secondary analysis, especially two surveys commissioned by the National Center for State Courts in 1999 and 2000 and the Annenberg Foundation Trust's 2006 "Judicial Independence Survey." It cannot be assumed that articles analyzing the same data set arrived at the same conclusions.

- small influence) on trust in the courts or other measures of the fairness and legitimacy of trial courts (Rottman & Tyler, 2014; Tyler, 2001).
2. Makes a person's policy preferences and partisanship become less influential, if at all influential, as factors associated with levels of trust in the courts (Tyler, 2001, p. 226).
 3. Suppresses the significance of generalized trust in public institutions as an influence on trust in trial courts, making it lower than for persons without any court contact (Kelleher & Wolak, 2007, p. 707).
 4. Distinguishes perceptions of local versus national courts (Olson & Huth, 1998, p. 52).
 5. Distracts attention from relying on case outcomes, focusing it instead on procedural justice concerns and thus reducing but not eliminating the importance of perceptions people hold of distributive justice (Olson & Huth, 1998, p. 234; Tyler, 2001, p. 234).
 6. Emphasizes different elements of procedural justice than are the most important for those without any experience (Benesh, 2006, p. 699; Rottman & Tyler, 2014).
 7. Reduces the influence of instrumental and performance-related assessments of trial courts (Rottman & Tyler, 2014; Tyler, 2001, p. 226).
 8. Directs attention to the civil side of trial court caseloads, redressing the near-exclusive focus in the media on criminal work (Olson & Huth, 1998).¹⁵

Data and Dependent Variables

State courts were perhaps the first public institutions to embrace the use of opinion surveys as a routine tool to guide improvements to their policies and operations. The unrealized expectation was that the resulting improvements would, in turn, lead to higher levels of public trust as trial court operations were consolidated, rationalized, and professionalized.¹⁶

One consequence is that while the research agenda for studying trust in the US Supreme Court was set by the academic world, the available survey data on trust in trial courts was a response to insider demand. States or individual trial courts commissioned surveys and to some degree determined the content of those surveys. Much of the actual research, however, included an academic or independent research organization.

¹⁵I am grateful to Joseph Hamm of Michigan State University for bringing to my attention this interesting hypothesis: Procedural justice perceptions are most prominent as a predictor of trust for a person's first court experience, with diminishing importance as subsequent experiences accumulate. This seems highly plausible but the necessary data is not available to test this proposition.

¹⁶The "bible" of the court reform movement is an article entitled, "The causes of popular dissatisfaction with the administration of justice" (Pound, 1906).

Starting in 1978, in the wake of the “Public Image of the Courts” survey (Yankelovich & White Inc), the majority of states commissioned one or more surveys, sometimes as part of a “strategic planning effort” and sometimes as components of an ongoing program of measuring public opinion (Utah is the prime example). These surveys often replicated a national survey or a survey developed for use in another state. A number of these surveys have been mined to test hypotheses derived from political science or psychological theory (see, e.g., Silbey et al., 1993, reporting on a survey undertaken at the behest of the New Jersey Supreme Court Task Force on Minority Concerns).

Organizations established to provide support for the courts of all 50 states have conducted national surveys about trust in the courts, starting in 1977 and most recently in 2014 (GBA Strategies, 2014), and have organized national conferences on trust and confidence based on the surveys’ findings. As a result there are a number of national surveys dedicated to state court issues, many of them conducted by or on the behalf of the National Center for State Courts (1997, 1999; Rottman et al., 2003; Princeton Survey Research Associates, 2009; GBA Strategies, 2012; GBA Strategies, 2014). The pre-2010 surveys were based in large measure on prevailing social science models for studying public opinion. The subsequent surveys have been “messaging” surveys designed by consulting firms to identify the most compelling arguments of courts when seeking public support for their independence or increased public funding, but subjected to sophisticated secondary analysis.

There are several limitations to the survey data on perceptions of trial courts that are regarded by some researchers as important. First, most surveys ask about “the courts of your state” or “state court system,” without referencing “trial courts.” The concept of “the state court” may be too abstract to draw attention to the institution of specific interest around which people formulate opinions. Other surveys asked for perceptions about “the courts in your community” (Rottman et al., 2003; Tyler & Jackson, 2014) as a way of focusing respondents’ attentions on the trial court with which they have experience or have learned about through local media. Second, the principle dependent variable available to study trust in state trial courts is the straightforward one of “trust and confidence,” rather than the more refined and carefully validated measures used for the study of the US Supreme Court (Gibson, Caldiera, & Spence, 2003) and the police (e.g., Tyler & Sevier, 2014).

Two surveys undertaken by the National Center for State Courts, both of which refer to “the courts in your community,” provide the data for many of the academic articles on trust in trial courts (National Center for State Courts, 1999; Rottman et al., 2003). A survey carried out in 2006 by the Annenberg Foundation has been used as the basis of academic articles (Benesh, 2006; Broschious, 2013). In 2012, Tom Tyler and associates (2014) conducted a panel survey about “the police in your community” and the “courts in your community.” A more sophisticated dependent variable was developed for that survey in which “trust and confidence” is one of the three elements of legitimacy (the others are “obligation to obey” and “normative alignment of whether the courts follow the law and whether they share the public’s values”).

When survey respondents are asked about their trust in trial courts, the response would be more meaningful if we knew what image came to mind. When asked to indicate their degree of trust, confidence, loyalty, support, or legitimacy, the image

summoned forth to the survey respondents is some mixture of what they know second hand about their local courts, what is depicted through the national and local media, their own experiences with the courts, or what they have heard second hand from family and friends. This is particularly complex to unravel in an institution like trial courts relative to the US Supreme Court, where people rely upon values and associated symbols in the absence of concrete experiences (Peterson, Hare, & Wrighton, 2012, p. 83).

The Three Questions

It is time to turn to the three questions posed in the chapter's title: Who trusts the trial courts? To what extent? And why? The questions of "who" and "to what extent" are best answered simultaneously.

Who Trusts the Courts and To What Extent?

Most Americans trust their trial courts to some degree. The overall level is modest except when placed in the context of the other branches of government, especially the legislature. In making comparisons, it may be useful to recall that as local institutions, trial courts may enjoy an advantage over state or nationally organized institutions. Trust in the trial courts shows some signs of declining, but roughly in tandem with other American public institutions. The best gauge of the amount of trust in trial courts is to compare their trust levels to other public institutions on various measures of public trust.

The Hearst Survey offers one comparison between trust in trial courts and other public institutions (National Center for State Courts, 1999). Survey respondents were asked to indicate their level of trust in an assortment of public institutions. The survey respondents gave "a great deal of trust" in descending order to local police (43 %), US Supreme Court (32 %), Office of the Governor (30 %), public schools (26 %), courts in your community (23 %), and state legislature (18 %) (National Center for State Courts, 1999, p. 12).

Generally, surveys report Hispanics as having the highest level of trust in local courts, with whites not far below that level (Rottman et al., 2003). The one survey that permits analysis of Asian-American views of the courts (a California survey in 2005) found that their perceptions were more favorable even than Hispanics. The California survey was followed by a set of focus groups of persons with court experience. In that setting, Latinos expressed considerably lower levels of trust than had been indicated by survey data, as did Asian-Americans (Wooden & Doble, 2006). It is possible that the high average levels of trust were in some way an artifact of the survey design or the method of soliciting perceptions via telephone interviews itself.

African-Americans consistently report low levels of trust in trial courts and their court experience is more likely to result in lower levels of trust compared to Hispanics or whites. In models seeking to explain trust in trial courts, the direct effects of race and ethnicity are muted if measures of procedural justice (the perceived fairness of the process and the quality of interpersonal treatment) are included. Experience with the courts is likely to reduce levels of trust in the courts, but does so to a greater degree for African-Americans. A series of comparisons of average trust levels between those with and without direct court experience (Rottman et al., 2003) found that the difference varied from 3.15 versus 3.0 for whites, 2.97 versus 2.54 for African-Americans, and 3.11 versus 2.99 for Hispanics, with lower scores indicating the highest level of trust. There are intragroup differences to consider as well. There is evidence, for example, that a lack of trust in the courts is most pronounced among higher income African-Americans, who are more skeptical of the notion that blacks receive equal treatment in the courts and less aware of the concern over high crime levels present in low-income African-American communities (Brooks & Jeon-Slaughter, 2001, p. 251; see also Brooks, 1999/2000).

Levels of court experience and notably jury service differ significantly among racial and ethnic groups. A 1999 national survey found that 52 % of respondents reported direct court experience, with the percentages ranging from 56 % for whites, 54 % for African-Americans, to 30 % for Hispanics (National Center for State Courts, 1999). Thus some are more likely than others to have personal court experience to draw on when thinking about trust in trial courts.

Another way of assessing the level of trust in public institutions is in terms of the willingness of the public to support the institution in its relationships to other institutions and to provide adequate support for the institution to carry out its mission. By that measure, trial courts lack a sufficient amount of what political scientists call “diffuse support,” a basic loyalty to the institution undiminished by specific undesired court decisions. Recent survey research suggests that it is very difficult, if not impossible, for the courts to attract meaningful public support on issues like the adequacy of court budgets (Justice at Stake & National Center for State Courts, 2012).¹⁷

This brings into question the degree to which trial courts benefit from diffuse support. The evidence is mixed, but tends to indicate that trial courts have some difficulties in promoting trust and legitimacy in the public at large. This suggests that trial courts lack the “diffuse trust” on which the US Supreme Court can use to generate public support.

¹⁷The 2012 survey asked for views about government spending on various priorities in their state. Response options were “too much,” “almost right,” and not “enough.” The “too much” response was given by 10 % of respondents to public schools, 9 % to “roads and bridges, 22 % for the state court system, 14 % for health care,” and 11 % for both “public transportation” and “police.” When the option is “not enough,” 17 % of respondents gave that response for the state court system. The next lowest percentage was for the police, where 41 % of respondents believed “not enough” was being spent (Justice at Stake & National Center for State Courts, 2012).

Why Do People Trust (or Not Trust) Trial Courts?

There are two competing answers to the question of who and to what extent people trust trial courts, one from political scientists and the other social psychologists. They begin with different assumptions, theories, and to some extent even definitions of what constitutes trust. It should not be assumed, however, that these different paths lead to an entirely different answer.

Answers from Political Science: Political scientists seek to explain trust in trial courts using much the same lens as they applied with considerable success toward explaining trust in the US Supreme Court. That perspective brings with it a number of assumptions that in some cases enlighten, and in other cases misdirect, the focus away from what is important in the context of trial courts.

First, courts are regarded as political institutions, even if those who work in those courts and a large proportion of the American public believe otherwise. The American public's views of the US Supreme Court, and by inference all courts, deny this reality because they are embedded in a "myth of legality:" "the belief that judicial decisions are based on an autonomous legal principles and cases are decided by an application of legal rules through a politically and philosophically neutral process of legal reasoning" (Scheb & Lyons, 2000, p. 929).¹⁸ Attributing this "myth of legality" to the very different kind of judging taking place in trial courts is problematic, as indicated by the limited success in explaining trust in trial courts through the models developed through research on the US Supreme Court.

Second, political scientists differentiate between "specific trust" and "diffuse trust" (support). Specific support varies over time based on whether a person believes specific court decisions or a pattern of decisions conform to their policy preferences. Diffuse support is the "reservoir of goodwill" the courts enjoy based on socialization and reinforcement by symbols. The latter form of support stems in large measure from the process of socialization through which young people learn about and form opinions about their form of government and the ability of symbols of the law, justice, and the judicial process to shape what people think about when their attention is directed to the Supreme Court.¹⁹

Third, the most sophisticated perspective on trust in the US Supreme Court refines the understanding of how diffuse support is activated when the Court issues opinions that disappoint a large proportion of the public (Gibson, Lodge, & Woodson, 2014; Gibson & Nelson, 2014). This recent work presents a new understanding of exposure to symbols, such as "the highly legitimizing symbols of judicial power: the black robe, the privileged form of address ('your honor', the deference, even the temple-like building housing most courts" (Gibson, 2010, p. 845). The relationship between exposure to such symbols and trust (legitimacy) is not straightforward.

¹⁸For a skeptical view of the usefulness of the "myth of reality" construct, see Tamanaha (2010, pp. 111–155).

¹⁹It has been suggested that a fundamental difference between studying trust in the US Supreme Court and in trial courts is that for the latter the distinction between diffuse and specific support is reduced (Olson & Huth, 1998, p. 245).

“Symbols do not change attitudes; instead, they seem only to activate attitudes that already exist. Symbols can delegitimize” (Gibson et al., 2014, p. 31).

This elegant theoretical perspective seems of limited explanatory value to trial courts. Trial courts feature far less prominently in the educational and socialization process, detailed media entertainment depictions of how courts operate, and there exists ready potential for direct personal experience. People can get up close and personnel to see how trial courts actually function, or rely upon the way symbols of justice are portrayed in fictional or reality television. Trial courts lack the benefit of distance and mystery of the US Supreme Court, while few local courthouses, especially in urban areas, are distinguishable from surrounding office buildings.

Fourth, in looking at trust in trial courts, political scientists take into consideration the potential influence of the different way states have organized their court systems, including the manner in which judges are selected and retained in office. One potential difference across states is in the degree to which their trial courts have been consolidated and otherwise rationalized to be more accessible and efficient for the public. Such differences, however, have not been convincingly linked to levels of trust in trial (Benesh, 2006).

Differences in the manner through which judges are selected have proved more interesting. The primary distinction is between states in which trial court judges are appointed or subject only to retention elections and the states in which trial court judges become and remain judges through partisan or nonpartisan elections (candidates do not run as the nominees of a party but may be clearly associated with and supported by one political party). Judicial elections have been found to have both positive and negative effects on the public’s trust in the courts (see especially Gibson, 2010, 2012). The use of elections tends to heighten public awareness of the courts in a state and promote perceptions of the courts as accountable. On the other hand, the advertising and campaign spending on judicial elections tends to dampen support for the judiciary. On balance, however, the influence of judicial selection methods on trust is slight compared to effects associated with procedural justice.

Fifth, political scientists (like social psychologists) are concerned about the relationship between being knowledgeable about how government functions and levels of trust. Sophistication about state government is correlated with higher confidence for the courts, but not for the legislature or governor (Princeton Survey Research Associates, 2009, p. 5). Of those scoring “high” on knowledge based on a short test, 83 % were found to have “a lot” or “some” confidence in the courts, compared to 65 and 62 %, respectively, for the legislature and governor (Princeton Survey Research Associates, 2009, p. 5).

Finally, to accommodate the influence of the direct experience people have in trial courts, political scientists include in their explanatory models a combination of the stakes at risk to the person and their control over what happens in court (Benesh, 2006). The combination of high stakes and low control characterizes the situation of defendants and civil litigants: low stakes and high control, the situation of jurors.²⁰ Secondary analyses of the 1999 National Center for State Courts (“Hearst”) survey

²⁰A social psychologist might interpret such a finding as evidence of “psychological comfort.”

confirmed those expectations, finding that those whose court experience involved low stakes and high control had a positive relationship to trust, while being in a high stakes and low control role has a negative relationship to trust (Benesh, 2006, p. 702; Longazel, Parker, & Sun, 2011, p. 218).

In sum, theories and empirical evidence developed through the study of the US Supreme Court seem unlikely guides to understanding the bases of trust in the rest of the nation's courts.

Answers from Social Psychology: Social psychologists, for the most part, study trial courts within the framework of general theories developed to explain the conditions under which a decision-recipient complies or cooperates with a decision-maker. Procedural justice offers an explanation for who trusts the trial courts, to what extent, and can explain why that trust exists. The trial courts and the police are obvious contexts within which such a relationship can be studied. Both courts and the police as institutions require trust from the public at large as well as trust by a specific decision-recipient.

Procedural justice is a field of social psychology concerned with understanding how people respond to decision-making authorities. Procedural justice is present when people perceive they are experiencing:

- Respect: Being treated with dignity and having one's rights respected.
- Neutrality: Believing that decision-makers are honest and impartial, and that their decisions are based on facts.
- Participation: Having an opportunity to express one's viewpoint to the decision-maker.
- Trustworthiness: Perceiving decision-makers as benevolent, caring, motivated to treat individuals fairly, and sincerely concerned about the individual (Tyler, 2004).

Procedural justice concerns outweigh other key considerations such as perceived distributive justice, favorability of an outcome, or instrumental concerns such as the amount of time required to reach a decision. Moreover, the meaning of fair procedures to be used by the police and courts is "constant across age, gender, income, and ethnicity" (Tyler, 2004, p. 436).

While solid empirical evidence supports the importance of procedural justice perceptions for understanding trust, loyalty, and support in the courts, the strongest evidence comes from research on the police. Empirical studies supporting procedural justice explanations have received a major boost from an outpouring of supportive international research on policing. The accumulation of research evidence confirming the primacy of procedural justice in how people view the police—whether expressed as trust, cooperation, compliance, legitimacy, or approval—is impressive (Mazerolle, Bennett, Davis, Sargeant, & Manning, 2013; Meares and Tyler, 2014, footnotes 19–21). That primacy also holds across a variety of trial court contexts (see the list provided in Meares & Tyler, 2014, p. 6, footnote 15). The accumulated research evidence confirming the primacy of procedural justice in how people view the courts—whether expressed as trust, cooperation, compliance, legitimacy, or approval—is impressive.

When people evaluate whether or not they believe that the courts are able to determine the truth, it is the integrity of judges that is central, not the nature of the legal proceedings they enact. People see truth as arising from the intentions and motives of judicial actors (Tyler & Sevier, 2014, p. 1128).

Finally, among those with direct experience of the courts in their community, “perceived procedural justice was shaped both by whether judges make decisions justly and whether they treated the person fairly during their recent personal experience” (Tyler & Sevier, 2014, p. 1127).

There is considerable common ground in how political scientists and social psychologists explain trust in courts. Both assign an important role to procedural justice. In writing about the US Supreme Court it was concluded that “in sum, perceptions of procedural fairness seem to cushion the consequences of disappointment in an unwanted court decision” (Gibson & Nelson, 2014, p. 8). In this way, procedural justice perceptions contribute to explaining why the reservoir of legitimacy remains undiminished over time.

The often negative influence of court experience on trust is to some observers associated with the high expectations that the public holds of the judiciary, which, when tested during direct experience, diminishes the perceived fairness and responsiveness of courts (Peterson et al., 2012). More generally, experience is tested against the normative expectations of the public. The better an institution meets these normative expectations, the higher a person’s trust will be (Broschius, 2013, p. 19).

Experience leads people to put more emphasis on criteria related to whether judges follow rules, listen carefully, and are viewed as being in touch with their communities. Quality of decision-making is a significant influence on trust in the courts. The quality of treatment was rated equally important to quality of decision-making, although experience led to a focus on “listens carefully.” The quality of treatment (judges are honest, follow rules) is equally important to those without and with experience. Distributive justice (based on outcomes) is important for both groups, but its influence is less than that from procedural justice (Rottman & Tyler, 2014).

Digging Deeper into the Meaning of Experience

Explaining why people trust in the courts requires attention to subtle differences that appear to influence people’s perceptions of the courts. Perceptions of trial courts formed through personal experience clearly matter, but not in a predictable direction. Specific details about media exposure also are associated with the consequences of media exposure. The devil is in the details.

To move forward in understanding those details, three specific types of court experiences are examined to better understand the details that matter and how they might exert their influence. In this section, trust in trial courts is assessed from the points of view held by former jurors, the residents in an area served by a community court, and offenders participating in adult drug courts. Finally, the situations of the trial courts and the police will be compared to look for commonalities.

Being a Juror

We know the most about the consequences of court experience through the perceptions of persons who have served as a juror or alternate juror in a trial. The conventional wisdom, which has significant support from research, is that jury experience leads to more trust (or “confidence”) in the state courts, as well as in the jury system (see Bornstein, Miller, Nemeth, Page, & Musil, 2005; Cutler & Hughes, 2001; Gastil, Deess, Veiser, & Simmons, 2010).²¹ However, the direction and strength of the relationship between being a juror and trust in the courts are complex. Jury service, on balance, is associated with greater trust in the jury system, trial courts, and even the US Supreme Court (Gastil et al., 2010; Hans, Gatsil, & Feller, 2014). But the strength of that direct link is modest. It is the specific experience of deliberating with fellow members of the public that makes jury service important for future civic participation and trust in the courts. The quality of that subjective experience varies in ways that matter. This provides a basis for looking deeper into what happens during a personal experience with the courts that shapes higher or lower levels of trust. In doing this, it is possible to draw upon a rich empirical literature carried out to establish which aspects of being a juror are related to whether being a juror increases or decreases trust in, support for, and legitimacy of, trial courts and the government system.

Jury service is a promising starting point for understanding trust in trial courts because of its demonstrated ability to influence behavior, not only the perceptions, of the jury system and trial courts. Specifically, jury service is associated with an increased level of civic participation, including, at least for previously infrequent voters, the likelihood of voting at the next election.²² Whether jury service had such an influence depends on very specific features about the local jury system and aspects of the type of case.

Based on the initial analysis of their data, Gastil et al. (2010) concluded that jury service per se had a positive effect on trust in state and local judges but that the impact on future voting and civic engagement is limited to service on a criminal trial, and especially trials involving serious and multiple charges at issue.²³ In their view, what distinguishes jury service from other forms of experience with trial courts is taking part in the process of deliberating with their fellow citizens and its perceived quality (2010, p. 4). For the most part, these effects are observed for all racial and ethnic groups, including the rank ordering of the importance of procedural justice elements (Gastil et al., 2010, pp. 158–159).

²¹ See also Benesh and Howell (2001) and Benesh (2006) for studies placing that finding within the broader context of court experience.

²² Gastil et al. (2010) collected voter histories from 13,000 empaneled juries from eight counties around the country to study the long-term effects of jury service on subsequent civic participation, augmented by surveys distributed to former jurors in one of the counties.

²³ Jury service was also associated with greater “confidence” in the US Supreme Court, although some specific aspects of the jury experience included in the model were associated with lower confidence levels (Gastil et al., 2010, p. 174).

Further analysis of civil trials found additional details that can explain why some civil jurors have increased rates of civic engagement (Hans et al., 2014). Through secondary analysis of the original data augmented by detailed information on the context of the trial (e.g., jury size, decision rule, decision standard), some of the inherent differences between civil as opposed to criminal trials were identified (e.g., whether the juror was deciding a case based on a preponderance of the evidence and whether a majority verdicts was allowed). However, specific factors were identified that distinguished the direction of civil jury experience's influence on trust.

Having established a relationship between juror service and future voting behavior (at least for previously infrequent voters), Gastil and his colleagues carried out a survey of jurors from King County (Seattle), Washington, to better understand the dynamics that could explain variation in whether, and in what direction, jury service led to a change in behavior. Aspects of jury service that mattered included whether one or more of the jurors in a trial heard the judge express "thank you and appreciation" (68 % did). The effect of experiencing voir dire and then not being seated on the jury can vary, for example, depending on the anticipated complexity of the case and the associated opportunity for deliberations. The impact of jury service on trust in the courts depends on the subjective experience of jurors (Gastil et al., 2010, p. 70), not on an objective rating of the "stakes" or "control" associated with the juror role per se.

Being a Resident in an Area Served by a Community Court

Since 1993, about 40 urban areas have established community courts, both to improve the delivery of justice and to gain authority by establishing close ties to local residents (Rottman & Bowman, 2014). Located in Brooklyn, New York, the Red Hook Community Justice Center (RHCJC) opened in 2000 to address the problems of one of the most disadvantaged urban areas in the nation. A major 3-year evaluation of the RHCJC concluded:

[B]ased on the available evidence, it appears that the Justice Center's impact on crime and recidivism results primarily from the Justice Center's ability to project its legitimacy to offenders and the local residential community, rather than from strategies of deterrence or intervention. (Lee, Cheesman, Rottman, & Curtis, 2013, p. 164)

Extensive outreach and sensitivity to the addressed concerns of the local residents, including providing internships for local youth, primary concerns about jobs and the absence of positive development opportunities for youth. The evaluators concluded:

The Justice Center has succeeded in integrating itself into the fabric of the Red Hook community to such a degree that residents perceive it as a homegrown community resource rather than an outpost of city government. The area had a Red Hook residents perceive the RHCJC not as an outpost of city government, but as a homegrown community institution (p. 17).

The Justice Center's planners sought to make a difference through three distinct but connected mechanisms: deterrence, intervention, and enhanced legitimacy of the justice system. Legitimacy was sought by a series of steps intended to strengthen the affective ties of residents to their community and commitment to obey the law (Lee et al., 2013).

The success of RHCJC suggests that a "moral alignment" between the community and a trial court is possible. As in research on policing, the residents' perception of shared moral values with the trial court complements the effect of the court's decision-making in what is perceived as a procedurally fair manner. Nearly 80 % of housing in Red Hook is provided by the New York Housing Authority. The RHCJC judge gave a powerful signal of concern and fairness by going personally to inspect conditions in a housing unit subject to a dispute between a tenant and the Housing Authority. Eventually, the judge sent photographers to document conditions in the apartment. The judge remained highly visible to the residents by regularly attending meetings of community organizations and routinely walking through the neighborhood. The evaluation research concluded that the public's perception that they live in an area served by a moral judge and court staff promotes voluntary compliance and cooperation with the law. This was the case despite clear evidence that the local residents for the most part distrusted the New York Police Department (Lee et al., 2013, Appendix E).

The Red Hook experience is consistent with the conclusion drawn by Tyler and Sevier (2014, p. 1130) that "judges have a great deal to gain from focusing upon building relational bonds with the people who come before them in court, as well as with the public more generally." Building such bonds has many benefits, but the particularly relevant issue here is their ability to build legitimacy, and through it enhance the authority of the courts. In other words, trial courts can enjoy diffuse support even when the local police clearly do not. From the resident's point of view, the opening of the RHCJC was associated with a reduction in arrests at a level that held steady despite an upward trend over time in the adjacent police precincts (Lee et al., 2013, p. 146). The Red Hook experience is also consistent with expectations based on survey research finding that "legitimacy can motivate engagement and thereby help communities to build themselves socially and economically" (Tyler & Sevier, 2014, p. 130).

Being an Offender in a Problem-Solving Court

Problem-solving courts are court dockets held regularly to exclusively adjudicate defendants selected for special processing based on specific characteristics or problems. Most of these courts address substance-abuse issues. There are approximately 3,700 operational problem-solving courts, two-thirds of which are drug courts (Rottman & Bowman, 2014). Recent research confirms the belief that adult drug court works—they reduce substance use and recidivism rates. An evaluation of 23 adult drug courts concluded that:

The primary mechanism by which drug courts reduce substance use and crime is through the judge. Drug court offenders believe [as reported in surveys] that their judge treated them more fairly than the comparison group, including demonstrating greater respect and interest in them as individuals and greater opportunities to express their own voice during the proceedings (Rossman, Roman, Zweig, Rempel, & Lindquist, 2011, p. 7).

Observational research has independently confirmed the greater adherence to procedural justice principles by drug court judges. Neither the extensive availability of and use of treatment programs and staff nor the practice of strict monitoring of compliance with conditions of drug court rules appear to make a difference in recidivism rates relative to traditional courts.

Defendants in the Red Hook Community Justice Center were found in a quasi-experimental design to have recidivism rates that were 10 % less than those found in the traditional criminal court (Lee et al., 2013). As with the adult drug courts, the reduction is not attributable to deterrence effects or to the substance-abuse treatment provided by the court. An evaluation of another community court noted that “in the community court the judge spoke directly to the defendant in 45 % of the observed appearances, while in the traditional court this occurred in only 19% of appearances” (Frazer, 2006, p. 22).

Insights from the Study of Trust in the Police

Police departments and trial courts are both locally organized and subject to media depictions of varying types, including sources other than the news media. Police coverage through fictional portrayals on television tends to focus on the problem-solving skills of elite squads of detectives, a portrayal different from the more individual-judge-centric image of trial courts in the mass media.

Other points of difference include the extent to which contact with the police is far more widespread than contact with the courts: it is estimated that in 2008, approximately 40 million US residents aged 16 or over had contact with the police in the preceding 12 months (Eith & Durose, 2011), vastly exceeding the proportion having personal experience with the courts in that time frame. Annual estimates are not available, but a national survey found that within the past 5 years, 37 % of survey respondents reported a direct contact with the courts (Annenberg Foundation, 2006). Another potentially important difference is that police contact with the public is largely informal—few encounters result in an arrest. Experience with the courts is more formal, both in terms of contact with court personnel and especially with judges.

Despite these differences, recent research suggests that the influence of personal experience with the perceived legitimacy of the police and courts “in your community” is broadly similar (Tyler & Jackson, 2014, p. 11). For both institutions, the overall influence of experience is negative. However, among those with experience, the direction depends on perceptions of procedural justice (measured both in terms

of perceived fairness of decision-making and the quality of treatment). The perceived favorability and accuracy of the outcome were not statistically significant influences, nor was race or ethnicity. Age, however, had a positive direct influence on perceived overall legitimacy, a relationship not typically reported, while level of education had a modest influence on perceived legitimacy. Procedural justice was considerably more important as an influence for the courts than for police based on a comparison of standardized regression coefficient indices of the amount of variation in trust that is explained variance (Tyler & Jackson, 2014, p. 11).²⁴ One inference is that trial courts rely more on perceptions of trust and legitimacy than do the police to secure cooperation and compliance. For both institutions, however, direct experience leads people to place greater weight on the quality of treatment they were afforded and less on perceptions of outcomes and instrumental factors.

Conclusion: The Devil Is in the Details

This chapter has two purposes. One purpose is to answer some basic questions for trial courts that are commonly asked about trust in public institutions (who trusts them and to what extent). Americans are at best somewhat trusting in the trial courts. Trust levels are lowest among African-Americans, although that appears to be, in large measure, a reflection of the low levels of procedural justice that African-Americans perceive based on their experiences or expectations.

The chapter's second purpose is to explain the nature of trial courts as institutions to search for distinctive factors that might lead us to study trust in trial courts differently than we do trust in other institutions. Several factors merit close attention. In particular, trial courts have a media presence unlike any other institution. There are comedies and dramas set in hospitals and in police departments, but the mass media's complex and compelling image of judges and trial courts in action is a formidable barrier to focusing the public as survey respondents on what really happens there. After all, people in California file complaints with the state's judicial disciplinary body over decisions made by Judge Judy and other television judges (Podlas, 2002, p. 564).

On the other hand, media imagery can potentially be trumped by personal experience with a trial court, which appears to change in fundamental ways the criteria people use when thinking about trial courts. People, of course, also have experiences as hospital patients and as university students, which presumably factors into their subsequent level of trust in those institutions. Trial courts may be different because they inherently are decision-making institutions, making decisions that affect communities and individuals in important ways. That may, in part, explain the

²⁴The literature on trust in police includes field experiments with longitudinal designs that can establish causal ordering. For trial courts, the RISE experiment does include before and after results (Tyler, Sherman, Strang, Barnes, & Woods 2007). Other longitudinal comparisons are available only for problem-solving courts (Rottman & Bowman, 2013).

importance of procedural justice as a factor in explaining trust in trial courts. There is a difference between a “service” and a court decision.

In the public sphere, generalized trust in government and in the US Supreme Court is associated with levels of trust in trial courts, but not to the degree found for other institutions. Procedural justice, based largely on actual or imagined experience with judges, is the best predictor of who trusts the courts and to what degree.

Perhaps the most challenging issue in the study of trust in trial courts is that neither media exposure nor personal experience can be directly linked to differing levels of trust in trial courts. This is not entirely specific to the study of trial courts. A study of trust in the British criminal justice system, for example, concluded that “Much experience with the justice system is highly individual, and relatively minor issues may have a substantial impact on attitudes toward the justice system will escape the researchers attention” (Van de Walle, 2009, p. 395).

Thus, the devil really is in the details. Research conducted on juries is the best source we have to examine which details actually matter, in what way, and why. Some details are structural in nature, like jury decision-rules and jury size, which appear to be important because they affect the quality of jury deliberations. Other details that matter are specific experiences, such as whether the judge in the case took the time to thank the jurors for dedicating their time to an important civic function. Details also matter to our understanding of media effects on trust. What is learned, for example, through sober media likely has different consequences than the same information obtained from sensationalist media. There are many such contingencies to consider, ones that surveys at best provide a crude approximation of the differences that matter.

There are some next steps for those with an interest in studying trust in trial courts. Some steps are methodological. Public opinion surveys are not ideal sources if we want to capture the specific aspects of experience that matter. The survey questions used thus far, with the exception perhaps of those used to study jurors, do not differentiate sufficiently about the nature of the encounters people have with the courts to permit us to understand why trial courts are subjectively experienced in a particular manner. To capture the relevant factors, much of the space available on a survey instrument will be needed. Also, whatever the limitations of surveys per se, panel studies will be necessary if the study of trust in trial courts is to prosper. The only existing model for such studies refers to juries (Bornstein et al., 2005).

Trial court researchers can also tap the sophisticated international body of research emerging on trust in the police. This includes research testing ways in which the police can influence the level of trust in which they are held in specific communities (Hohl, Bradford, & Stanko, 2010). It is reasonable to assume that these and other policies and practices being introduced by police departments will provide models that judges and courts can implement to harness the power of trust to boost cooperation and compliance on the part of the public. There is also the prospect of looking beyond the specific context of criminal justice institutes. At the conceptual level, Van de Walle (2009), for example, usefully locates the evaluation of criminal justice agencies within the larger literature on trust in service providers, concerning the influence of experience on attitudes and the criteria used in making evaluations.

Finally, there is the issue, perhaps endemic to all studies of institutional trust, of how to interpret the responses given to survey questions about an object that can take on so many representations or “realities.” On what basis are people responding to our questions about trial courts? Their thinking might be directed to what they personally experienced, to what they were told second hand, to what they believe to be how judges and courts function drawn from viewing entertainment programs, or, more realistically, some muddled combination of the above. Trial courts are an institution, but there is little coherence to what that means to members of the public. The localism, media depictions, and potential for direct experience that characterize the institution of trial courts make it a complex object for the study of trust.

References

- Annenberg Foundation. (2006). *Topline report: 2006 Annenberg judicial independence survey*. State College, PA: Annenberg Public Policy Center.
- Baird, V. A., & Gangl, A. (2006). Shattering the myth of legality: The impact of the media’s framing of Supreme Court procedures on perceptions of fairness. *Political Psychology*, 27, 597–614.
- Banks, T. L. (2008). Here comes the judge: Gender distortion on TV reality court shows. *University of Baltimore Law Forum*, 39, 38–56.
- Barnes, B. (2014, May 24). Others fade, but Judge Judy is forever: At 71, she still presides. *New York Times*, p. A1.
- Benesh, S. (2006). Understanding public confidence in American courts. *Journal of Politics*, 68, 697–707.
- Benesh, S., & Howell, S. (2001). Confidence in the courts: A comparison of users and non-users. *Behavioral Sciences & the Law*, 19, 199–214.
- Benesh, S. C., Scherer, N., & Steigerwalt, A. (2009). *Public perceptions of the lower federal courts*. Paper presented at the 2009 annual meeting of the Midwest Political Science Association, Chicago, IL. Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1443434.
- Bornstein, B., Miller, M., Nemeth, R., Page, G., & Musil, S. (2005). Jury reaction to jury duty: Perceptions of the system and potential stressors. *Behavioral Science & the Law*, 23, 321–346.
- Brooks, R. (2000). Fear and fairness in the city: Criminal enforcement and perceptions of fairness in minority communities (1999–2000). *California Law Review*, 73, 1219–1273.
- Brooks, R., & Jeon-Slaughter, H. (2001). Race, income, and perceptions of the U.S. court system. *Behavioral Sciences & the Law*, 19, 249–264.
- Broschious, C. (2013). *Public perceptions of the state courts: How performance evaluations and judicial selection method affect citizen’s trust in the courts*. Doctoral dissertation, Temple University. Retrieved from <http://dissexpress.umi.com/dxweb/search.html> (UMI No. 7703303)
- Cann, D., & Yates, J. (2008). Homegrown institutional legitimacy: Assessing citizens’ diffuse support for state courts. *American Politics Quarterly*, 36, 297–329.
- Cutler, B. L., & Hughes, D. M. (2001). Judging jury service: Results of the North Carolina Administrative Office of the Courts survey. *Behavioral Sciences & the Law*, 19, 305–320.
- De La Graza, R., & DeSipio, L. (2001). A satisfied clientele is seeking more diverse services: Latinos and the courts. *Behavioral Sciences & the Law*, 19, 237–248.
- Doble, J., & Greene, J. (2000). *Attitudes toward crime and punishment in Vermont: Public opinion about an experiment with restorative justice*. Englewood Cliffs, NJ: John Doble Research Associates.
- Dougherty, G., Lindquist, S., & Bradbury, M. D. (2006). Evaluating performance in state judicial institutions: Trust and confidence in the Georgia Judiciary. *State and Local Government Review*, 38, 176–190.
- Eith, C., & Durose, M. (2011). *Contacts between police and the public, 2008*. NCJ Publication No. 234599. Retrieved from <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2229>

- Ewick, P., & Silbey, S. (1998). *The common place of law: Stories from everyday life*. Chicago, IL: University of Chicago Press.
- Frazer, M. S. (2006). *The impact of the community court model on defendant perceptions of fairness*. New York, NY: Center for Court Innovation.
- Gastil, J., Deess, E., Veiser, P., & Simmons, C. (2010). *The jury and democracy: How jury deliberation promotes civic engagement and political participation*. New York, NY: Oxford University Press.
- GBA Strategies. (2012). Unpublished results of an April 2–5, 2012, survey commissioned by the National Center for State Courts and Justice at Stake. Results available from the author.
- GBA Strategies. (2014). Unpublished results of a November 12–16, 2014, survey commissioned by the National Center for State Courts. Results available from the author.
- Gibson, J. (2008). Challenges to the impartiality of state supreme courts: Legitimacy theory and 'new-style' judicial campaigns. *American Political Science Review*, *102*, 59–75.
- Gibson, J. (2010). Public images and understandings of courts. In P. Cane & H. Kritzer (Eds.), *The Oxford handbook of empirical legal research* (pp. 830–853). New York, NY: Oxford University Press.
- Gibson, J. L. (2012). *Electing judges: The surprising effects of campaigning on judicial legitimacy*. Chicago, IL: University of Chicago Press.
- Gibson, J., Caldiera, G., & Spence, L. (2003). Measuring attitudes toward the United States Supreme Court. *American Journal of Political Science*, *47*, 354–367.
- Gibson, J., Lodge, M., & Woodson, B. (2014). Losing but accepting: Legitimacy, positivity theory, and the symbols of judicial authority. *Law & Society Review*, *48*, 837–866.
- Gibson, J., & Nelson, M. (2014). *Change in institutional support for the U.S. Supreme Court: Is the court's legitimacy imperiled by the decisions its makes?* Unpublished paper, Washington University in St. Louis. Retrieved from <http://dx.doi.org/10.2139/ssrn.2466422>.
- Greene, J., & Doble, J. (2000). *Attitudes towards crime and punishment in Vermont: Public opinion about an experiment with restorative justice* (DOJ Document No. 182361). Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/182361.pdf>.
- Hans, V., Gatsil, J., & Feller, T. (2014). Deliberative democracy and the American civil jury. *Journal of Empirical Legal Studies*, *11*, 697–717.
- Hibbing, J., & Theiss-Morse, E. (1995). *Congress as public enemy: Public attitudes toward American political institutions*. New York, NY: Cambridge University Press.
- Hibbing, J. R., & Theiss-Morse, E. (2002). *Stealth democracy: Americans' beliefs about how government should work*. Cambridge, UK: Cambridge University Press.
- Hohl, K., Bradford, B., & Stanko, E. (2010). Influencing trust and confidence in the London Metropolitan Police: Results from an experiment testing the effect of leaflet drops on public opinion. *British Journal of Criminology*, *50*, 491–513.
- Jamail Center for Legal Research. (2012). *Mason and associates: Lawyers on television. Real judges*. Austin, TX: Jamail Center for Legal Research. Retrieved from http://tarlton.law.utexas.edu/exhibits/mason_&_associates/judges.html.
- Johnston, C. D., & Bartels, B. L. (2010). Sensationalism and sobriety: Differential media exposure and attitudes toward American courts. *Public Opinion Quarterly*, *74*, 260–285.
- Justice at Stake & National Center for State Courts. (2012). *Funding justice: Strategies and messages for restoring court funding*. Retrieved from <http://www.ncsc.org/~media/Files/PDF/Information%20and%20Resources/fundingjustice.ashx> (Results available from author of this chapter on request.)
- Kelleher, C., & Wolak, J. (2007). Explaining public confidence in branches of state government. *Political Research Quarterly*, *60*, 707–721.
- Kimball, P. Z. (2005). Syndi-court justice: Judge Judy and exploitation of arbitration. *Journal of American Arbitration*, *4*, 153–166. Retrieved from <http://www.americanbar.org/content/dam/aba/migrated/dispute/essay/syndicourtjustice.authcheckdam.pdf>.
- Kohm, S. (2006). The people's law versus Judge Judy justice: Two models of law in American reality-based courtroom TV. *Law and Society Review*, *40*, 693–728.

- LaFountain, R., Schauffer, R., Strickland, S., & Holt, K. (2012). *Examining the work of state courts: An analysis of 2010 state court caseloads*. Williamsburg, VA: National Center for State Courts.
- Lee, C., Cheesman, F., Rottman, D., & Curtis, R. (2013). *A community court grows in Brooklyn: A comprehensive evaluation of the Red Hook Community Justice Center*. Williamsburg, VA: National Center for State Courts.
- Lim, C., Snyder, J., & Strömberg, D. (2012). *The judge, the politician, and the press: Newspaper coverage and criminal sentencing across electoral systems*. Paper presented at the 2010 Allied Social Science Association annual meeting, Atlanta, GA. Retrieved from <http://people.su.se/~dstro/LimSnyderStromberg.pdf>.
- Longazel, J., Parker, L., & Sun, I. (2011). Experiencing court, experiencing race: perceived procedural injustice among court users. *Race and Justice, 1*, 202–227.
- Mahoney, B., Sarat, A., & Weller, S. (1978). Courts and the public: Some further reflections on data from a national survey. In T. Fetter (Ed.), *State courts: A blueprint for the future* (pp. 83–102). Williamsburg, VA: National Center for State Courts.
- Mather, L. (2005). Courts in American popular culture. In K. Hall & K. McQuire (Eds.), *The judicial branch* (pp. 233–261). New York, NY: Oxford University Press.
- Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., & Manning, M. (2013). Procedural justice and police legitimacy: A systematic review of the research evidence. *Journal of Experimental Criminology, 9*, 245–274.
- Mears, T., & Tyler, T. (2014). Justice Sotomayor and the jurisprudence of procedural justice. *Yale Law Journal Forum, 123*, 525–549.
- Mize, G., Hannaford-Agor, P., & Waters, N. (2007). *The state-of-states survey of jury improvements: A compendium report*. Williamsburg, VA: National Center for State Courts.
- National Center for State Courts. (1999). *Hearst survey: How the public views the state courts*. Williamsburg, VA: National Center for State Courts. Retrieved from <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1016&context=publicpolicypublications>.
- Nelson, M. (2014). Representative justice? Public opinion and the criminal justice system. *Journal of Law and Courts, 2*, 117–152.
- O’Barr, W. M., & Conley, J. M. (1988). Lay expectations of the civil justice system. *Law and Society Review, 22*, 137–162.
- Olson, S., & Huth, D. (1998). Explaining public attitudes toward local courts. *Justice System Journal, 20*, 41–61.
- Papke, D. (2007). The impact of popular culture on American perceptions of the courts. *Indiana Law Journal, 82*, 1225–1234.
- Peterson, G., Hare, C., & Wrighton, J. M. (2012). Electing to trust: An exploration of the relationship between public opinion and localized processes of judicial selection. *American Review of Politics, 33*, 51–72.
- Podlas, K. (2002). Blame Judge Judy: the effects of syndicated television courtrooms on jurors. *American Journal of Trial Advocacy, 25*, 557–589.
- Podlas, K. (2009). Impact of television on cross-examination and juror ‘trust’. *Widener Law Review, 14*, 483–511.
- Pound, R. (1906). The causes of popular dissatisfaction with the administration of justice. *American Bar Association Reporter, 29*, 395–417.
- Princeton Survey Research Associates. (2009). *Separate branches, shared responsibilities: A national survey of public expectations on solving justice issues*. Williamsburg, VA: National Center for State Courts.
- Public Agenda, Doble Research Associates. (2006). *Trust and confidence in the California courts: Public court users and judicial branch members talk about the California courts*. San Francisco, CA: Judicial Council of California.
- Ramirez, M. (2008). Procedural perceptions and support for the U.S. Supreme Court. *Political Psychology, 29*, 675–698.
- Rose, M., & Fox, R. (2014). Public engagement with the criminal justice system in the age of social media. *Oñati Socio-Legal Series [Online], 4*, 771–798.

- Rossman, S., Roman, J., Zweig, J., Rempel, M., & Lindquist, C. (2011). *The multi-site drug court evaluation: Executive summary*. Washington, DC: The Urban Institute.
- Rottman, D. (2002). The White decision in the court of opinion. *Court Review*, 39, 16–24.
- Rottman, D. (2005). *Trust and confidence in the California courts 2005: a survey of the public and attorneys*. Williamsburg, VA: National Center for State Courts.
- Rottman, D., & Bowman, J. (2014). Problem-solving courts. In G. Bruinsma & D. Weisburd (Eds.), *The Springer encyclopedia of criminology and criminal justice* (pp. 4000–4010). New York, NY: Springer.
- Rottman, D., Hansen, R., Mott, N., & Grimes, L. (2003). *Perceptions of the courts in your community: The influence of experience, race, and ethnicity, final report* (DOJ Document No. 201302). Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/201302.pdf>.
- Rottman, D., & Tomkins, A. (1999). Public trust and confidence in the courts: What public opinion surveys mean to judges. *Court Review*, 36(3), 24–31.
- Rottman, D., & Tyler, T. (2014). Thinking about judges and judicial performance: The perspective of the public. *Oñati Socio-Legal Series [Online]*, 4, 1046–1070.
- Scheb, J., & Lyons, W. (2000). The myth of legality and public evaluation of the Supreme Court. *Social Science Quarterly*, 81, 928–940.
- Silbey, S. (2014). The courts in American public culture. *Daedalus*, 143, 140–156.
- Silbey, S., Ewick, P., Schuster, E., & Kaunelis, L. (1993). *Differential use of courts by minorities and non-minority populations in New Jersey*. Trenton, NJ: Administrative Office of the Courts of New Jersey.
- Sviridoff, M., Rottman, D., Ostrom, B., & Curtis, R. (2000). *Dispensing justice locally: The implementation and effects of the Midtown Community Court*. Amsterdam: Harwood Academic Publishers.
- Tamanaha, B. (2010). *Beyond the formalist-realist divide: The role of politics in judging*. Princeton, NJ: Princeton University Press.
- Tankebe, J. (2013). Dimensions of public perceptions of police legitimacy. *Criminology*, 51, 103–135.
- Tyler, T. (1984). The role of perceived injustice in defendants' evaluations of their courtroom experience. *Law and Society Review*, 18, 51–74.
- Tyler, T. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions? *Behavioral Sciences and the Law*, 19, 215–235.
- Tyler, T. (2004). Procedural justice. In A. Sarat (Ed.), *The Blackwell companion to law and society* (pp. 435–452). London: Blackwell.
- Tyler, T., & Huo, Y. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York, NY: Russell Sage Foundation.
- Tyler, T., & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation, and engagement. *Psychology, Public Policy, and Law*, 20, 78–95.
- Tyler, T., & Sevier, J. (2014). How do the courts create popular legitimacy? The role of establishing the truth, punishing justly, and/or acting through just procedures. *Albany Law Review*, 77, 1095–1137.
- Tyler, T., Sherman, L., Strang, H., Barnes, G., & Woods, D. (2007). Reintegrative shaming, procedural justice, and recidivism: The engagement of offenders' psychological mechanisms in the Canberra RISE drinking-and-driving experiment. *Law & Society Review*, 41, 553–586.
- Van de Walle, S. (2009). Confidence in the criminal justice system: Does experience count? *British Journal of Criminology*, 49, 384–398.
- Vining, R., & Wilhelm, T. (2010). Explaining high-profile coverage of state supreme court decisions. *Social Science Quarterly*, 91, 704–723.
- Wenzel, J. P., Bowler, D. J., & Lanoue, S. (2003). The sources of public confidence in state courts: Experience and institutions. *American Politics Research*, 31, 191–211.
- Wooden, R., & Doble, J. (2006). *Trust and confidence in the California courts: Public-court users and judicial branch members talk about the California courts*. San Francisco, CA: Judicial Council of California.
- Yankelovich, S., & White Inc. (1978). Highlights of a national survey of the general public, judges, lawyers and community leaders. In T. Fetter (Ed.), *State courts: A blueprint for the future* (pp. 5–69). Williamsburg, VA: National Center for State Courts.

Chapter 7

On the Dual Motivational Force of Legitimate Authority

Jonathan Jackson

Introduction

The law imposes duties on citizens, but when do these duties have moral weight in the eyes of citizens? In this chapter I consider legal duties through the lens of empirical legitimacy, that is, the extent to which citizens believe that the power held by justice institutions is (a) entitled to be obeyed and (b) right, proper and appropriate (Bottoms & Tankebe, 2012; Sunshine & Tyler, 2003; Tyler, 2006a, 2006b; Tyler & Huo, 2002; Tyler & Jackson, 2014).

I argue that empirical legitimacy can be treated as not one but two—strongly connected—psychological states. The psychological mechanism linking legitimacy to compliance and legal duties has traditionally been seen as consent and duty to obey (Tyler, 2003, 2004, 2009), with prior work viewing legitimacy through the lens of “the willingness of people to defer to the decisions of authorities and to the rules created by institutions” (Tyler, 2006a: 375). On this account, legitimacy shapes behaviour because people authorise legal authorities to dictate appropriate behaviour. People internalize the moral value that they should obey the law or directive and a sense of deference then motivates compliant behaviour (Tyler, 1997; Tyler & Jackson, 2013).

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My goal in these pages is to consider the utility of disaggregating these two aspects of legitimacy when predicting compliance with the law. Building on prior work in this area (Jackson et al., 2012a; Jackson, Asif, Bradford, & Zakar, 2014a; Tyler & Jackson, 2014), I examine the claim that consent and authorization is one thing; that the belief that an institution is appropriate, moral and just is another thing; and that while these two psychological states are likely to be strongly correlated, they may nevertheless play distinct motivational roles in shaping legal compliance. I assess the dual motivational bases of legitimacy in the context of one type of “system contact” (cf. Wiley & Esbensen, 2013): namely road-traffic stops (cf. Epp, Maynard-Moody, Haider-Markell, 2014). I link people’s contact with the criminal justice system via their experience of a road stop, to legal compliance, with a particular focus on two aspects of legitimacy: duty to obey and the moral appropriateness of the institution.

I present findings from a randomized controlled trial (RCT) set in Scotland (named ScotCET) designed to test principles of procedural justice and legitimacy in the context of traffic stops—itsself a replication of the Queensland Community Engagement Trial RCT in Australia (see Mazerolle et al., 2014; Mazerolle, Bennett, Antrobus, & Tyler 2013; Murphy, Mazerolle, & Bennett, 2014). My analysis of data from the ScotCET RCT indicates three significant pathways from the procedural justice of the traffic stop to legal compliance. One runs from procedural justice to felt obligation to compliance; this is consistent with prior work showing the importance of authorization and willing constraint (Tyler, 2006a, 2006b). But the single most important pathway suggests that when police officers treat people with fairness, they demonstrate to citizens (a) that they have an appropriate sense of right and wrong, and (b) that they are right to be engaging in particular policing activities (in the current context, ensuring road safety), which (c) then motivates legal compliance through a sense of the wrongfulness of breaking these particular laws.

I conclude with the idea that duty to obey and the moral appropriateness of the institution play different roles in linking procedural justice to compliance commitment. The chapter proceeds in six parts. In section “Psychological Jurisprudence and the Duty to Obey” I discuss how a classic philosophical question has been turned into an empirical question—under what conditions do citizens have a moral duty to obey the law? In section “Expanding the Definition and Motivating Power of Legitimacy” I turn to a two-dimensional definition of legitimacy that embodies not just a positive and content-independent obligation to obey commands and laws (where authorities have the right to make rules and issue commands, and subordinates have a duty to follow them) but also a sense of moral appropriateness and normative alignment (a shared sense of right and wrong between citizens and the legal system). In section “Study Objectives” I discuss why procedural justice may encourage legal compliance via a number of different psychological mechanisms. In section “A Study of People’s Willingness to Comply with Traffic Laws” I present data from the RCT. In section “Conclusions” I discuss the findings in the context of ongoing work into legal socialization.

Psychological Jurisprudence and the Duty to Obey

A Philosophical Question

A long-standing issue in political theory is whether there is—in the words of Simmons (in Wellman & Simmons, 2005: 93–94)—an “external, neutral moral duty (or obligation) to discharge the internal duties imposed by law.” While people may obey laws proscribing burglary, armed robbery and shoplifting because they believe each of these acts is immoral, the more difficult question is whether there is ever a justified content-free duty to obey the law. Do citizens have the duty to suspend judgement to obey every law no matter its content? Does the state have the right to coerce in this way?

What, then, is the moral justification for the claim to obedience made by the institutions of a formal domestic legal system? (Simmons, in Wellman & Simmons, 2005: 94).

One answer to this question centres upon the idea that obeying the laws created and enforced by justice institutions is justified when two conditions are met: first when those institutions are just; and second when the laws solve a difficult coordination problem (Tyler, 2004, 2006a, 2006b). To quote Christopher Wellman (the other author of Wellman & Simmons, 2005: 10–11):

Without an authoritative legislative body to establish a definite set of rules that everyone must follow, there will be conflicts even among well-intentioned people who genuinely seek to treat each other according to the demands of morality. Without an effective executive body to ensure that a reasonable percentage of rule breakers are caught and punished, those disinclined to respect the moral rights of others will not be sufficiently deterred and, ultimately, everyone’s incentives to pursue productive projects and meaningful relationships will diminish markedly. Finally, without a standing judicial body to impartially adjudicate conflicts and assign criminal punishments, attempts to exact revenge and mete out justice will lead to increasingly bloody conflicts. Moreover, it is important to recognize that the cumulative effect of these three factors is more than additive; these elements will combine to create a vicious cycle in which each consideration presents an aggravating factor that exacerbates the others.

Wellman argues that so long as institutions are just; so long as obeying the laws is not a big hardship; and so long as the benefits of having laws and institutions to enforce those laws is strong—then one might conclude that there is a (collective) moral weight to legal duties. From a normative (philosophical) perspective citizens might feel a justified obligation to defer to the law, *whatever the content*, when the collective social benefits outweigh the individual costs in a stable and legitimate regime (see also Rawls, 1964, 1999).

An Empirical Question

This classic political theory question (under what conditions *should* people feel a content-free duty to obey the laws of a state?) has been turned into an important empirical question (under what conditions *do* people feel a content-free duty to

obey the laws of a state?) by programmatic research by Tyler and colleagues (e.g. Sunshine & Tyler, 2003; Tyler, 2006a, 2006b; Jackson et al., 2013; Tyler, Fagan, & Geller, 2014; Tyler & Huo, 2002; Tyler & Jackson, 2014).

Assessing whether people feel a duty to obey the law (and if they do, why) this work is not philosophical. It does not address the normative question of when—if ever—a state has the right to enforce laws whatever the content of those laws. Representing a shift from a normative conception of legitimacy to an empirical conception of legitimacy (Hinsch, 2008, 2010), it addresses “as a matter of fact” whether those who are subject to authority actually confer legitimacy on that authority.

The key contribution of this body of empirical work is to amass a good deal of evidence that fair and legitimate institutions can encourage people to internalize the moral value that they should obey the law, *simply because it is the law*. But they must first wield their authority in fair and neutral ways. On this account power is legitimate—transformed into authority—when its use follows rules that are regarded as fair by both power-holders and subordinates, and when the latter confer their consent to the use of this power (Jackson et al., 2012a; Murphy, Tyler, & Curtis, 2009; Papachristos, Meares, & Fagan, 2012; Sunshine & Tyler, 2003). When justice institutions treat individuals with fairness and are neutral in their decision-making, this demonstrates their legitimacy to those they police and serve. In turn, legitimacy as duty to obey then leads people to willingly give up some of their freedom as part of the social obligations that constitute citizenship. Individuals internalize the moral value that they should obey the law—whatever its content—as part of their civic duties.

Lessons for Policy

This research has important implications for crime-control (Tyler, 2009). In the current policy climate answers to the question “how can legal authorities encourage compliance?” often revolve around the idea that crime occurs when the criminal justice system provides insufficient likelihood of punishment, or when insufficiently tough sentences are imposed. To deter people from committing offences, police and other criminal justice agents need to signal effectiveness, force, a high probability of detection and a swift recourse to justice. Mechanisms of coercive social control and credible risks of sanction seek to persuade homo economicus that—while otherwise desirable—a criminal act is not worth the risk.

Yet the work of Tyler and colleagues points to the value of a different model of policing. The role of legitimacy in shaping a commitment to be law-abiding—and the mixed research evidence for the role of deterrence (see *inter alia*: Fagan, 2006; Nagin, 2013; Nagin & Pepper, 2012)—suggests that criminal justice institutions should try to shift the balance away from adversarial, “crime-control” models of policing towards more consensual, “due-process” models (Hough, 2013; Geller, Fagan, Tyler, & Link, 2014; Schulhofer, Tyler, & Huq, 2011; Tyler, 2003, 2004, 2011a). People (usually) obey the law and cooperate with the police and criminal courts because they think it is the right thing to do, or because they have simply acquired the habit of doing so. The fact that most people obey most laws, most of the

time, suggests that criminal justice policy makers might profitably spend more time than is currently the case thinking about sources of voluntary compliance and cooperation, rather than triggers for offending and what should be done after an offence has occurred (important as these latter two aspects of policing continue to be).

Expanding the Definition and Motivating Power of Legitimacy

Whether legitimacy shapes law-abiding behaviour in different social, political and legal contexts is thus a pressing issue. Researchers from across the globe are becoming increasingly interested in legitimacy in the context of criminal justice systems (Mazerolle et al., 2014; Jonathan-Zamir, Weisburd, & Hasisi, 2014; Meško & Tankebe, 2014; Bradford & Quinton, 2014; Peršak, 2014; Pennington, 2015; Tankebe & Liebling, 2013; Tyler et al., 2007). There is a growing body of observational evidence that legitimacy predicts self-reported offending behaviour (Cohn, Trinkner, Rebellon, Van Gundy, & Cole, 2012; Fagan & Piquero, 2007; Fagan & Tyler, 2005; Jackson et al., 2012a; Nivette, Eisner, Malti, & Ribeaud, 2014; cf. Paternoster, Brame, Bachman, & Sherman, 1997; Sunshine & Tyler, 2003; Trinkner & Cohn, 2014; Tyler, 2006a; Tyler & Jackson, 2014).

My goal in this chapter is to add to this evidence. This involves a comparison between the role of deterrence (do people comply with the law because they fear getting caught and punished?) with the role of legitimacy (do people comply with the law because they believe that it is the right thing to do?) in explaining variation in legal compliance. But building on a small number of existing studies (Hough, Jackson, & Bradford, 2013c; Jackson et al., 2012a; Jackson, Bradford, Stanko, & Hohl, 2012b; Tyler & Jackson, 2014), I also examine the idea that legitimacy can motivate legal compliance not only through a sense of deference to authority and willing constraint, but also through a sense of shared moral appropriateness and normative alignment. While legitimacy has traditionally been seen as a motivating force because it constitutes a content-free sense of duty and obligation, I also explore the idea that legitimacy may also motivate through a sense of value congruence with legal authorities.

At its most basic, legitimacy refers to a fundamental property of legal institutions: the right to govern and the recognition by the governed of that right. When citizens see criminal justice institutions as legitimate, they recognise the system's authority to determine the law, to govern through the use of coercive force, to punish those who act illegally, and to expect from members of the public cooperation and obedience. As a psychological property of citizens (Tyler, 2006a, 2006b), legitimacy is both an acceptance of, and deference to, authority (duty to obey) and a belief that the institution has the right to power (a sense of moral endorsement of, and alignment with, the institution). Legitimacy is not only about deference, it is also about appropriateness. When legal authorities have demonstrated their legitimacy in the eyes of the public, citizens not only feel a content-free duty to obey, they also believe that institutions are policing in just, fair and appropriate ways (and thus that their power is justified). These two aspects are central to the right to rule.

Take the police. On the one hand, felt obligation to obey emerges out of an officer's claim to authority and one's consequent processing of that claim (Bottoms & Tankebe, 2012; Tyler, 2006a, 2006b). If one accepts the authority of the police to dictate appropriate behaviour, one feels a corresponding duty to obey those officers. One will comply with their directives willingly "...voluntarily out of obligation rather than out of fear of punishment or anticipation of reward" (Tyler, 2006a: 375). On the other hand, legitimacy is also one's belief that the police as an institution is right, proper and appropriate (Tyler, 2006a, 2006b). Officers need to act in appropriate and just ways if institutional power is seen as appropriate and just (Jackson et al., 2012a, 2012b; Tyler et al., 2014). This accords with Suchman's (1995: 574) definition of legitimacy as "...a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions."

How, then, are these two aspects of police legitimacy of police legitimacy typically operationalized? Duty to obey tends to be measured by survey questions like: "You should accept the decisions made by police, even if you think they are wrong" (Sunshine & Tyler, 2003); "To what extent is it your duty to do what the police tell you even if you don't understand or agree with the reasons?" (Hough, Jackson, & Bradford, 2013a); and "I feel that I should accept the decisions made by police, even if I do not understand the reasons for their decisions" (Kochel, Parks, & Mastroski, 2013).¹ Moral endorsement and appropriateness tends to be measured by survey questions like: "The police in your neighborhood are generally honest" (Sunshine & Tyler, 2003); "The police care about the well-being of everyone they deal with" (Tyler & Fagan, 2008); and "People's basic rights are well protected by the police" (Reisig, Bratton, & Gertz, 2007).²

Importantly for the current study, prior work often treats legitimacy as a unidimensional construct that explains variation in offending behaviour. Combining survey indicators of both duty to obey and institutional trust into one formative index of legitimacy (e.g. Papachristos et al., 2012; Sunshine & Tyler, 2003; Trinkner & Cohn, 2014; Tyler, 2006a), the resulting findings are interpreted through the lens that legitimacy shapes compliance out of a feeling of willing deference to an external authority (a sense that an institution is "entitled to be deferred to and obeyed", Sunshine & Tyler, 2003: 514). It is of course possible that the measures of appropriateness contribute to the explained variance in compliance (because the single index includes not only measures of duty to obey but also moral endorsement). But the interpretation

¹ See also: "You should obey police decisions because that is the right and proper thing to do" (Tankebe, 2013); "I feel that I should accept the decisions made by legal authorities" (Kochel, 2012); "It would be hard to justify disobeying a police officer" (Gau, 2014); and "I feel a moral obligation to obey the police" (Bradford et al., 2015).

² See also: "When the police deal with people they almost always behave according to the law" (Tyler & Jackson, 2014); "The police act within the law" (Johnson et al., 2014); "The police usually act in ways that are consistent with my own ideas about what is right and wrong" (Tyler et al., 2014); "The police generally have the same sense of right and wrong as I do" (Bradford et al., 2014a, 2014b); "The police can be trusted to make decisions that are right for people in my neighborhood" (Jackson et al. 2012b); and "Most police officers in your community do their job well" (Gau, 2014).

given often focuses on the idea that legitimacy motivates compliance out of content-free deference to follow rules and comply with directives.

Some more recent studies have treated legitimacy as two-dimensional³ and assessed whether the two aspects differentially predict cooperation (e.g. Dirikx & Van den Bulck, 2014; Tankebe, 2009) and compliance (e.g. Jackson et al., 2012a). In a US-based study, for instance, Reisig et al. (2007) found that institutional trust was a significant predictor of compliance, while obligation to obey the police was not. In a UK-based study—which differentiated between moral endorsement of the police, felt duty to obey the police, and felt duty to obey the law—compliance was linked to both obligation to obey the law and normative alignment with the police (Jackson et al., 2012a). In what is, to date, the most comprehensive assessment of different dimensions of legitimacy and different types of law-related behaviour, Tyler and Jackson (2014) found that as the behavioural focus shifted from compliance through cooperation to facilitation, different aspects of legitimacy came to the foreground. Felt obligation and institutional trust were linked to one's commitment to not breaking the law, while institutional trust and normative alignment were more strongly linked to more proactive behaviours like cooperation. In short, it seems beneficial to differentiate between authorization and appropriateness when predicting certain key law-related behaviours.

Study Objectives

By way of contribution, the ScotCet trial (Bradford, Hohl, Jackson, & MacQueen, 2015) was a RCT designed to test procedurally just road policing. In the control group, police officers operated “as normal,” stopping cars as part of routine vehicle safety checks (and breathalysing for alcohol if the officer deemed necessary). In the experimental group, police officers who interacted with members of the public received training on the principles of procedural justice, with a leaflet handed out to emphasise key messages. In both groups questionnaires were handed out to members of the public.

Before turning to the key goals of the current analysis, there are two features of the study initially worth mentioning. First, the treatment did not have a positive effect on procedural justice—this is probably to do with the particular nature of the treatment and the fact that “business as usual” policy is relatively consensual in England. But the observational data remain of value. There was significant variation

³ Studies taking a reflective approach to measurement typically finds two dimensions to legitimacy. Two US-based studies found that felt obligation to obey the police and institutional trust indicators loaded on different dimensions (Reisig et al., 2007; Gau, 2011; see also Gau, 2014; Johnson et al., 2014), as did Jackson, Bradford, Kuha, and Hough (2014a) in Pakistan. Jackson et al. (Jackson et al. 2012a, 2012b, 2014a) found that felt obligation to obey the police and believing that the police share one's sense of right and wrong loaded on two different dimensions in the UK, as did Bradford et al. (Bradford, Murphy, & Jackson, 2014) in South Africa.

in people's experience of procedural justice (specifically in whether they felt that police officers were approachable and friendly, helpful, respectful, professional, fair, and clear in explaining why the respondent had been stopped), and one can link this variation to people's commitment to comply with traffic laws via a number of theoretically derived pathways.

Second, the interactions between individuals and officers occurred in the real world, not in the laboratory or via hypothetical scenarios given to research participants—and the study has a sole focus on traffic laws and traffic behaviour. Participants were stopped in their cars by traffic police. They answered survey questions about not just the procedural fairness of the officers involved and their attitudes towards the legitimacy of the institution, but also their beliefs about the wrongfulness of speeding and going through red lights and whether they intended to comply with traffic regulations in the future. While the treatment had no positive effect—possibly because officers were following a script and this may, if anything, have hampered the quality of the interaction—the encounters did produce heterogeneity in the experience of procedural justice.

Figure 7.1 provides an overview of the potential pathways from the procedural justice of the encounter to compliance. Three are of note:

1. Procedural justice to felt obligation to compliance.
2. Procedural justice to identification to compliance (perhaps via personal morality).
3. Procedural justice to normative alignment to compliance (perhaps via personal morality).

According to the first pathway the experience of procedural justice activates a sense of felt obligation to authority,⁴ and this sense of obligation then shapes compliance. Felt obligation to obey influences compliance through the internalization of the overarching moral value that one should obey external authority. When people believe that the legal system has the right to prescribe and enforce appropriate behaviour, they feel a corresponding duty to bring their behaviour in line with that which is expected as willing self-constraint (Tyler, 1997, 2011a, 2011b). (Note that felt duty to obey the law was not measured in the current study due to the need to keep the questionnaire as short as possible to maximise the response rate.)

The second pathway specifies that procedural justice strengthens one's identification with the role of "good and law-abiding citizen", which then motivates people to comply with the law (Fig. 7.1). Tyler (2009) was the first to test the direct role of

⁴The link between procedural justice and felt obligation may be direct and indirect via identification (Blader & Tyler, 2009; Bradford et al., 2014b; Tyler & Blader, 2003). On the one hand, wielding their authority in fair and just ways indicates to observers that the power-holder is worthy of holding power, creating a direct sense of obligation and duty to obey among citizens (see the arrow in Fig. 7.1 linking procedural justice to felt obligation). On the other hand, procedural justice can activate identification with the group that the authority represents (presumably society and the law-abiding citizens that constitute that society), and people are motivated to defer to authorities of groups that they have social bonds with (see the arrow in Fig. 7.1 linking procedural justice to identification and the arrow in Fig. 7.1 linking identification to felt obligation).

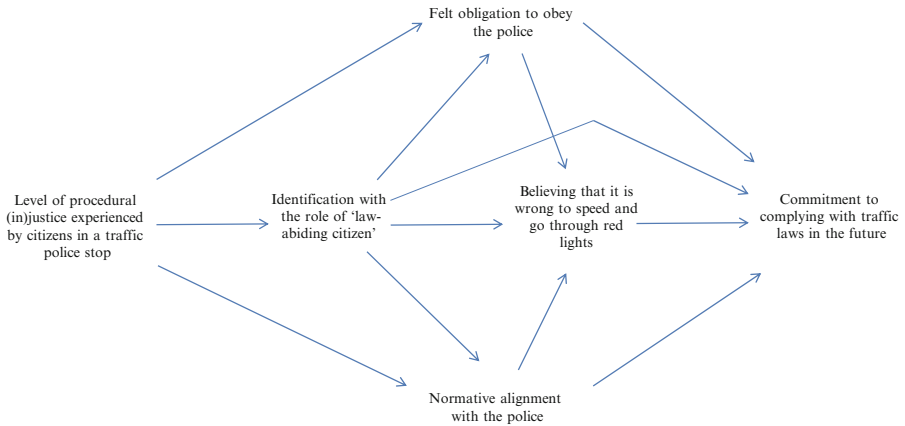


Fig. 7.1 Pathways from procedural justice to legal compliance

social identification on legal compliance. Analysing Afrobarometer data conducted in 2000, he linked people’s beliefs about the procedural fairness of South African society and its institutions to superordinate identification (feeling proud to be South African, for instance), to deference to the law (e.g. getting services like electricity or water without paying). He argued that a fair society conveys status and identity relevant information to its citizens, helping people to merge their sense of self with the wider group. People are motivated to act in ways that satisfy a particular relationship because they draw value, worth and status from that relationship (Tajfel & Turner, 1979), and in that context conforming to the expectations of a social role will shape behaviour because people want “to establish and maintain a satisfying self-defining relationship to another person or a group” (Kelman & Hamilton, 1989: 53). Conformity to the norms and values attached to the reciprocal-role relationship gives satisfaction, not only because one agrees with the norms and values (one internalizes the values and act in ways that are intrinsically rewarding), but also because one gains value and worth from the self-defining relationship (Tyler & Blader, 2003). One way of acting in group-serving ways is to abide by the rules and laws of the group.

The third pathway specifies that procedural justice enhances the sense that the institution’s possession of power is appropriate, proper and just⁵ and this sense of normative alignment then shapes compliance. This may be a direct effect (see the arrow in Fig. 7.1 linking normative with the police to compliance) and indirect (see the arrow from normative alignment to believing it is wrong to break traffic laws

⁵As with felt obligation the effect of procedural justice on normative alignment may be direct and indirect (Fig. 7.1). On the one hand, making neutral decisions, treating members of the public fairly, and wielding authority in a restrained and respectful way accord with people’s expectations about how the police should behave, creating a sense that the police have an appropriate sense of right and wrong (Jackson et al., 2012a, 2012b, 2014b). On the other hand, people are motivated not only to support the leaders of groups to which they belong, but also to they believe they share moral values with proto-typical representatives of groups within which they feel status and standing (Blader & Tyler, 2009; Jackson & Sunshine, 2007; Tyler & Blader, 2003).

and the arrow from the morality of traffic laws to compliance). A direct effect here bypasses the rightfulness of abiding by traffic laws (e.g. it is wrong to speed and go through red lights); believing that the police as an institution represents a sense of morality and justice may enhance one's motivation to act in ways that support that institution.

The indirect effect links normative alignment to legal compliance via a heightened belief in the rightfulness of the traffic laws being regulated—that it is wrong to speed (for example) or go through red lights. The idea is simple. When an officer stops someone in a car for a roadside vehicle safety check (and possibly an alcohol breath test) the experience of procedural justice may strengthen people's belief in the moral validity of the police as an institution, which in turn may activate people's belief that it is right and proper that they are policing this sphere of action (in this instance ensuring road safety). The enactment of procedural justice in interactions between legal authorities and citizens may help to persuade people of the rightfulness of the laws being enforced in the specific type of encounter.

Imagine you are driving your car through the Scottish Highlands. A police officer stops you. She treats you with respect and dignity. She explains that you were stopped to ensure traffic laws are being obeyed in order to help keep the roads safe. She listens to everything you have to say. Regardless of the outcome of the interaction, would this fair treatment and decision-making encourage you to abide by traffic laws in the future? According to the traditional account of procedural justice and legitimacy, the experience of procedural justice would strengthen your belief that the authority has the right to command and constrain. Content-free deference would motivate your behaviour, you will obey traffic laws not only because you believe that it is wrong to speed (for example) but also because you believe that it is wrong to break the law (Tyler, 2006a, 2006b).

What I wish to pursue is whether, on top of strengthening content-free obligation, the experience of procedural justice reinforces your belief that the police are a morally valid institution (and hence that their power possession is normatively justified). In this particular instance, the officer used her power and authority in morally appropriate ways; she treated you with respect; she explained the moral validity of traffic laws; she demonstrated the importance of road safety. This sense of the moral grounding of the police as an institution may have what is, in essence, a persuasion effect; the encounter may strengthen your belief that it is wrong to break specific traffic laws, and this in turn may strengthen your commitment to comply with traffic laws.

A Study of People's Willingness to Comply with Traffic Laws

Data

ScotCET was funded by the Scottish Government to inform their Justice Strategy for Scotland. Vehicle stops were conducted by 20 road police units within Police Scotland during the Festive Road Safety Campaign 2013/2014 (which addressed

drink-driving and vehicle safety), with the 20 units divided into 10 matched pairs (“blocks”) according to shared geographical and practice characteristics. Within each pair, one unit was randomly assigned to the control group, and the other unit to the treatment group. The control group involved “business as usual” traffic stops, while the treatment group received basic training on the concept of procedural justice and how to successfully apply it during routine encounters with the public. Core aspects of procedural justice were explained to officers to be dignity and respect, equality, trustworthy motives, neutrality of decision-making, clear explanation and the opportunity for citizen participation or “voice”. Drivers were also given leaflets reinforcing these key messages.

Data were collected via issuing all drivers who were stopped with a self-completion questionnaire with a prepaid envelope to return (an online alternative was also offered). Eight hundred and sixteen completed questionnaires were returned, with the overall response rate being 6.6 %. In terms of descriptive statistics, 63 % of respondents were male, and the mean age of the sample was 50.7 (SD= 14.8, min=17, max=87). Three-quarters (75 %) of respondents were home owners; 40 % had a university degree or higher, while 12 % reported holding no qualifications. The majority were employed (71 %), and 73 % were married or in a relationship.

Measures

To measure their experience of the encounter, respondents were asked whether police were approachable and friendly, helpful, respectful, professional, fair and clear in explaining why the respondent had been stopped. The response alternatives ranged from “yes, completely” to “no, not at all.”

Police legitimacy was measured using two sub-scales. To assess people’s felt obligation to obey the police, respondents were asked the extent to which they either agreed or disagreed to the following statements: “I feel a moral obligation to obey the police,” “I feel a moral duty to support the decisions of police officers, even if I disagree with them” and “I feel a moral duty to obey the instructions of police officers, even when I don’t understand the reasons behind them”. Given debate about the importance of measuring truly free consent (Bottoms & Tankebe, 2012; Johnson, Maguire, & Kuhns, 2014; Tankebe, 2013; Tyler & Jackson, 2013), the use of the phrase “moral duty to obey” was used in order to best maximize a positive sense of obligation (see also the measures of duty to obey the police in the European Social Survey, Hough, Jackson, & Bradford, 2013a, 2013b, Jackson et al., 2011).

To measure normative alignment with the police, respondents were asked the extent to which they either agreed or disagreed to the following statements: “The police have the same sense of right and wrong as me”, “The police stand up for values that are important for people like me” and “I support the way the police usually act.” While studies often measure the normative justifiability aspect of legitimacy using indicators of institutional trust (for discussion see Jackson & Gau,

2015), normative alignment was measured in the current study, since shared moral values may motivate legal compliance more readily than institutional trust (cf. Jackson et al., 2012a, 2012b). For all legitimacy questions, response alternatives were “strongly disagree”, “disagree”, “neither agree nor disagree”, “agree” and “strongly agree.”

To measure social identification, respondents were asked the extent to which they either agreed or disagreed to the following statements: “I see myself as a member of the Scottish community”; “It is important to me that others see me as a member of the Scottish community”; “I see myself as an honest, law abiding citizen”; and “It is important to me that others see me as an honest, law-abiding citizen”. Response alternatives were: “strongly disagree”, “disagree”, “neither agree nor disagree”, “agree” and “strongly agree.” This was a measure of identification to a social group that the police in Scotland can plausibly be said to represent, namely, the community of law-abiding Scottish citizens (cf. Bradford, 2014; Bradford, Murphy, & Jackson, 2014b).

To measure people’s beliefs about the morality of two traffic laws, respondents were also asked (on a four-point scale ranging from 1 “very” to 4 “not at all”) how wrong they thought it is to jump a red light and to break the speed limit. Because it is important to adjust for people’s perception of the risk of sanction when predicting compliance (Jackson et al., 2012a; Tyler, 2006a), respondents were asked how likely they thought it was that they would be caught if they did break the speed limit and jump a red light. Response alternatives ranged from 1 “very likely” to 4 “not at all likely”.

Finally, compliance was measured in terms of people’s commitment to complying with traffic laws in the future. Respondents were asked: “All things considered, how likely are you in the future to...” “break the speed limit while out driving” and “jump a red light if you are in a hurry.” The response alternatives ranged from 1 “very likely” to 4 “not likely at all”. 26 % of respondents stated they would be “very” or “fairly likely” to break the speed limit in the future (22 % stated this was “not likely at all”). Only 4 % said they would be “very” or “fairly likely” to jump a red light (68 said “not likely at all”).

Results

Figure 7.2 reports key findings from a fitted structural equation model (SEM) using MPlus 7.2 (with categorical indicators set where appropriate). The fit of the model was acceptable according to approximate fit statistics. Starting at the right-hand side of the model we see that a relatively large amount (52 %) of the variation in compliance commitment can be explained by a linear combination of the various predictors. Of particular note is that believing that it is wrong to speed and jump a red light is the strongest predictor of cooperation ($B = .65, p < .001$). Those who believed that the laws that ban these behaviours are justified (because they prohibit wrongful acts) were more likely to say they would comply with traffic laws in the future,

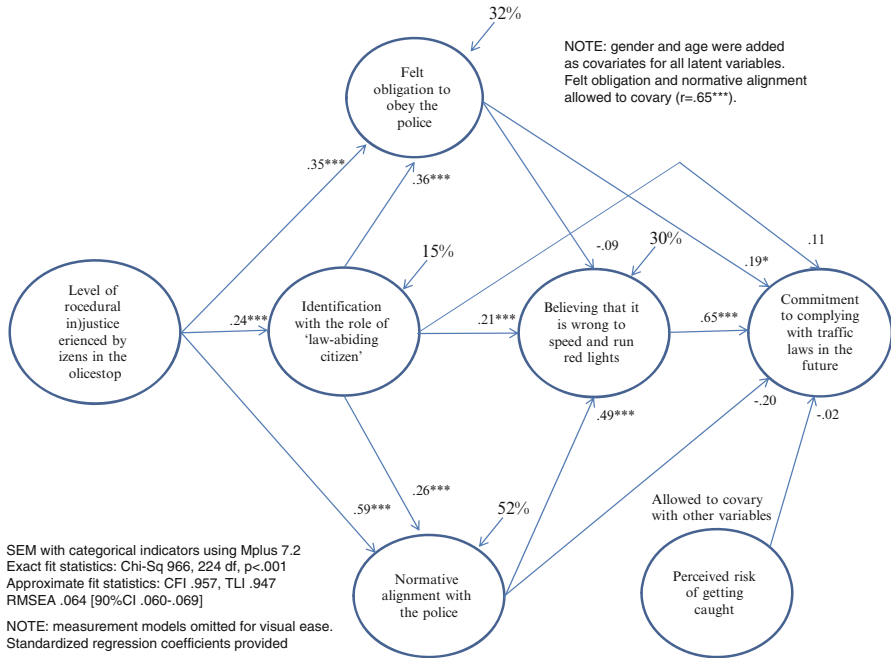


Fig. 7.2 SEM examining predictors of legal compliance

compared to those who did not (adjusting for other factors, like the perceived risk of getting caught if one were to break traffic laws). The other significant predictor of intentions to comply is felt obligation to obey the police ($B=.19, p<.05$). Those who felt obligated to obey the police were more likely to say that they intended to comply with traffic laws in the future.

Turning to the predictors of alignment with the morality of traffic laws—of which 30 % of the variance is explained—the biggest predictor is normative alignment with the police ($B=.49, p<.001$) and the next biggest predictor is identification with the role of law-abiding citizen ($B=.21, p<.001$). Of note is that identification also predicts felt obligation and normative alignment ($B=.36, p<.001$ and $B=.26, p<.001$ respectively). Finally, the procedural justice of the encounter is a strong predictor of identification ($B=.24, p<.001$), felt obligation ($B=.35, p<.001$) and normative alignment ($B=.59, p<.001$). Clearly, how officers treated people was linked to a fair amount of variation in theoretically relevant potential outcomes.

Did procedural justice have an indirect statistical effect on future intentions to comply with the law? If it did, through how many pathways? These two questions—central to the current chapter—were assessed using the effect decomposition function in MPlus. Table 7.1 shows the three statistically significant indirect pathways from contact to compliance. In terms of the magnitude of statistical effects, the most

Table 7.1 Indirect statistical effects of the procedural fairness of the encounter with the police on people's commitment to complying with traffic laws in the future

| Pathway via | COEFF. | SE | COEFF./SE | P-value |
|---|--------|------|-----------|---------|
| Procedural justice to normative alignment to beliefs about the morality of traffic laws to compliance | .187 | .047 | 4.017 | <.005 |
| Procedural justice to identification to beliefs about the morality of traffic laws to compliance | .033 | .013 | 2.624 | .009 |
| Procedural justice to obligation to compliance | .067 | .033 | 2.012 | .044 |

Note: standardized coefficients estimated within the structural equation model (see Fig. 7.2)
COEFF. regression coefficient, *SE* standard error

important pathway was from contact to normative alignment to the morality of traffic laws to compliance. Believing that one had been treated in procedurally fair ways by the police was associated with a heightened intention to comply with traffic laws via what is assumed to firstly be a mediating sense of shared values with the police, and secondly a mediating belief that it is wrong to speed and run red lights. A similar and statistically significant pathway was found via contact, identification, alignment with the morality of traffic laws and compliance (although the estimated effect size was much smaller). Finally, there was a significant pathway from contact to felt obligation to obey the police to compliance, suggesting a role not just for normative alignment but also for the other dimension of legitimacy (consent and willing constraint).

In sum, the findings support the idea that police legitimacy motivates legal compliance through two routes: the first through a sense of moral duty to comply with police directives and the second through a sense that the police represent a sense of moral appropriateness. While I was unable to assess whether felt duty to obey the law mediates the estimated effect of felt duty to obey the police (as was found in Jackson et al., 2012a), I was able to show that the moral appropriateness of traffic laws mediates the statistical effect of normative alignment with the police, suggesting (in the current context at least) that the police can persuade people that they are right to be enforcing certain laws, helping to encourage a sense of the harmfulness of the behaviours being regulated.

Conclusions

A good deal of prior empirical work supports the notion that legal duties have moral weight in the eyes of citizens when the institutions that impose those duties are viewed as legitimate (Fagan & Piquero, 2007; Fagan & Tyler, 2005; Jackson et al., 2012a; Murphy et al., 2009; Papachristos et al., 2012; Reisig et al., 2007; Sunshine & Tyler, 2003; Trinkner & Cohn, 2014; Tyler, 2006a; Tyler & Jackson, 2014).

Individuals give up some of their freedoms when they hold justice institutions to be legitimate and institutions generate legitimacy when they wield their authority in fair and neutral ways during day-to-day interactions with citizens. In the words of Tyler et al. (2014: 754) the “legitimacy of legal authorities is earned, if not negotiated, through actions that demonstrate its moral grounding...Legitimacy is not a given power, but accumulates through dense social interactions with authorities, where accounts and evaluations of experiences with the police are shared through efficient information markets and social networks.”

On the one hand, fair and respectful treatment and neutral and objective decision-making provides the moral validity that justifies their institutional position. People’s judgment about the extent to which legal authority is legitimate is based in part on the degree to which individual justice agents wield their authority in just and fair ways. On the other hand, the exercise of authority via the application of fair process—treating people in ways that are recognised to be fair, respectful and legal, and making fair and neutral decisions—strengthens the social bonds between individuals and authorities. Procedural justice encourages not just the belief that institutions have “a just, fair, and valid basis of legal authority” (in the words of Papachristos et al., 2012: 417) but also identification with the group that the authority represents (typically assumed to be the state), as well as the internalization of the belief that one should follow the rules of the group (Sunshine & Tyler, 2003; Tyler, 2006a, 2011b; Tyler & Huo, 2002).

My goal in this chapter has been to make one small extension to this well-evidenced framework. Following recent work (Jackson et al., 2012a, 2012b; Bradford, Huq, Jackson, & Roberts, 2014a; Bradford et al., 2014b) I have pursued the conceptual claim that legitimacy has two dimensions: (a) recognition of rightful authority (viewed through the lens of felt obligation to obey rules and commands) and (b) normative justification of power (viewed through the lens of shared moral values between power-holders and subordinates, where power-holders act in ways that align with the values of citizens). I have considered the idea that legal compliance may be influenced first by a content-free duty to obey that shuts down action alternatives (if one knows something is illegal one will not consider it as an option) and second by a sense that legal authorities are appropriate, proper and just, which creates a sense of normative alignment (and in this study a particular type of value congruence).

Including also the role of social identification, I have discussed three ways in which fair and respectful treatment by power-holders to subordinates plausibly enhances citizen commitment to the rules that the police enforce. Each of these three theoretical pathways is relational rather than instrumental (Tyler, 1997). According to the first pathway, procedural justice activates the sense that the police are entitled to be obeyed. When police officers are restrained and respectful in their use of authority, this encourages a sense of reciprocal civic obligation to respect their authority and abide by their laws (Jackson et al., 2012a; Tyler, 2006a, 2006b). The second is that procedural justice enhances one’s identification with the group that authority represents (here conceptualized as the law-abiding member of the Scottish community, cf. Bradford et al. 2014a, 2015), motivating one to act in ways

that allow people to maintain positive social bonds (Tyler & Blader, 2003; Blader & Tyler 2009).

The third—and the strongest empirical pathway in the current data—starts with procedural justice activating the sense that police officers share one's moral values. When police officers treat people fairly, when they make neutral decisions, when they use their authority in a restrained manner, this accords with people's expectations about how the police should behave when wielding their authority in interactions with citizens (cf. Jackson et al., 2012a, 2012b, 2014a). Normative alignment is strengthened when people's values about the appropriate use of authority are being extolled by actual authority (Tyler & Trinkner, *forthcoming*). In the current study, normative alignment predicted traffic compliance through mediating beliefs about the morality of the compliance behaviours. The police as an institution are synonymous with policing as an activity, and the values they express to citizens when wielding their authority may help to persuade people of the morality of the specific laws being enforced in that encounter. Treating people fairly may encourage a sense of value congruence between officers and the citizens in question, which in turn may help to promote to those citizens that the substantive goals driving this regulatory stop are moral and valid.

Earlier in this chapter I discussed a long-standing philosophical question about whether citizens ever have a (content-free) duty to obey the law. I also briefly reviewed research that has turned this into an empirical question. According to procedural justice theory, institutions can strengthen people's sense of legal obligation by wielding their power in fair and just ways, and from this perspective legitimacy is an all-purpose social coordination mechanism (Tyler, 2006a, 2006b). Based neither on material interest, nor on the substance of decisions, the sway of legitimacy remains salient in situations where citizens disagree with the specific actions of authorities. The moral beliefs of anti-abortion activists may directly conflict with the views of the Supreme Court—for example—but the legitimacy of a Supreme Court ruling on abortion must still be conceded. Legitimacy thus conceived may be especially important in pluralistic and diverse societies in which widespread agreement about morality cannot simply be assumed (Tyler & Huo, 2002). A content-free duty to obey is key to legitimacy having this coordination capacity, while people can hold very different moral positions about different key issues, if they all allow an external authority to dictate appropriate behaviour, they will nevertheless bring their behaviour into line with that which is expected.

In the current study, duty to obey was found to be a significant predictor of compliance, but a stronger predictor was the belief that the police as an institution is appropriate, moral and just (assuming that people judge the moral validity of the institution on the basis of the moral grounding of police officers). The current study suggests that legitimacy can motivate legal compliance via a particular form of value congruence. In the current context at least, legitimacy seemed to enhance the belief that the laws being enforced in the encounter are appropriate, moral and just (assuming that people judge the moral validity of the laws on the basis of the wrongfulness of the behaviours being prohibited). This may be a route to public

compliance with the law that is less about authorisation and more about persuading citizens of the morality of policing and proscribing certain behaviours (in this case, traffic-related behaviours). Encouraging people to align themselves with the values of the legal system, legitimacy may not just be about solving a coordination problem by getting people to comply with laws they disagree with; it may also have an impact on compliance through persuading people that it is right and proper to avoid certain harmful behaviours and that the law assists what Rawls (1964: 9) calls a 'mutually beneficial and just cooperation scheme'.

Limitations of the Research

A number of limitations to the current study must, of course, be acknowledged. First, the setting is a relatively homogeneous country that engages in styles of policing that are more consensual than aggressive (at least compared to certain metropolitan areas of the US). It may be that it is relatively easy to persuade people to comply with traffic laws in such a situation; it is for future research to assess whether the findings replicate in other countries, regarding other crimes, and in other regulatory contexts. Second, the RCT's treatment did not produce a positive effect on procedural justice so the data are only observational. The analysis reported in this chapter reflects descriptive not causal inference; it is for future research to estimate causal effects. Third, the study did not measure actual compliance. I had to rely on a self-reported willingness to comply in the future; an important next step in this field of enquiry is to measure actual behaviour.

Finally, I should also note that a different analysis of the same data found slightly different results. Bradford et al. (2015) combined duty to obey and normative alignment sub-scales of legitimacy into one index (justified by the strong association between the two sub-scales and the desire to avoid multi-collinearity issues).⁶ When legitimacy was treated unidimensionally, it was no longer a statistically significant predictor of legal compliance (identification and the perceived risk of sanction were the significant predictors). The sensitivity of the results to how legitimacy is scaled is worthy of further investigation. But it does point to a very real issue when modelling data such as these. One makes judgement calls when specifying measurement models and structural paths between latent constructs. These judgements can have a real impact on the sort of conclusions that one draws. It is important, above all else, to be transparent about analytical decisions and modelling strategies.

⁶In the current analysis the correlation between felt obligation and normative alignment after adjusting for procedural justice and identification was .65; in a confirmatory factor analysis of the key constructs it is .76.

Final Thoughts on Legal Socialization

By way of closing, I would like to discuss the findings of the current study in the context of ongoing work into legal socialization by Tyler and Trinkner (forthcoming). Trinkner and Cohen (2014: 1) define legal socialization as: “the process by which individuals develop their understanding of laws or rules within society, the institutions that create those laws or rules, and the people within those institutions that enforce the laws or rules.” Part of this is the adoption of the values inscribed in laws and the legal system. One learns about the things that are illegal and one internalizes the social norms related to prohibited behaviour. One is taught that it is wrong to steal, for example, and wrong to put others’ safety at risk.

Another part of legal socialization is one’s relationship with the legal system and its constituent authorities (most powerfully the police). Working within the US context, Tyler and Trinkner (forthcoming) argue that people are socialized into a relationship with the legal system that is based on three “dimensions” of values: (a) treatment, (b) decision-making and (c) boundaries. On the one hand, legal authorities should treat citizens with respect and dignity, and citizens should treat legal authorities with respect and dignity. On the other hand, decision-making and boundaries refer to the process by which outcomes are decided and the limits to power shown by authority actions.

An important part of their argument is that when authorities demonstrate procedural fairness, they are acting according to societal values about how citizens and authorities should interact. They are, in short, showing to citizens that they share their values regarding how they are supposed to behave. When authorities act in procedurally fair ways, they demonstrate to citizens that they have an appropriate sense of right and wrong. This is consistent with research showing strong empirical links between procedural justice and normative alignment with the police (Jackson et al., 2012a, 2012b, 2014a; Bradford et al., 2014a; Hough et al., 2013a, 2013b, 2013c). Procedural justice seems to instill a sense in citizens that the police share their values and thus that the institution more generally is appropriate, proper and just.

The findings reported in this chapter suggest that procedural justice may be able to enhance one’s sense that the values of the police accord with one’s own, but in addition to this, the resulting sense of moral appropriateness to the institution may be able to strengthen one’s values regarding the wrongfulness of the behaviours that the law prohibits. This is not just about values about how one should interact with legal authorities; it is also about one’s sense of right and wrong of specific illegal behaviours. Procedural justice may be able to strengthen people’s alignment to the values inscribed in law and the legal system, with encounters with the police being “teachable moments” (Tyler, 2011a) not only about the nature of legal authorities, but also about the morality of the institution and the morality of the institution and the morality of the laws that the institution enforces.

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References

- Blader, S., & Tyler, T. R. (2009). Testing and expanding the group engagement model. *Journal of Applied Psychology, 94*(4), 445–464.
- Bottoms, A., & Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *Journal of Criminal Law and Criminology, 102*(1), 119–170.
- Bradford, B. (2014). Policing and social identity: Procedural justice, inclusion and cooperation between police and public. *Policing and Society, 24*(1), 22–43.
- Bradford, B., Hohl, K., Jackson, J., & MacQueen, S. (2015). Obeying the rules of the road: Procedural justice, social identity and normative compliance. *Journal of Contemporary Criminal Justice*. doi:10.1177/1043986214568833.
- Bradford, B., Huq, A., Jackson, J., & Roberts, B. (2014). What price fairness when security is at stake? Police legitimacy in South Africa. *Regulation and Governance, 8*(2), 246–268.
- Bradford, B., Murphy, K., & Jackson, J. (2014). Officers as mirrors: Policing, procedural justice and the (re)production of social identity. *British Journal of Criminology, 54*(4), 527–600.
- Bradford, B., & Quinton, P. (2014). Self-legitimacy, police culture and support for democratic policing in an English constabulary. *British Journal of Criminology, 54*(6), 1023–1046.
- Burke, P. J., & Stets, J. E. (2009). *Identity theory*. Oxford: Oxford University Press.
- Cohn, E. S., Trinkner, R. J., Rebellon, C. J., Van Gundy, K. T., & Cole, L. M. (2012). Legal attitudes and legitimacy: Extending the integrated legal socialization model. *Victims & Offenders, 7*(4), 385–406.
- Dirikx, A., & Van den Bulck, J. (2014). Media use and the process-based model for police cooperation: An integrative approach toward explaining adolescents' intentions to cooperate with the police. *British Journal of Criminology, 54*(2), 344–365.
- Epp, C. R., Maynard-Moody, S., & Haider-Markel, D. (2014). *Pulled over: How police stops define race and citizenship*. Chicago, IL: University of Chicago Press.
- Fagan, J. (2006). Death and deterrence redux: science, law and causal reasoning on capital punishment. *Ohio State Journal of Criminal Law, 4*, 255–320.
- Fagan, J., & Piquero, A. R. (2007). Rational choice and developmental influences on recidivism among adolescent felony offenders. *Journal of Empirical Legal Studies, 4*(4), 715–748.
- Fagan, J., & Tyler, T. R. (2005). Legal socialization of children and adolescents. *Social Justice Research, 18*(3), 217–241.
- Gau, J. M. (2011). The convergent and discriminant validity of procedural justice and police legitimacy: An empirical test of core theoretical propositions. *Journal of Criminal Justice, 39*(6), 489–498.
- Gau, J. M. (2014). Procedural justice and police legitimacy: A test of measurement and structure. *American Journal of Criminal Justice, 39*(2), 187–205.
- Geller, A., Fagan, J., Tyler, T. R., & Link, B. (2014). Aggressive policing and the mental health of young urban men. *American Journal of Public Health, Published online ahead of print October, 16*, 2014.
- Hinsch, W. (2008). Legitimacy and Justice'. In J. Kuhnelt (Ed.), *Political legitimation without morality?* London: Springer.
- Hinsch, W. (2010). Justice, legitimacy, and constitutional rights. *Critical Review of International Social and Political Philosophy, 13*(1), 39–54.
- Hough, M. (2013). Procedural justice and professional policing in times of austerity. *Criminology and Criminal Justice, 13*(2), 181–197.

- Hough, M., Jackson, J., & Bradford, B. (2013a). The governance of criminal justice, legitimacy and trust. In S. Body-Gendrot, R. Lévy, M. Hough, S. Snacken, & K. Kerezi (Eds.), *The Routledge handbook of European criminology* (pp. 243–265). Oxon: Routledge.
- Hough, M., Jackson, J., & Bradford, B. (2013b). Legitimacy, trust and compliance: An empirical test of procedural justice theory using the European Social Survey. In J. Tankebe & A. Liebling (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. 326–352). Oxford: Oxford University Press.
- Hough, M., Jackson, J., & Bradford, B. (2013c). The drivers of police legitimacy: Some European research. *Journal of Policing Intelligence and Counter Terrorism*, 8(2), 144–165.
- Jackson, J., Asif, M., Bradford, B., & Zakar, M. Z. (2014). Corruption and police legitimacy in Lahore, Pakistan. *British Journal of Criminology*, 54(6), 1067–1088.
- Jackson, J., Bradford, B., Hough, M., Kuha, J., Stares, S. R., Widdop, S., et al. (2011). Developing European indicators of trust in justice. *European Journal of Criminology*, 8(4), 267–285.
- Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., & Tyler, T. R. (2012). Why do people comply with the law? Legitimacy and the influence of legal institutions. *British Journal of Criminology*, 52(6), 1051–1071.
- Jackson, J., Bradford, B., Kuha, J., & Hough, M. (2014). Empirical Legitimacy as Two Connected Psychological States'. In G. Meško & J. Tankebe (Eds.), *Improving legitimacy of criminal justice in emerging democracies*. London: Springer.
- Jackson, J., Bradford, B., Stanko, E. A., & Hohl, K. (2012). *Just authority? Trust in the police in England and Wales*. Oxon: Routledge.
- Jackson, J., & Gau, J. (2015). Carving up concepts? Differentiating between legitimacy and trust in public attitudes towards legal authority. In E. Shockley, T. M. S. Neal, L. M. PytlikZillig, & B. H. Bornstein (Eds.), *Interdisciplinary perspectives on trust: Towards theoretical and methodological integration*. New York, NY: Springer.
- Jackson, J., Huq, A., Bradford, B., & Tyler, T. R. (2013). 'Monopolizing force? Police legitimacy and public attitudes towards the acceptability of violence. *Psychology Public Policy and Law*, 19(4), 479–497.
- Jackson, J., & Sunshine, J. (2007). Public confidence in policing: A Neo-Durkheimian perspective. *British Journal of Criminology*, 47(2), 214–233.
- Jonathan-Zamir, T., Weisburd, D., & Hasisi, B. (2014). *Policing terrorism, crime control and police-community relations: Learning from the Israeli experience*. New York, NY: Springer. doi:10.1007/978-3-319-08126-7. 172 p.
- Johnson, D., Maguire, E. R., & Kuhns, J. B. (2014). Public perceptions of the legitimacy of the law and legal authorities: Evidence from the Caribbean. *Law and Society Review*, 48(4), 947–978.
- Kelman, H. C., & Hamilton, V. L. (1989). *Crimes of obedience*. New Haven, CT: Yale.
- Kochel, T. R. (2012). Can police legitimacy promote collective efficacy? *Justice Quarterly*, 29(3), 384–419.
- Kochel, T., Parks, R., & Mastroski, S. (2013). Examining police effectiveness as a precursor to legitimacy and cooperation with police'. *Justice Quarterly*, 30(5), 895–925.
- Mazerolle, L., Bennett, S., Antrobus, E., & Tyler, T. R. (2013). Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice. *Criminology*, 51(1), 33–63.
- Mazerolle, L., Sargeant, E., Cherney, A., Bennett, S., Murphy, K., Antrobus, E., et al. (2014). *Procedural justice and legitimacy in policing*. New York, NY: Springer.
- Meško, G., & Tankebe, J. (Eds.). (2014). *Understanding legitimacy of criminal justice in Europe*. New York, NY: Springer.
- Murphy, K., Mazerolle, L., & Bennett, S. (2014). Promoting trust in police: findings from a randomised experimental field trial of procedural justice policing. *Policing and Society*, 24(4), 405–424.
- Murphy, K., Tyler, T. R., & Curtis, A. (2009). Nurturing regulatory compliance: Is procedural justice effective when people question the legitimacy of the law? *Regulation and Governance*, 3(1), 1–26.
- Nagin, D. S. (2013). Deterrence: A review of the evidence by a criminologist for economists. *Annual Review of Economics*, 5(1), 83–105.

- Nagin, D. S., & Pepper, J. V. (Eds.) (2012). *Deterrence and the death penalty*. Committee on Deterrence and the Death Penalty, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. National Research Council. Washington, DC: The National Academies Press.
- Nivette, A. E., Eisner, M., Malti, T., & Ribeaud, D. (2014). The social and developmental antecedents of legal cynicism. *Journal of Research in Crime and Delinquency*, Published online before print November, 19, 2014. doi:10.1177/0022427814557038.
- Papachristos, A., Meares, T., & Fagan, J. (2012). Why do criminals obey the law? The influence of legitimacy and social networks on active gun offenders. *Journal of Criminal Law and Criminology*, 102(2), 397–439.
- Paternoster, R., Brame, R., Bachman, R., & Sherman, L. W. (1997). Do fair procedures matter? The effect of procedural justice on spouse assault. *Law and Society Review*, 163–204.
- Peršak, N. (Ed.). (2014). *Legitimacy and trust in criminal law, policy and justice: Norms, procedures, outcomes*. Surrey: Ashgate.
- Pennington, L. (2015). A case study approach to procedural justice: Parents' views in two juvenile delinquency courts in the United States. *British Journal of Criminology*, doi:10.1093/bjcr/azu109.
- Reisig, M. D., Bratton, J., & Gertz, M. G. (2007). The construct validity and refinement of process-based policing measures. *Criminal Justice and Behavior*, 34(8), 1005–1027.
- Rawls, J. (1964). Legal obligation and the duty of fair play. In S. Hook (Ed.), *Law and philosophy*. New York, NY: New York University Press.
- Rawls, J. (1999 [1971]). *A theory of justice*. Cambridge, MA: Harvard University Press.
- Schulhofer, S., Tyler, T. R., & Huq, A. (2011). American policing at a crossroads: Unsustainable policies and the procedural justice alternative. *Journal of Criminal Law and Criminology*, 101(2), 335–375.
- Suchman, M. C. (1995). Managing legitimacy: Strategic and institutional approaches. *Academy of Management Review*, 20(3), 571–610.
- Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in public support for policing. *Law and Society Review*, 37(3), 513–548.
- Tajfel, H., & Turner, J. C. (1979). An integrative theory of intergroup conflict. In W. Austin & S. Worchel (Eds.), *The social psychology of intergroup relations* (pp. 33–47). Monterey, CA: Brooks.
- Tankebe, J. (2009). Public cooperation with the police in Ghana: Does procedural fairness matter? *Criminology*, 47(4), 1265–1293.
- Tankebe, J. (2013). Viewing things differently: The dimensions of public perceptions of legitimacy. *Criminology*, 51(1), 103–135.
- Tankebe, J., & Liebling, A. (Eds.). (2013). *Legitimacy and criminal justice: An international exploration*. Oxford: Oxford University Press.
- Trinkner, R., & Cohn, E. S. (2014). Putting the “Social” back in legal socialization: Procedural justice, legitimacy, and cynicism in legal and nonlegal authorities. *Law and Human Behavior*, 38(6), 602–617. doi:10.1037/lhb0000107.
- Tyler, T. R. (1997). The psychology of legitimacy. *Personality and Social Psychology Review*, 1(4), 323–344.
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 30, pp. 431–505). Chicago, IL: University of Chicago Press.
- Tyler, T. R. (2004). Enhancing police legitimacy. *Annals of the American Academy of Political and Social Science*, 593, 84–99.
- Tyler, T. R. (2006a). Legitimacy and legitimation. *Annual Review of Psychology*, 57, 375–400.
- Tyler, T. R. (2006b). *Why people obey the law*. New Haven, CT: Yale University Press.
- Tyler, T. R. (2009). Procedural justice, identity and deference to the law: What shapes rule following in a period of transition? *Australian Journal of Psychology*, 61, 32–39.
- Tyler, T. R. (2011a). Trust and legitimacy: Policing in the US and Europe. *European Journal of Criminology*, 8(4), 254–266.

- Tyler, T. R. (2011b). *Why people cooperate: The role of social motivations*. Princeton: Princeton University Press.
- Tyler, T. R., & Blader, S. L. (2003). The group engagement model: Procedural justice, social identity, and cooperative behavior. *Personality and Social Psychology Review*, 7(4), 349–361.
- Tyler, T. R., Braga, A., Fagan, J., Meares, T., Sampson, R., & Winship, C. (Eds.). (2007). *Legitimacy and criminal justice: International perspectives*. New York, NY: Russell-Sage Foundation.
- Tyler, T. R., & Fagan, J. (2008). Why do people cooperate with the police? *Ohio State Journal of Criminal Law*, 6, 231–275.
- Tyler, T. R., Fagan, J. A., & Geller, A. (2014). Street stops and police legitimacy: Teachable moments in young urban men's legal socialization. *Journal of Empirical Legal Studies*, 11(4), 751–785.
- Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: Encouraging public cooperation with the police and courts*. New York, NY: Russell-Sage Foundation.
- Tyler, T. R., & Jackson, J. (2013). Future challenges in the study of legitimacy and criminal justice. In J. Tankebe & A. Lieblich (Eds.), *Legitimacy and criminal justice: An international exploration* (pp. 83–104). Oxford: Oxford University Press.
- Tyler, T. R., & Jackson, J. (2014). Popular legitimacy and the exercise of legal authority: Motivating compliance, cooperation and engagement. *Psychology, Public Policy and Law*, 20(1), 78–95.
- Tyler, T. R., & Trinkner, R. (forthcoming). Learning about the law: Legal socialization in an era of mistrust.
- Wellman, C. H., & Simmons, A. J. (2005). *Is there a duty to obey the law?* Cambridge: Cambridge University Press.
- Wiley, S. A., & Esbensen, F.-A. (2013). The effect of police contact: Does official intervention result in deviance amplification? *Crime and Delinquency*. doi:10.1177/0011128713492496.

Chapter 8

Political Trust in Polarized Times

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Two features of the American political landscape stand out in the early twenty-first century. One is the low level of trust Americans have in their government. When asked if the government can be trusted to do what is right, the overwhelming answer is “no.” Less than a quarter of Americans (24 %) said they could trust their government most or all of the time in 2012, compared to 61 % in 1966. The decline in political trust over the past 50 years has been dramatic (Alford, 2001; Hetherington, 1998). Just as dramatic, though, has been the second prominent feature—the increase in party polarization. The two major parties in Congress are further apart today than they were in the 1870s, after the Civil War (McCarty, Poole, & Rosenthal, 2006; Voteview.com, 2014). Not only are Democrats and Republicans in Congress very far apart, but the American people are showing symptoms of polarization as well. According to a recent Pew Research Center report, Americans are more likely to view the opposing party as a threat to America’s well-being, to want to live near and be close friends with people in their own party, and to say they would be unhappy if a family member married someone from the other party (Pew Research Center, 2014). One of the drivers of polarization is not an increasing identification with one’s own party, but an increasing antipathy toward the other (Abramowitz, 2014).

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In fact, people are more likely to discriminate against someone from the opposing party in a job interview than someone from a different race (Iyengar & Westwood, 2014). This is especially true for those individuals who hold either consistently liberal or conservative positions across both economic and social issues (Carmines, Ensley, & Wagner, 2012a).

Miller (1974) and Citrin (1974) debated the meaning of the decline in trust at an earlier time when trust had dropped precipitously, from 1964 to the early 1970s. Miller argued that the distrust was deep and reflected cynicism toward the institutions and political system as a whole based on discontentment with conservative government policies. Citrin countered that Americans were disenchanted with the incumbent authorities, not with the political system, suggesting that changes in elected officials could shift sentiment toward the government. An important feature of the Miller–Citrin debate is that it occurred during a period of unusually moderate partisan conflict. McCarty et al. (2006) show that lower levels of polarization than has been the norm in American politics characterized the era from the 1950s to the 1970s. However, the story of much of our history has instead been one of polarization at the elite level. In light of the rising levels of polarization since the debate's inception, we contend that it is important to revisit the question of whether declining trust levels are a reflection of the public's assessment of the political system or their evaluations of elected officials. In this chapter, we focus our attention on political trust during one of these periods of deep, often intractable differences between the two parties that has characterized recent years. What happens to political trust when there is heightened animosity between the two parties? And what are the consequences of political trust, particularly during highly polarized times, for both policy outcomes and democratic processes?

We begin with a discussion of the concept of political trust, drawing on political scientists' understanding of the concept. Trust has been defined in both rational and psychological terms. We bring the two together. We then focus specifically on party polarization and how political trust responds to the party in the White House. Finally, we heed Citrin's (1974) call for more research on the consequences of political trust. We review the excellent work that has been done on the impact of declining trust on policy outcomes. Miller (1974) argued that disenchantment with policies that were not liberal enough led to greater distrust. Hetherington, Rudolph, and others have turned this around, demonstrating that greater distrust has led to less liberal policies. We also address Miller's contention that distrust has a deeper, more systemic meaning. In a novel approach to the consequences of trust, we test whether political trust predicts support for democratic processes. In particular, we take account of the tone of polarization in the information environment to build on previous work suggesting that as information environments become saturated with contentious, polarized politics, politicians can improve their performance at the ballot box by strategically tapping into individuals' distrust in government (Wagner, Wells, Friedland, Cramer, & Shah, 2014). If political trust affects people's support for how democracy works, then there is reason to think that declining trust might affect not just policy but the political system as a whole.

Understanding Political Trust

The primary framework used by political scientists to understand political trust comes from theorizing about trust within interpersonal relations. On an interpersonal level, the truster is a self-interested actor who must decide whether the other person (the trustee) will act in the truster's best interest, and this depends on the trustee's interests and motivations (Hardin, 1999). If the truster has perfect knowledge of the trustee, it is a simple decision whether to trust or not. Without perfect knowledge, however, the truster must use what knowledge is at hand to determine expectations of the trustee's likely behavior and to assess the risk involved in trusting the other person (Levi & Stoker, 2000; Lupia & McCubbins, 1998). The decision to trust leaves the truster vulnerable; the trustee might act *against* the truster's best interest, revealing that it would have been best not to have trusted.

The decision whether or not to trust in this interpersonal domain therefore involves knowledge, expectations, risk, and interests. The truster has knowledge about the other person based on direct experience or through indirect sources. The truster uses this knowledge to develop expectations about the trustee's likelihood of acting in the truster's best interest. The truster assesses the risk of the likelihood that the trustee will act against his or her best interest and whenever that risk is greater than zero, the truster leaves himself or herself vulnerable to the actions of the trustee.

Researchers working in the domain of political trust often draw on the same basic logic and concepts—knowledge, expectations, risk, and interests—but the argument has to be modified. Two modifications become especially pertinent: the understanding of what is in the person's best interest, and the complexity of the calculations people must make.

Political trust shifts the understanding of interest from the individual self-interest focus of interpersonal trust (e.g., can Person A trust Person B to pay back the \$20 A lent to B) to a broader take on interests. As the literature on economic voting has shown, people are much more reactive to the state of the national economy than to the state of their own pocketbooks (see, e.g., Kinder & Kiewiet, 1981; Lewis-Beck & Stegmaier, 2000; Markus, 1988). Personal economic self-interest is not as big a part of people's considerations as broader, national concerns. Rather than expecting trust in government to rise or fall based on direct experiences with government and the fulfillment of personal interests, researchers look at broader expectations. For example, Citrin and Muste (1999, 465) define political trust as "confidence that authorities will observe the rules of the game and serve the general interest." If a scandal erupts in Washington, DC, whether due to, say, corruption or to illicit sexual relations, people do not react because they have *personally* been hurt but because the elected official has broken the rules or gone against the interests of the nation or the people as a whole. Political trust is not necessarily about *self*-interest, then, but about *collective* interests.

Political trust is also much more complex than interpersonal trust. At a very basic level, the trustee shifts from being an individual to being the government as a whole, an institution of government, or a large group of people in the government.

It is important to note that political trust levels vary depending on the specific entity being evaluated. Notably, trust in Congress tends to draw the lowest trust levels as compared to the president and the Supreme Court. The federal government is big and complicated, with many moving parts and many institutions and people making those parts move. The amount of knowledge needed to develop expectations and to assess risk increases exponentially, as do the calculations needed to determine if the risks are worth it. It is simply easier to gain knowledge about Person B and to calculate the risk of trusting him or her than it is to gain knowledge and make these same calculations about government. For this reason, Hardin (1999, 23) argues that the default for most people *should* be to distrust the government. They simply do not have the relevant knowledge needed to make accurate predictions about the government's behavior, and the rational response is therefore distrust.

Americans have certainly opted for the default distrust option much more often than they have chosen to trust their government. Figure 8.1 shows how Americans have responded to a standard battery of questions on their trust in government from 1964 to 2012 (see Appendix for the American National Elections Studies questions). Trust in the government was high in the mid-1960s, with over half of the respondents indicating they trusted the government in 1964 and over 60 % indicating trust in 1966. Political trust has generally been low ever since the mid-1970s, usually hovering around 30 %. There have been ups and downs, however. The years of the Ronald Reagan presidency saw a significant increase in trust. The years of the Bill Clinton presidency also saw an increase in political trust, with a larger increase coming in the beginning of the George W. Bush presidency in the aftermath of the September 11, 2001, terrorist attacks. The bottom line is that over the past 50 years, only about 30–40 % of Americans say they trust their government whereas about two-thirds are distrustful. In the past decade, only about a quarter of Americans have trusted their government. Hardin (1999) is right to suggest that political distrust is the default.

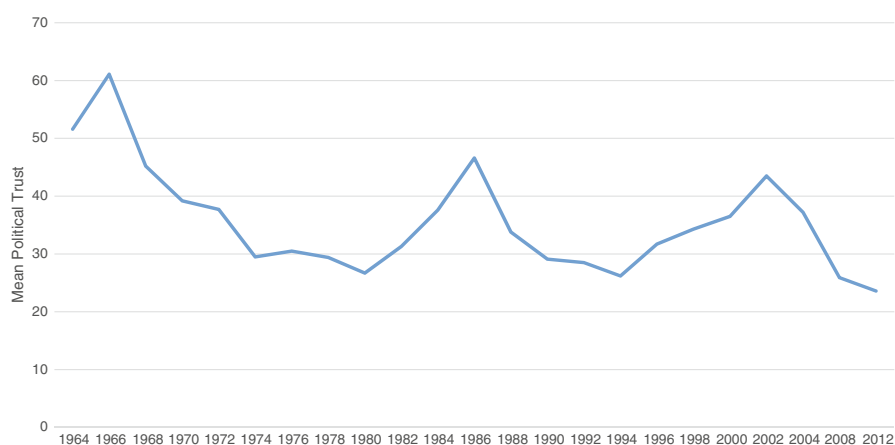


Fig. 8.1 Political trust over time. *Source:* American National Election Studies Time Series Cumulative Data File (1948–2012). *Note:* The scores of the political trust index range from 0 (low trust) to 100 (high trust). See the [Appendix](#) for the four questions that make up the political trust index

Further bolstering Hardin's assertion that most Americans lack sufficient knowledge to make well-informed trust assessments of the government is the extent to which the electorate is interested in and attentive to political affairs. Americans' knowledge about what is going on in their country and in the world is quite low, and often significantly lower than is the case for Western Europeans (Delli Carpini & Keeter 1996). If Grimmelikhuijsen (2012, p. 55) is right that greater knowledge "allows one to make relatively confident predictions regarding the likelihood that the object of trust is indeed trustworthy," then Americans should definitely lack confidence. But Popkin (1991) has argued that people easily gain knowledge through their everyday experiences. Going to the grocery store and finding that the cost of milk or bread has increased significantly says something about the economy. People can then use this information to decide whether the government should be trusted. Moreover, institutional structures (such as the news media) can help individuals overcome a lack of knowledge with respect to deciding whom to trust because the institutions can penalize individual actors, like politicians, for lying (Lupia & McCubbins, 1998).

Knowledge can also be gained through direct experience with government officials. People have direct experience with government officials fairly regularly, such as when they go to the post office or when the mail carrier delivers mail to their house or apartment. These direct experiences seem to be positive ones for most Americans (Yiannakis, 1981). According to a *Washington Post* poll, most Americans (about three-quarters of those polled) thought the federal officials with whom they had come into contact had done a good job (Rein & O'Keefe, 2010). The problem with relying on direct experience, however, is that people apparently do not connect these interpersonal experiences with trust in government as a whole. The leap is simply too large to go from positive experiences with, say, someone who works behind the counter at the Post Office to having the knowledge to make good risk predictions about the federal government as a whole.

People can also gain knowledge about the government indirectly, most often via the mass media and through education. Many scholars point to the media as the culprit for low political trust in the United States because of their extensive negative coverage of government, especially Congress (Capella & Jamieson, 1997; Morris & Clawson, 2005; Mutz & Reeves, 2005; Patterson, 1993; Robinson, 1976). If the only knowledge people gain about the government through the media is negative, then it is no wonder that people distrust their government. Others view the media's influence as more conditional, however, with the type of medium and pre-existing trust levels affecting the impact of the media on trust (Avery, 2009; Norris, 2000), especially since public esteem of the media has been on a steep decline for decades (Ladd, 2012).

The bottom line is that Americans are not highly informed about politics, and their lack of interest in and attention paid to politics makes trust calculations particularly onerous. Consequently, we know that, as with other political evaluations, individuals often rely on heuristics when it comes to political trust decisions. Political scientists have drawn on the work of psychologists to understand how people make decisions when they clearly do not go through the complex cognitive computations

required in rational models of decision making (Simon, 1957; Tversky & Kahneman, 1974). Heuristics are “cognitive shortcuts, rules of thumb for making certain judgments or inferences with considerably less than the complete search for alternatives and their consequences that is dictated by rational choice” (Lau & Redlawsk, 2006: 25). The idea is that people use heuristics to simplify problem solving and decision making in such a way that they do not have to utilize complicated calculations. Some political scientists have also discussed heuristics as an alternative to having full information (see, e.g., Bartels, 1996), although Druckman, Kuklinski, and Sigelman (2009: 494) point out that people can have little information but still use complicated, rigorous computations. On the flip side, people can also have a lot of information and still use heuristics to simplify the judgment process.

One of the main heuristics people use when it comes to politics is party identification. It is easy and widely available. People naturally categorize stimuli and use the preexisting content of the category to draw inferences about the stimuli quickly and efficiently. People are aware of and pick up a party identification at a young age (Jennings & Niemi, 1968), making party an easy-to-use category that has ample content. The content is the stereotypes and knowledge people have about the political parties. Given the ubiquitous nature of partisanship in politics, it makes sense that people would turn to party identification as a heuristic. In fact, research shows clearly that people use party stereotypes to make sense of politics (Conover & Feldman, 1989; Lodge & Hamill, 1986), and they use party identification as a shortcut even when they have other information available to make judgments. For example, Rahn (1993) has shown that people readily use candidates’ policy stands, attend to their messages, and evaluate and draw inferences based on this information when party identification is not available as a cue. When candidates’ partisanship is available, however, people “neglect policy information in reaching evaluations; they use the label rather than policy attributes in drawing inferences; and they are perceptually less responsive to inconsistent information” (p. 492).

Alongside the pervasive party heuristic, Hetherington (2005) has argued that trust in government is another widely used heuristic. Rather than spending effort and time gathering the necessary knowledge to make an informed decision about whether to trust the government, people rely on their “baseline feelings...arrived at on a gut level” (p. 51). When confronted with a policy proposal or a government action of some sort, people do not need to go through the complicated trust calculations determining risks and expectations. Rather, they can easily figure out from where the proposal is coming and determine if they trust that source. If they trust the source, they will support the policy or action. If they do not trust the source, they will oppose the policy or action.

People use the trust heuristic as the fallback position until some future action leads to a shift in the status quo. Because trust relationships are usually not a one-shot deal, involving instead interactions over time, it is clear that the trust developed at t_1 has an impact on whether the person trusts at t_2 . To maximize cognitive efficiency, individuals may rely on the trust heuristic as a central tendency or anchor from which slight adjustments may be made depending on new information.

In other words, trust (or distrust) becomes the default because it is not rational to repeat the calculations each time a trust judgment is needed.

This argument can easily be brought into the political realm. If a person trusts the government to do what is right, she is likely to use that standing decision to interpret the government's actions. Because people have a running history of interactions with the government, even if those interactions are through what is learned via the media, these standing decisions are likely to be fairly stable. Although perceptions of government actions affect trust judgments, it is highly likely that a person's current standing decision on trust affects his or her perception of current government actions. In short, standing trust decisions likely color perceptions of government actions.

In polarized times, when the animosity between the two parties is especially pronounced, it is likely that the party and trust heuristics are highly intertwined. Trust as a heuristic allows people to use their standing decision, their trust shortcut, when making a judgment about the government. They do not need to calculate the trust decision every time they see the government taking action. But when partisan polarization is a salient feature of the political environment, the default towards trust or distrust is likely to depend on which party is associated with the government action. The party of the president or the majority party in the House or Senate is likely to be more salient to people, and their trust in government actions is likely to be highly sensitive to the party in power. If the opposing party is proposing a particular policy, the gut reaction is distrust. If one's own party is proposing the policy, the default is trust. In other words, attitudes toward the political system and evaluations of public officials are both at play in determining trust levels. We turn now to a fuller discussion of the effects of polarization on political trust.

Polarization and Its Impact on Political Trust

Our argument about polarization and trust assumes that the public is polarized. A large body of evidence suggests that political elites have become more polarized along both ideological and party lines in recent decades (Hetherington, 2001; McCarty et al., 2006; Poole & Rosenthal, 1984, 1997). The increased polarization in Congress is quite stunning. As Fig. 8.2 shows, both the House and the Senate were highly polarized in the aftermath of the Civil War but experienced a period of partisan cooperation in the mid-1900s. From the 1980s on, polarization in Congress has increased dramatically. In fact, in recent years, polarization is higher than it was shortly after the Civil War. The two parties in Congress cannot get along (Mann & Ornstein, 2008).

However, there is substantial disagreement among political scientists as to whether the mass public has followed a similar path. Arguing against the mass polarization hypothesis, Fiorina and his colleagues suggest that the mass public does not hold ideologically polarized positions and are primarily political moderates (Dalton, 2013; Fiorina & Abrams, 2008; Fiorina, Abrams, & Pope, 2010).

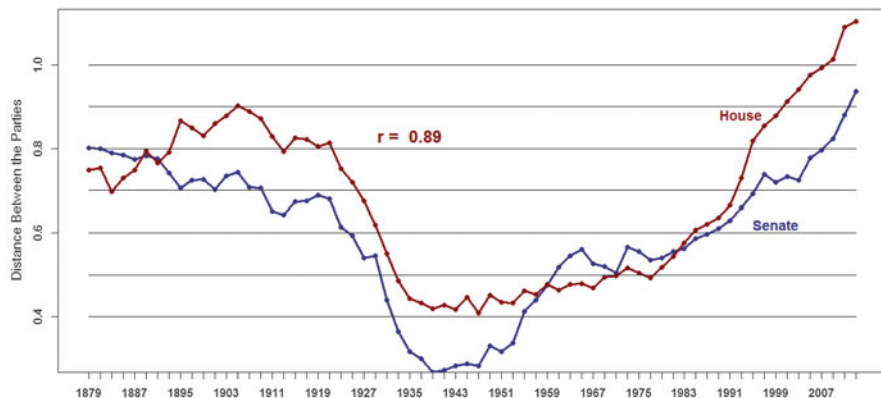


Fig. 8.2 Elite polarization over time. *Source:* “The Polarization of Congressional Parties,” http://voteview.com/political_polarization.asp. *Note:* The distance between the parties is measured as the distance between the average ideal point of Republican and Democratic legislators using the first DW-NOMINATE dimension (liberal-conservative). See http://voteview.com/political_polarization.asp for a description of the method

In support of this contention, people have neither become more ideological in their thinking about politics in recent years, nor are they more willing to express political beliefs that are extremely liberal *or* extremely conservative (DiMaggio, Evans, & Bryson, 1996; Evans, 2003). In contrast, proponents of the mass polarization hypothesis suggest that people have followed elite polarization to see the world increasingly through an ideological lens (Hetherington, 2001). Empirical support for this claim includes the fact that people are more divided on social, religious, and cultural issues (Abramowitz & Saunders, 1998, 2005, 2008). People are also more likely to perceive the parties as ideologically distinct and to hold political views that correspond closely with their partisan affinities (Jacobson, 2000; Layman & Carsey, 2002; Levendusky, 2009, 2010). In these polarized times, partisan elites provide clearer and more consistent issue cues, making them easier for the mass public to use (Layman & Carsey, 2002; Levendusky, 2009; Wagner, 2007).

One attempt to reconcile these competing accounts argues that each perspective on polarization contains a kernel of truth, but neither comprehensively explains the structure of American public opinion because each perspective assumes that individuals organize their attitudes along a single “left-right” (liberal to conservative) dimension. Carmines et al. (2012a, 2014) demonstrate that individuals organize their attitudes across two dimensions—economic issues and social issues. Polarization in the electorate, they show, is conditional upon whether individual views on social and economic issues line up with the issue positions offered by the elected officials in each major party (Carmines et al., 2012b). Citizens who have either liberal or conservative views on *both* economic and social issues are polarized, while those with liberal views on one set of issues and conservative positions

on the other are stuck in between two parties that do not perfectly match their views. These people often self-identify as moderates.

But polarization is not just about how distant the parties are from each other on political issues or the extent to which voters adopt partisan positions; it is also about the culture of brinkmanship that polarization produces. In a polarized, competitive environment, intergroup dynamics become more pronounced. Partisans feel both angry and anxious when confronted with the possibility that the opposing party will win the presidential election (Huddy & Mason, 2008). Partisan reactions to having the opposing party win the election (and therefore control the presidency for four years) are much more pronounced in the polarization era compared to the pre-polarization era, when who won was simply less threatening. The potential for an outgroup win is not just a minor upset; it is a threat to the ingroup (Branscombe, Ellemers, Spears, & Doosje, 1999). Accordingly, ingroup members react to outgroup threat by becoming more cohesive as a group, exhibiting greater ingroup bias, playing up ingroup stereotypes, and behaving defensively against the outgroup (Branscombe et al., 1999). Polarization increases the risk people associate with having the opposing party lead the nation while simultaneously decreasing the risk associated with one's own party being in charge.

While the potential relationship between trust and polarization has gone largely unaddressed, the few studies examining partisanship and trust in tandem have come to somewhat different conclusions. King (1997) suggests that the parties' increasing polarization has encouraged distrust among political moderates and weak identifiers but has actually increased trust among strong identifiers. This pattern remains the same regardless of which party is in power. Hetherington (2008) finds that trust is unrelated to ideology in most years, but in 2000 and 2004, political trust dropped significantly among moderates and liberals and soared among self-identified conservatives (Hetherington, 2008: 20–21).

To the extent that the parties have sorted along ideological lines (Levendusky, 2009), it makes sense to predict that Democrats and Republicans differ in their level of trust in government depending on which party controls the White House, and that these differences would be more pronounced the greater the polarization among the mass public. The further apart people perceive the two parties to be, the higher the risk of having the opposing party in power. The opposing party is less likely to have the national interest at heart in the way one's own party would, leading to the expectation that the opposing party will make bad choices when it comes to policies. The nation, and therefore oneself, is left vulnerable. It makes little sense to trust the government to do what is right when the president is from the opposing party. When one's own party controls the presidency, on the other hand, the obvious expectation is that it will make good choices, thereby lowering the risks. Without having to go through all of these calculations, though, people can simply rely on their trust and party heuristics; they can trust the government to do what is right when their own party is in charge and distrust the government when the opposing party is in power.

Figure 8.3 breaks down political trust over time by the party identification of the respondent. Overall, the political trust of people in both parties tends to move in tandem. The general ups and downs of political trust reflect reactions to the

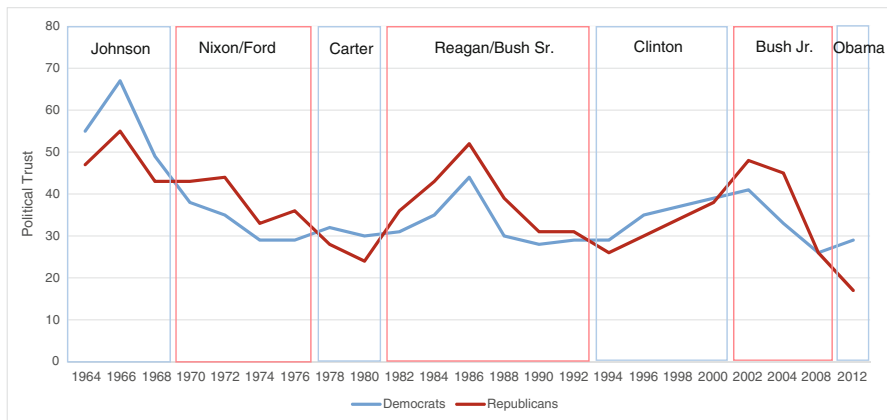


Fig. 8.3 Political trust and party identification. *Source:* American National Election Studies Time Series Cumulative Data File (1948–2012). *Note:* The scores of the political trust index range from 0 (low trust) to 100 (high trust). See the Appendix for the four questions that make up the political trust index

times—whether the economy is strong, the country is at peace, there is a strong external threat, etc.—among other factors, but there is also a partisan aspect to political trust. The figure identifies the president and indicates, with red or blue, the president’s party. When a Democratic president is in office, Democrats are more trusting of the government than Republicans. When a Republican holds the presidency, on the other hand, Republicans have more trust in the government than Democrats. People are most aware of which party holds the presidency, with many fewer Americans recalling which party controls the houses of Congress, and they clearly trust government to do what is right when their own party is at the helm.

To get a better sense of the partisan differences in trust and to see if these differences have become more pronounced as the parties have become more polarized, we subtracted the mean political trust score of Republicans from the mean political trust score of Democrats for each survey year. Figure 8.4 shows the absolute value of these difference scores. Aside from the 12-point difference in 1966, shortly after President Lyndon Johnson pushed major civil and voting rights legislation through Congress, Democrats and Republicans were on average between six and seven points apart in their political trust up until Bill Clinton won the presidential election in 1992. From 1992 to 2000, the average difference was under three points. In two of the last three ANES surveys, however, the difference again reached 12 points. Republicans had much more trust in the federal government than Democrats in 2004, and Democrats had much more trust in the federal government in 2012. In 2008, at the end of the George W. Bush presidency, Democrats and Republicans were equally distrusting. Looking at Figs. 8.3 and 8.4, there is clear evidence that partisanship affects trust and that this effect has, in very recent years (with the exception of 2008), become more pronounced.

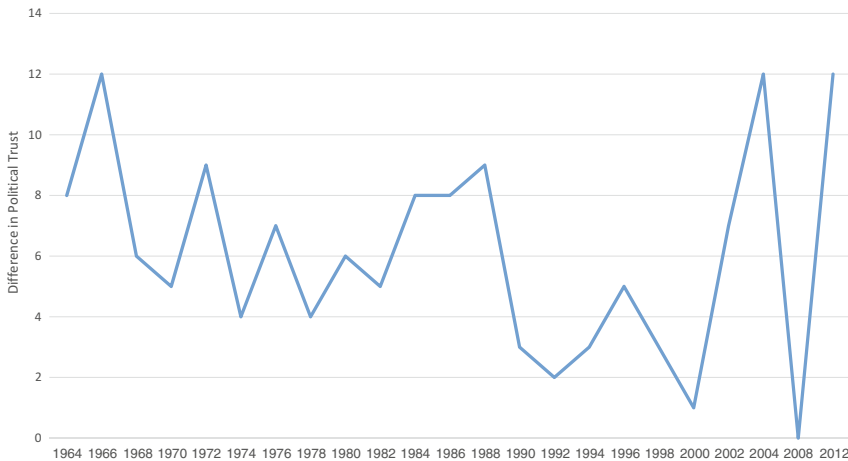


Fig. 8.4 Absolute value of differences in political trust between Democrats and Republicans. *Source:* American National Election Studies Time Series Cumulative Data File (1948–2012). *Note:* The difference was calculated by subtracting Republicans’ political trust score from Democrats’ political trust score and taking the absolute value of that number. A difference of 0 reflects no difference in political trust between the two parties

Consequences of Political Trust in an Era of Polarization

Much of the discussion of political trust concerns what causes trust to go up or down. One dominant explanation is that people become more trusting of the government when policy outcomes match people’s expectations. People have expectations about what the government should be doing. When the policies produced by the government do not meet those expectations, people react by lowering their trust in the government (see, e.g., Hetherington, 2005; Schoon & Cheng, 2011). The clearest example of this tendency concerns the economy. People expect the government to pass the legislation necessary to strengthen the economy (e.g., by decreasing unemployment or inflation or by increasing economic growth). When the economy turns sour, they blame the government for not having taken the steps necessary to secure a strong economy. That is, their trust in the government decreases because the government did not serve the general interests of its citizens.

A second explanation concerns political process. People have expectations about how the government should do its job, and they become less trusting when these expectations are not met. Drawing on Tyler’s (1990) notion of procedural justice, Hibbing and Theiss-Morse (1995, 2002) have argued that political trust is not as much about gaining specific policy outcomes as it is a reaction to the political processes used to come to policy decisions. The more people see special interests influencing members of Congress, the use of special perquisites by elected officials, and a yawning gap between how ordinary people live and how members of Congress live, the less they trust the government. Support for many reforms largely reflects

these process concerns (Hibbing & Theiss-Morse, 1995). Term limits would force members of Congress not to get too comfortable in Washington, DC. Decreasing the congressional salary would force members to live like regular Americans. Getting rid of interest groups and political parties would force members to pay more attention to constituents. Perceptions of process matter when it comes to trust in government.

Although the causes of political trust are important, the consequences of trust are equally if not more important. Many scholars introduce their research on political trust with the claim that understanding trust is important because it gets at the heart of democracy, yet few have put these consequences to empirical test. The research that has focused on the consequences of political trust has pointed to the ways it is important. We focus on two consequences: policy outcomes and support for democratic processes.

Policy Outcomes

Policy concerns affect trust in government. Within the realm of government, people have certain expectations about what the government will do, including keeping the economy strong and crime under control. When the government is not able to make these two things happen, people trust the government less. Chanley, Rudolph, and Rahn (2000) found this to be the case. Negative perceptions of the economy and concern about crime rates, along with congressional scandals, decreased people's trust in government. They also found, however, that political distrust led to less support for government spending and government interventions. That is, when people distrust the government, they do not want the government to be involved in trying to solve societal problems.

Marc Hetherington and Thomas Rudolph, together and independently, have examined in depth the impact of political trust on policy outcomes. Hetherington (2005) finds that trust's impact on policy outcomes holds for redistributive policies, such as welfare and affirmative action programs, but not for distributive policies, such as Social Security and spending on public schools. He argues that the distinction between the two types of policies is important for understanding the differential effects of political trust. On the one hand, trust is less likely to play a role in the case of distributive policies where the beneficiaries of the policy also bear the costs involved. On the other hand, trust is required in the case of redistributive policies that entail sacrifice because most people who bear the costs of these policies, through taxes, do not receive direct benefits, such as in the case of welfare payments. "When people know for certain that they will not readily or materially gain from a program but that they will have to help pay the costs, it is essential that they trust the agent asking such sacrifice" (Hetherington, 2005, p. 48). To use the logic and concepts of trust we discussed earlier, they are taking a risk (in the sense that the program might be poorly run, the recipients might misuse the money, or the outcomes might not be what was expected), and they therefore need to trust the government

to do what is right. The less people trust the government, the less willing they are to bear the sacrifice or the risk.

The trust heuristic is especially important for understanding support for policy outcomes. If people distrust the American government, which they have in recent years, they will likely be opposed to the policies coming out of that government. People usually associate government programs and spending with liberal and racialized programs (Gilens, 1999), so distrust of government likely leads to less support for liberal policies and more support for conservative policy outcomes. Chanley et al. (2000) found that political trust leads to swings in the ideological leanings of the American public. When trust is low, Americans become more conservative. When trust is high, they become more liberal. Hetherington (2005, p. 53) further found that political trust affects actual policy outcomes: “When political trust is high, ...politicians provide more liberal public policy. When political trust is low, ...politicians provide more conservative public policy.” However, when people associate government programs with national security, as they did after the September 11, 2001, terrorist attacks, they increase their support for government defense spending and military intervention (Hetherington & Husser, 2012).

Rudolph and his colleagues (Rudolph & Evans, 2005; Rudolph & Popp, 2009, 2011) have shown that political trust has an impact beyond redistributive policies. Rudolph and Evans (2005) find that the sacrifice Hetherington emphasizes does not need to be material. It can also be ideological. Conservatives have traditionally been ideologically opposed to government intervention in domestic politics whereas liberals favor such intervention. When asked to support such policies, whether distributive or redistributive, conservatives are being asked to sacrifice more ideologically than liberals. Conservatives certainly perceive greater risk. Trust as a heuristic is activated and plays a more important role for conservatives than liberals because of the greater ideological sacrifice or risk. The party of the president therefore matters a great deal. Democratic presidents face low levels of trust from conservatives and therefore are pressured to support less government spending and interventions. Republican presidents, on the other hand, tend to be trusted by conservatives and therefore “face pressure not to spend too little” (p. 661).

Polarization likely amplifies this dynamic. In fact, Hetherington and Rudolph (2014) show that the political trust of partisans depends heavily on which party controls the White House and that this negatively affects the likelihood of public consensus forming around policy areas. Rather than being willing to accept ideological sacrifices and therefore trust a Democratic president to do what is right, Republicans “follow the cues of their favored political elites and oppose everything that Democrats propose” (Hetherington & Rudolph, 2014, p. 4). Democrats likely react the same way when they are asked to make ideological sacrifices. In any event, Hetherington and Rudolph contend that the lack of any public consensus developing on policy contributes to the gridlock in Washington, a prominent feature in recent years.

Understanding the impact of political trust on policy outcomes is not just important theoretically but in the real world of politics. People who rely on the trust heuristic are increasingly using distrust as the default, especially when the opposing party is in power. Trusting the government in these conditions is too risky and the

expectations people hold for the government are usually negative. If people perceive government as never doing anything right, then they will not trust the programs or policies that come out of that government. Government, as Republican President Ronald Reagan argued, is perceived as the problem, not the answer, which limits ideas for dealing with national and world problems.

Support for Democratic Processes

Although political scientists have become increasingly interested in the impact of political trust on policy outcomes, research on perceptions of political processes has almost exclusively focused on them as a cause of trust, not a consequence. Fully understanding political trust demands that attention focus not just on policy outcomes or on processes as a cause of trust but also on how trust affects what people think about the processes used by government officials. These processes are at the intersection of individual authorities in government and the political institutions in which they reside and come down to two components: procedural efficiency and procedural equity (Hibbing & Theiss-Morse, 1995, p. 14). Procedural efficiency is the idea that laws should be made in an expeditious, straightforward, transparent manner without undue delays and unnecessary diversions. Prolonged debates and behind-the-scenes compromises, also known (less charitably) as partisan bickering and selling out on principles, are anathema to procedural efficiency. Procedural equity, which is comparable to the notion of procedural justice (Tyler, 1990), is the idea that all aspects of the process should be fair, unbiased, and open to everyone's input, not just to the influence of special interests. As Tyler (1990) points out in his work, people respond more favorably to a court decision that goes against their self-interest if they think the decision process was fair.

The two political processes that have been of special concern during increased polarization in Congress are debate and compromise. The U.S. political system in particular was set up to allow for many interests to work their way through the government and for elected officials to filter the good ideas from the bad through debating the issues and through reaching compromises that reflect the best of the broad array of interests (Madison in *Federalist #10*). Debate and compromise, given Madison's argument, suggest a recognition that interests different from one's own are valid, that they should be tolerated even if they are "wrong." What polarization has done is to heighten the view that others' interests are not valid and that, therefore, debate is unnecessary (because only one interest is obviously right) and compromise is actually bad (because the other side is not only wrong but probably immoral or evil). Why would anyone debate and compromise with evil (Wagner, Barton, & Theiss-Morse, 2011)?

Yet this is precisely where trust comes into play. If people have developed a standing decision to trust the government, they are more likely to think that government actions, including debate and compromise, are probably all right, that they potentially lead to better outcomes. Those who have a standing decision to distrust

the government, on the other hand, are likely to accept the rhetoric and therefore the idea that debate and compromise with the opposing party are wrong. In other words, a standing decision of trust or distrust will likely affect perceptions of government processes, with trust leading to more support for these basic democratic processes and distrust leading to less support.

The bottom line is that trust can dampen the negative effects of polarization. Distrust, on the other hand, can heighten the negative effects by increasing people's skepticism about debating and compromising with the opposing party. The American National Election Studies do not ask about the democratic processes of debate and compromise, making it impossible to test the relationship between trust and support for these processes over time. A survey that we administered in early 2012 via Mechanical Turk included questions on democratic processes and political trust as well as an experiment that included as a condition vitriolic rhetoric (see the Appendix for question wordings). We can therefore test whether support for democratic processes is affected by political trust when people have been primed to think about how far apart the political parties are. Respondents to the online survey saw a video with a (fictional) member of Congress discussing economic policy in the United States. The supposed member of Congress, Richard McCoy, criticized the economic policy of the opposing party and praised the economic policy of his own party in varying terms of vitriol. The three rhetoric conditions were disagreement (simply disagreeing with the opposing party), incivility (using rude, disrespectful language aimed at the opposing party), and vilification (calling the opposing party evil and dangerous). Regardless of the level of rhetoric used, we think it likely that people were primed to think about how polarized American politics is when they heard the video. We therefore include rhetoric level in the analysis, but we believe that polarization is primed by any of the levels of disagreement.

Our primary independent variable of interest is political trust. Respondents were prompted to indicate their trust level by the following question: "On a scale from 1 to 7 where '1' means 'Never' and '7' means 'Always,' how much would you say you trust the American government?" If political trust is a heuristic that people use to make judgments about the government, then we expect political trust to be positively related to support for debate and compromise. People who trust the government have more positive expectations when the government is involved in things and they assume the risks of trusting will be low. That is, their standing decision on trust will lead them to be positive about key democratic processes. We also include in our analysis party identification as a control variable. The sitting president in 2012 was Barack Obama, a Democrat. We therefore expect Democrats to be more trusting of the government than Republicans. Including party identification as a control variable removes the variance in trust explained by party, which is important for understanding how trust relates to support for democratic processes. Finally, we included as control variables age, gender, race, and education level. To facilitate comparison of the coefficients across the independent variables, all were rescaled to range from 0 to 1. We begin by regressing support for compromise (over standing on principles) on trust in government, party identification, rhetoric type, and the demographic variables using binary logistic regression.

Table 8.1 Political trust and support for democratic processes

| | (a) Compromise vs. principles (binary logistic regression) | | (b) McCoy compromising (ordinal regression) | | (c) McCoy debating (ordinal regression) | |
|---|--|------|---|------|---|------|
| | Coefficient | SE | Coefficient | SE | Coefficient | SE |
| Political trust | .710*** | .182 | 1.001*** | .177 | .528** | .175 |
| Party identification | -1.105*** | .137 | -.437*** | .130 | -.338** | .129 |
| Rhetoric level | -.006 | .039 | -.035 | .048 | -.051 | .047 |
| Age | .423 | .222 | .083 | .214 | 1.199*** | .215 |
| Gender (<i>Ref. category:</i> female) | .066 | .083 | -.006 | .080 | .158* | .080 |
| Race (<i>Ref. category:</i> people of color) | .418*** | .110 | -.429*** | .106 | .427*** | .105 |
| Education | .548** | .204 | .429*** | .106 | .577** | .196 |
| Constant | -.350 | .200 | | | | |
| Model chi-squared | 120.52*** | | 66.06*** | | 89.83*** | |
| Nagelkerke <i>R</i> squared | .061 | | .032 | | .043 | |
| <i>N</i> | 2,570 | | 2,201 | | 2,201 | |

Source: Vilification Survey (2012)

Note: * $p < .05$, ** $p < .01$, *** $p < .001$

Specifically, respondents were asked: “Would you prefer that members of Congress stand up for their principles come what may or compromise with their opponents in order to get something done?” Response options were coded 0 = stand up for their principles and 1 = compromise with their opponents. The results, in column (a) of Table 8.1, suggest that trust matters a great deal in whether people support the basic democratic principle of compromise. People who are more trusting of government are much more likely to say members of Congress should compromise to get things done rather than stand up for their principles. Having Congress compromise to get things done is not as fearful a prospect among those who trust the government compared to those who distrust the government. The rhetoric people heard did not affect support for compromise, perhaps because people need little reminder that the country is polarized. Party identification, as expected, is strongly related to support for compromise, with Democrats preferring that members of Congress come to a compromise to get things done and Republicans preferring that members of Congress stick to their principles.

It may be, however, that people responded more to the “get things done” idea rather than to compromise. As Hetherington (2005) has shown, people who trust the government like the idea of government intervention. Perhaps respondents to our survey were simply indicating support for government intervention. Another question asked of the survey respondents is a cleaner measure of support for compromise. Respondents had just watched the video of Representative McCoy criticizing, in cooler or hotter terms, the opposing party for their economic policy. We asked respondents if they would support Congressman McCoy compromising with the opposing party on economic policy: “On a scale from 1 to 4 where ‘1’ means ‘I do not support at all’ and ‘4’ means ‘I support completely,’ which number best reflects

your view if Congressman McCoy compromises with the [Republicans (when McCoy is a Democrat)/Democrats (when McCoy is a Republican)] on economic policy.” We regressed support for McCoy compromising with the opposing party on political trust, party identification, rhetoric level, and the demographic variables using ordinal regression. Column (b) in Table 8.1 shows that even with this cleaner measure, political trust is strongly and positively related to support for compromise. Party identification remains highly significant as well; Democrats favor compromise much more than Republicans. Regardless how support for compromise is measured, then, political trust enhances support for this basic democratic principle.

We have focused so far on support for compromise, but debating is also an important democratic process. Many Americans view debate in Congress as partisan bickering with no positive purpose, yet debating issues is important to good public policy. It is through debate that people can hear the arguments of the opposing side and, theoretically, find where interests overlap and where they diverge. We asked our respondents if they would support Congressman McCoy if he engaged in debate with the opposing party on the issue of economic policy: “On a scale from 1 to 4 where ‘1’ means ‘I do not support at all’ and ‘4’ means ‘I support completely,’ which number best reflects your view if Congressman McCoy engages the [Republicans (when McCoy is a Democrat)/Democrats (when McCoy is a Republican)] in a debate about economic policy?” The more people trust how government works, the more likely they should favor debating major policy ideas. Column (c) in Table 8.1 shows support for this line of thinking. Respondents who were more trusting of the government were significantly more likely to say they would support Representative McCoy if he debated with the opposition. And once again, party identification matters. Democrats were more supportive of McCoy debating with Republicans than Republicans were of McCoy debating with Democrats. Political trust is an important heuristic used in specific political contexts to make judgments about the government and its members.

Conclusion

Miller (1974) and Citrin (1974) laid the groundwork for how to think about the meaning of political trust. The ongoing debate remains relevant but we believe it needs to be revisited in light of increasing levels of polarization—among federal and state lawmakers as well as nontrivial portions of the public. Is political trust about the political system or about the incumbent politicians? Our answer to the question is that it is some of both. By relying on the trust heuristic, people are able to make judgments about the government quickly and easily by turning to their default level of political trust. The actions of incumbent politicians can play into political trust calculations causing slight shifts around a general tendency. But it is important to consider that in an era of heightened polarization, the party and trust heuristics become intertwined. Rather than focusing on incumbent politicians,

people respond more strongly now to the party of the president when deciding whether to trust the government. It matters a great deal to many people which party controls the presidency, and when the outparty is in control, the president can do no right. It is much easier to relax when the inparty controls the White House. During heightened levels of polarization, changes in party control have even more consequential effects on political trust calculations.

But political trust is about the political system as well. Hetherington and Rudolph have shown convincingly that political trust affects the public's preference for and the government's passage of policy outcomes. With less trust in government, people do not support government intervention in a wide array of areas, including the economy (Rudolph & Popp, 2011) and Social Security (Rudolph & Popp, 2009). And why would people want to pay taxes if they do not trust the government to spend it well (Rudolph, 2009)? A consequence of declining political trust, then, is a shrinking of the American political system. A lack of support for government involvement means that the government does less.

The political system is also affected by political trust through its impact on support for democratic processes. Hibbing and Theiss-Morse (2002) have argued that many Americans do not particularly like democracy; they tend to support "stealth democracy" over real democracy because they do not want to see democratic politics in action, and they would prefer not to have to get involved in politics if they do not have to. Declining political trust heightens this problem. People who distrust government are less likely to support the basic democratic processes of debate and compromise. They do not trust the government and therefore do not want to see the government in action. Debate and compromise are core features of a democratic political system, especially for a political system as large and diverse as the United States. Declining political trust directly affects support for these democratic features of the political system and may even incentivize lawmakers to avoid debate and compromise for fear of a public reprisal at the ballot box.

In other words, the interaction between political trust and partisan polarization may have the perverse effect of actually increasing polarization among elites. House and Senate incumbents enjoy very successful re-election rates, but they may worry that their districts would not remain so safe if they start compromising with an opponent that the majority of their constituents do not like or trust. Lawmakers watching the 2010 midterm election returns saw Democrats in marginal districts who supported the highly contentious and polarizing Affordable Care Act perform systematically worse at the ballot box than those Democrats who voted against the measure (Nyhan, McGhee, Sides, Masket, & Greene, 2012). Those whom the White House had targeted as possible Republican votes, such as Iowa Senator Charles Grassley, were also targeted by the Tea Party in polarizing, contentious town hall meetings in advance of the health care vote. The lack of trust shown by citizens speaking out at these rallies appeared to have made an impression on lawmakers being asked to compromise with "the enemy." None did.

Because people rely on trust as a heuristic, and trust is intertwined with party in this era of polarization, the consequences of declining trust are likely to be around for a while. The standing decision on trust can change—people clearly become

more trusting when a president from their own party is in the White House and when economic times are good—but Fig. 8.1 shows an overall downward trend. Distrust is the easier default option because it leaves people less vulnerable. Increasing trust in government is difficult because it is not easy to move people off of the distrust default. For people who want to see more government intervention in various policy areas and more debate and compromise on political issues, it might be time to highlight the risks associated with the government *not* intervening and *not* debating and compromising on the issues. Gridlock in Washington, deteriorating infrastructure, and heightened security issues are obvious places where distrust and polarization should be put aside; if not, the situations will only worsen.

It may also be time for supporters of government intervention to highlight stories of government success after a hotly contested policy battle. As noted above, the health care reform debate of 2010 was a barnburner. While the rollout of the government’s health care website was rocky, to say the least, more recent attention to the Affordable Care Act refers to the law as a major success (Chait, 2014; Klein, 2014; Long et al., 2014; Rau & Appleby, 2014). Perhaps not surprisingly, many of the same lawmakers who aired scores of television ads calling for the “repeal of Obamacare” in 2010 and 2012 did not do the same in the 2014 midterms. On the other hand, the Democrats who voted for the bill and then largely remained quiet about it have not started speaking up about their vote and the law’s early successes either, perhaps squandering an opportunity to build political trust for the time the next major partisan battle comes along. In summary, it is important to recognize that political trust levels are responsive to and consequential for the political context. Specifically, political trust levels are affected by information environments that are saturated with high levels of partisan polarization, but they also contribute to heightened polarization. By pointing out several avenues for future research as well as potential real-world implications, it is our hope that scholars will pay greater attention to political trust dynamics in the face of partisan polarization.

Appendix

American National Election Studies Surveys

The Political Trust Index is from the ANES Time Series Cumulative Data File (1948–2012), available at http://www.electionstudies.org/studypages/download/datacenter_all_datasets.php. The Political Trust Index ranges from 0 (low trust) to 100 (high trust). Each of the four questions that contribute to the index were asked from 1964–2012. (1) “How much of the time do you think you can trust the government in Washington to do what is right?” (VCF0604). Response options were: 4=Just about always, 3=Most of the time, 2=Only some of the time, 1=Never; (2) “Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?” (VCF0605). Response options were: 1=Run by a few big interests or 2=Run for the benefit of

all the people; (3) “Do you think that people in the government waste a lot of money we pay in taxes, waste some of it, or don’t waste very much of it?” (VCF0606). Response options were: 1=Waste a lot of money, 2=Waste some of it, or 3=Don’t waste very much of it; (4) “Do you think that quite a few of the people running the government are crooked, not very many are, or do you think hardly any of them are crooked?” (VCF0608). Response options were: 1=Quite a few people running the government are crooked, 2=Not very many are, or 3=Hardly any are. The index was created by recoding the responses as follows: VCF0604 1=0, 2=33, 3=67, 4=100; VCF0605 1=0, 2=100; VCF0606 and VCF0608 1=0, 2=50, 3=100. The sum of the recoded values was divided by the number of valid responses and then rounded.

Vilification Survey

Political Trust: “On a scale from 1 to 7 where ‘1’ means ‘Never’ and ‘7’ means ‘Always,’ how much would you say you trust the American government?” Response options were recoded to range from 0=never to 1=always. This recoding maintains the continuous nature of the original scaling but adjusts the range to be from 0 to 1.

Party Identification: “Do you consider yourself a Democrat, a Republican, an Independent or something else?” For those who answered Democrat or Republican, respondents were asked, “Do you consider yourself a strong Democrat/Republican or a not so strong Democrat/Republican?” For those who answered Independent or something else, respondents were asked, “Which of the two major parties do you lean toward?” The traditional seven-point scale of partisanship (with categories strong Democrat, weak Democrat, Independent leaning Democrat, Independent, Independent leaning Republican, weak Republican, and strong Republican) was recoded to range from 0=strong Democrat to 1=strong Republican.

Rhetoric Level: Coded 0=disagreement, .5=incivility, 1=vilification.

Compromise vs. Principles: “Would you prefer that members of Congress stand up for their principles come what may or compromise with their opponents in order to get something done?” This indicator variable contained two response options that were coded 0=stand up for their principles and 1=compromise with their opponents.

McCoy Compromise: “On a scale from 1 to 4 where ‘1’ means ‘I do not support at all’ and ‘4’ means ‘I support completely,’ which number best reflects your view if...Congressman McCoy compromises with the (opposing party=Republicans when McCoy is a Democrat and=Democrats when McCoy is a Republican) on economic policy.” Response options coded 0=I do not support at all to 1=I support completely. Note: In one set of the experiment’s conditions, McCoy is portrayed as a Republican and in the other McCoy is portrayed as a Democrat. Thus the question wording, specifically whether the Republicans or Democrats were mentioned in the question wording, varied depending on the condition.

McCoy Debate: “On a scale from 1 to 4 where ‘1’ means ‘I do not support at all’ and ‘4’ means ‘I support completely,’ which number best reflects your view if... Congressman McCoy engages the (opposing party=Republicans when McCoy is a Democrat and=Democrats when McCoy is a Republican) in debate about economic policy.” Response options coded 0=I do not support at all to 1=I support completely.

Age: “What is your year of birth?” Transformed to reflect age, recoded to range from 0=19 years old to 1=oldest age in sample. This recoding maintains the continuous nature of the variable.

Gender: “Are you male or female?” Coded 0=female, 1=male.

Race: “What race or races do you consider yourself? Select all that apply.” Coded 0=all responses other than “white/caucasian,” 1=white.

Education: “What is the highest level of formal education you have completed?” The response options were 0–11 years, high school graduate, technical/trade school, some college, college graduate, some graduate school, Master’s degree, and professional degree. Recoded to range from 0=0–11 years to 1=Professional degree. Again, this recoding maintains the continuous nature of the variable but adjusts the range to be from 0 to 1.

References

- Abramowitz, A. I. (2014). Partisan nation: The rise of affective polarization in the American electorate. In J. Green, D. Coffey, & D. Cohen (Eds.), *The state of the parties: The changing role of contemporary American parties* (7th ed.). New York, NY: Rowan and Littlefield.
- Abramowitz, A. I., & Saunders, K. L. (1998). Ideological realignment in the U.S. electorate. *Journal of Politics*, 60(3), 634–652.
- Abramowitz, A. I., & Saunders, K. L. (2005). Why can’t we all just get along? The reality of a polarized America. *The Forum*, 3(2), 156. ISSN (Online) 1540–8884, doi:[10.2202/1540-8884.1076](https://doi.org/10.2202/1540-8884.1076).
- Abramowitz, A. I., & Saunders, K. L. (2008). Is polarization a myth? *Journal of Politics*, 70(2), 542–555.
- Alford, J. R. (2001). We’re all in this together: The decline of trust in government, 1958–1996. In J. R. Hibbing & E. Theiss-Morse (Eds.), *What is it about government that Americans dislike?* (pp. 28–46). New York, NY: Cambridge University Press.
- Avery, J. M. (2009). Videomalaise or virtuous circle? The influence of the news media on political trust. *The International Journal of Press/Politics*, 14(4), 410–433.
- Bartels, L. M. (1996). Uninformed votes: Information effects in presidential elections. *American Journal of Political Science*, 40(1), 194–230.
- Branscombe, N. R., Ellemers, N., Spears, R., & Doosje, B. (1999). The context and content of social identity threat. In N. Ellemers, R. Spears, & B. Doosje (Eds.), *Social identity*. Oxford: Blackwell.
- Capella, J. N., & Jamieson, K. H. (1997). *Spiral of cynicism*. New York, NY: Oxford University Press.
- Carmines, E. G., Enslley, M. J., & Wagner, M. W. (2012a). Who fits the left-right divide? Partisan polarization in the American electorate. *American Behavioral Scientist*, 56, 1631–1653.
- Carmines, E. G., Enslley, M. J., & Wagner, M. W. (2012b). Political ideology in American politics: one, two, or none? *The Forum*, 10(4), 1–18.

- Carmines, E. G., Ensley, M. J., & Wagner, M. W. (2014). Why Americans can't get beyond the left-right divide. In J. C. Green, D. Coffey, & D. Cohen (Eds.), *The state of the parties: The changing role of contemporary parties* (pp. 55–72). Lanham, MD: Rowan and Littlefield.
- Chait, J. (2014). 4 New studies show Obamacare is working incredibly well. *New York Magazine*. Retrieved from <http://nymag.com/daily/intelligencer/2014/12/4-new-studies-obamacare-working-incredibly-well.html>
- Chanley, V. A., Rudolph, T. J., & Rahn, W. M. (2000). The origins and consequences of public trust in government: A time series analysis. *Public Opinion Quarterly*, 64(3), 239–256.
- Citrin, J. (1974). Comment: The political relevance of trust in government. *American Political Science Review*, 68(3), 973–988.
- Citrin, J., & Muste, C. (1999). Trust in government. In J. P. Robinson, P. R. Shaver, & L. S. Wrightman (Eds.), *Measures of political attitudes; measures of social psychological attitudes* (Vol. 2, pp. 465–532). San Diego, CA: Academic Press.
- Conover, P. J., & Feldman, S. (1989). Candidate perception in an ambiguous world: Campaigns, cues, and inference processes. *American Journal of Political Science*, 33(4), 912–940.
- Dalton, R. J. (2013). *The Apartisan American: Dealignment and changing electoral politics*. Thousand Oaks, CA: CQ Press/Sage.
- Delli Carpini, M. X., & Keeter, S. (1996). *What Americans know about politics and why it matters*. New Haven, CT: Yale University Press.
- DiMaggio, P., Evans, J., & Bryson, B. (1996). Have Americans' social attitudes become more polarized? *American Journal of Sociology*, 102(3), 690–755.
- Druckman, J. N., Kuklinski, J. H., & Sigelman, L. (2009). The unmet potential of interdisciplinary research: Political psychological approaches to voting and public opinion. *Political Behavior*, 31, 485–510.
- Evans, J. (2003). Have Americans' attitudes become more polarized? An update. *Social Science Quarterly*, 84(1), 71–90.
- Fiorina, M. P., & Abrams, S. J. (2008). Political polarization in the American public. *Annual Review of Political Science*, 11, 563–588.
- Fiorina, M. P., Abrams, S. J., & Pope, J. C. (2010). *Culture war? The myth of a polarized America* (3rd ed.). New York, NY: Longman.
- Gilens, M. (1999). *Why Americans hate welfare: Race, media, and the politics of antipoverty policy*. Chicago, IL: University of Chicago Press.
- Grimmelikhuisen, S. (2012). Linking transparency, knowledge and citizen trust in government: An experiment. *International Review of Administrative Sciences*, 78(1), 50–73.
- Hardin, R. (1999). Do we want trust in government? In M. E. Warren (Ed.), *Democracy and trust* (pp. 22–41). Cambridge: Cambridge University Press.
- Hetherington, M. J. (1998). The political relevance of trust. *American Political Science Review*, 92(4), 791–808.
- Hetherington, M. J. (2001). Resurgent mass partisanship: The role of elite polarization. *American Political Science Review*, 95(3), 619–631.
- Hetherington, M. J. (2005). *Why trust matters*. Princeton, NJ: Princeton University Press.
- Hetherington, M. J. (2008). Turned off or turned on? The effects of polarization on political participation, engagement, and representation. In P. S. Nivola & D. W. Brady (Eds.), *Red and blue nation? Characteristics and causes of America's polarized politics* (Vol. 2). Washington, DC: Brookings Institution Press.
- Hetherington, M. J., & Husser, J. A. (2012). How trust matters: The changing political relevance of political trust. *American Journal of Political Science*, 56(2), 312–325.
- Hetherington, M. J., & Rudolph, T. J. (2014). *The emergence of polarized trust*. Presented at the Annual Meeting of the American Political Science Association, Washington, DC. Retrieved from <http://ssrn.com/abstract=2484755> or <http://dx.doi.org/10.2139/ssrn.2484755>
- Hibbing, J. R., & Theiss-Morse, E. (1995). *Congress as public enemy: Public attitudes toward American political institutions*. New York, NY: Cambridge University Press.
- Hibbing, J. R., & Theiss-Morse, E. (2002). *Stealth democracy: Americans' beliefs about how government should work*. New York, NY: Cambridge University Press.

- Huddy, L., & Mason, L. (2008). *Heated campaign politics: An intergroup conflict model of partisan emotions*. Paper presented at the Annual Meeting of the American Political Science Association, Boston, 28–31, August, 2008.
- Iyengar, S., & Westwood, S. J. (2014). *Fear and loathing across party lines: New evidence on group polarization*. Unpublished manuscript.
- Jacobson, G. (2000). Party polarization in national politics: The electoral connection. In J. Bond & R. Fleischer (Eds.), *Polarized politics: The president and the congress in a Partisan era*. Washington, DC: Congressional Quarterly Press.
- Jennings, M. K., & Niemi, R. G. (1968). The transmission of political values from parent to child. *American Political Science Review*, 62(1), 169–184.
- Kinder, D. R., & Kiewiet, D. R. (1981). Sociotropic politics: The American case. *British Journal of Political Science*, 11(2), 129–161.
- King, D. (1997). The polarization of American parties and mistrust of government. In J. Nye, P. Zelikow, & D. King (Eds.), *Why people don't trust government*. Cambridge, MA: Harvard University Press.
- Klein, E. (2014). *In conservative media, Obamacare is a disaster. In the real world, it's working*. Vox.com. <http://www.vox.com/2014/9/24/6836181/in-conservative-media-obamacare-is-a-disaster-in-the-real-world-it-s>
- Ladd, J. M. (2012). *Why Americans hate the media and why it matters*. New York, NY: Cambridge University Press.
- Lau, R. R., & Redlawsk, D. P. (2006). *How voters decide: Information processing during election campaigns*. New York, NY: Cambridge University Press.
- Layman, G. C., & Carsey, T. M. (2002). Party polarization and 'conflict extension' in the American electorate. *American Journal of Political Science*, 46(4), 786–802.
- Levendusky, M. (2009). *The partisan sort: How liberals became democrats and conservatives became Republicans*. Chicago, IL: University of Chicago Press.
- Levendusky, M. (2010). Clearer cues, more consistent voters: A benefit of elite polarization. *Political Behavior*, 32(1), 111–131.
- Levi, M., & Stoker, L. (2000). Political trust and trustworthiness. *Annual Review of Political Science*, 3, 475–507.
- Lewis-Beck, M. S., & Stegmaier, M. (2000). Economic determinants of electoral outcomes. *Annual Review of Political Science*, 3, 183–219.
- Lodge, M., & Hamill, R. (1986). A partisan schema for political information processing. *American Political Science Review*, 80(2), 505–520.
- Long, S. K., Karpman, M., Shartzter, A., Wissoker, D., Kenney, G. M., Zuckerman, S., et al. (2014). Taking stock: health insurance coverage under the ACA as of September 2014. *Health reform monitoring survey*. Urban Institute Health Policy Center, pp. 1–10
- Lupia, A., & McCubbins, M. D. (1998). *The democratic dilemma: Can citizens learn what they need to know?* New York, NY: Cambridge University Press.
- Mann, T. E., & Ornstein, N. J. (2008). *The broken branch: How congress is failing America and how to get it back on track*. New York, NY: Oxford University Press.
- Markus, G. B. (1988). The impact of personal and national economic conditions on the presidential vote: A pooled cross-sectional analysis. *American Journal of Political Science*, 32(1), 137–154.
- McCarty, N., Poole, K., & Rosenthal, H. (2006). *Polarized America: The dance of political ideology and unequal riches*. Cambridge, MA: MIT Press.
- Miller, A. H. (1974). Political issues and trust in government: 1964–1970. *American Political Science Review*, 68(3), 951–972.
- Morris, J. S., & Clawson, R. A. (2005). Media coverage of congress in the 1990s: Scandals, personalities, and the prevalence of policy and process. *Political Communication*, 22(3), 297–313.
- Mutz, D. C., & Reeves, B. (2005). The new videomalaise: Effects of televised incivility on political trust. *American Political Science Review*, 99(1), 1–15.
- Norris, P. (2000). The impact of television on civic malaise. In S. J. Pharr & R. D. Putnam (Eds.), *Disaffected democracies* (pp. 231–251). Princeton, NJ: Princeton University Press.

- Nyhan, B., McGhee, E., Sides, J., Masket, S., & Greene, S. (2012). One vote out of step? The effects of salient roll call votes in the 2010 election. *American Politics Research*, 40(5), 844–879.
- Patterson, T. E. (1993). *Out of order*. New York, NY: Knopf.
- Pew Research Center. (2014). *Political polarization in the American public: How increasing ideological uniformity and partisan antipathy affect politics, compromise and everyday life* (12 June). Retrieved from <http://www.people-press.org/2014/06/12/political-polarization-in-the-american-public/>
- Poole, K., & Rosenthal, H. (1984). The polarization of American politics. *Journal of Politics*, 46(4), 1061–1079.
- Poole, K., & Rosenthal, H. (1997). *Congress: A political-economic history of roll call voting*. New York, NY: Oxford University Press.
- Popkin, S. L. (1991). *The reasoning voter: Communication and persuasion in presidential campaigns*. Chicago, IL: University of Chicago Press.
- Rahn, W. M. (1993). The role of partisan stereotypes in information processing about political candidates. *American Journal of Political Science*, 37(2), 472–496.
- Rau, J. & Appleby, J. (2014). More competition helps restrain premiums in federal health marketplace, *Kaiser Health News*. <http://kaiserhealthnews.org/news/more-competition-helps-restrain-premiums-in-federal-health-marketplace/>
- Rein, L., & O'Keefe, E. (2010, October 18). New post poll finds negativity toward federal workers. *Washington Post*, Retrieved February 4, 2014, from <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/17/AR2010101703866.html>
- Robinson, M. (1976). Public affairs television and the growth of political malaise: The case of 'The Selling of the Pentagon'. *American Political Science Review*, 70, 409–432.
- Rudolph, T. J. (2009). Political trust, ideology, and public support for tax cuts. *Public Opinion Quarterly*, 73(1), 144–158.
- Rudolph, T. J., & Evans, J. (2005). Political trust, ideology, and public support for government spending. *American Journal of Political Science*, 49(3), 660–671.
- Rudolph, T. J., & Popp, E. (2009). Bridging the ideological divide: Trust and support for Social Security privatization. *Political Behavior*, 31(3), 331–351.
- Rudolph, T. J., & Popp, E. (2011). A tale of two ideologies: Explaining public support for economic interventions. *Journal of Politics*, 73(3), 808–820.
- Schoon, I., & Cheng, H. (2011). Determinants of political trust: A lifetime learning model. *Developmental Psychology*, 47(3), 619–631.
- Simon, H. A. (1957). *Models of man: Social and rational*. Oxford: Wiley.
- Tversky, A., & Kahneman, D. (1974). Judgment under uncertainty: Heuristics and biases. *Science*, 185(4157), 1124–1131.
- Tyler, T. R. (1990). *Why people obey the law*. New Haven, CT: Yale University Press.
- Voteview.com. (2014). *The polarization of the congressional parties*. Retrieved April 10, 2014, from http://voteview.com/political_polarization.asp
- Wagner, M. W. (2007). The utility of staying on message: competing partisan frames and public awareness of elite differences on issues. *The Forum*, 5, 1–18.
- Wagner, M. W., Barton, D.-G., & Theiss-Morse, E. (2011). *The consequences of political vilification*. Paper presented at the annual meeting of the American Political Science Association, Seattle, 1–4 September, 2011.
- Wagner, M. W., Wells, C., Friedland, L. A., Cramer, K. J., & Shah, D. V. (2014). Cultural worldviews and contentious politics: Evaluative asymmetry in high-information environments. *The Good Society*, 23(2), 126–144.
- Yiannakis, D. E. (1981). The grateful electorate: Casework and congressional elections. *American Journal of Political Science*, 25(3), 568–580.

Chapter 9

The Epistemic Contract: Fostering an Appropriate Level of Public Trust in Experts

Robert J. MacCoun

Scientia nihil aliud est quam veritatis imago. (Science is but an image of the truth.)

Francis Bacon¹

Back off man. I'm a scientist.

Bill Murray, playing Dr. Peter Venkman, in the movie *Ghostbusters*.²

These quotes nicely capture traditional views about the authority of science. Like Ghostbuster Dr. Peter Venkman, practicing scientists would like to wear the mantle of authority that the word “Science” conveys in post-Enlightenment culture. Like Bacon, we can try to justify that authority by invoking the idea that we are able to speak truth—or rather, that when we act as scientists, we are a pure lens that allows truth to shine *through* us.

In the postmodern era, this Baconian (or Mertonian [1938], or Venkmanian) view of science still has some currency (as we shall see), but it has lost some of its luster, and perhaps appropriately so. This essay might have been titled “Fostering Public Trust in Experts,” but that wording implies that trust in experts is lower than it should be, and that the public therefore needs to be persuaded to trust us more. Both points are debatable. Surely, the optimal level of public trust in experts is below 100 %—perhaps well below 100 %. Public trust in experts is a two-way street, an exchange relationship requiring something from each side if the potential benefits are to be achieved. Experts have to deserve trust.

¹ Routledge Dictionary of Latin Quotations, 2004, p. 107.

² <http://www.imdb.com/title/tt0087332/quotes>

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There is a large theoretical and empirical literature on trust (see Kramer, 1999; Mayer, Davis, & Schoorman, 1995; Rousseau, Sitkin, Burt, & Camerer, 1998; and the other chapters in this volume) that I will not attempt to review here. I will adopt the definition of trust offered by Rousseau et al., (1998):

Trust is a psychological state comprising the intention to accept vulnerability based on positive expectations of the intentions or behavior of another.³

The Merriam-Webster dictionary defines an expert as someone “having, involving, or displaying special skill or knowledge derived from training or experience.”⁴ But I will mostly focus on the subset of experts who assume the mantle of special authority associated with “credentials”—an advanced degree and/or an affiliation with a university or professional organization. Note that this excludes many kinds of advisors; advisor-client relationships are important and interesting but raise many separate complications (contractual agreements, principal-agent problems, etc.). My focus is on public responses to experts in empirical disciplines, including the natural sciences, engineering, and the social sciences, rather than the humanities. This does not imply that these expert opinions are necessarily based directly on empirical research; often they are not.

The classic “Yale School” approach (e.g., Hovland, Janis, & Kelley, 1953) maintained that source credibility is determined jointly by expertise and by trustworthiness, i.e., $\text{credibility} = f(\text{expertise}, \text{trustworthiness})$. Yet Mayer et al. (1995) argue that ability is one of the determinants (along with benevolence and integrity) of trustworthiness, implying that $\text{trustworthiness} = f(\text{expertise})$. I think this illustrates a general slipperiness in the literature about whether the focal topic is trust, reliance, confidence, deference, support, or actual influence. It seems likely that these constructs, while distinct, feed into each other in a complex network of relationships. There may be value in systematically sorting out these constructs, but I prefer to sidestep definitional and measurement issues here except where I see obvious value in making distinctions.

French and Raven (1960) further broadened the analysis of influence with their distinctions among various foundations of “social power,” including rewards, coercion, legitimacy, identity (affiliations, credentials), and expert knowledge. So there are many available cues for assessing expert credibility. In an important theoretical advance, “dual-process” theories of influence (e.g., Petty & Cacioppo, 1986) posit that such influence cues can operate in two different ways. If we are motivated and able, we can actively scrutinize the quality of a source’s arguments. If we are either unmotivated or unable to do so, we can fall back on a more superficial reliance on “peripheral cues.” Thus, “Ivy League professor” or “article in *Nature*” are cues that may indeed predict strong arguments from the source, but we also use

³This is quite similar to the definition given by Mayer et al. (1995, p. 712): “...the willingness of a party to be vulnerable to the actions of another party based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party.” But the latter phrase seems unnecessarily restrictive; the phrase “trust but verify” suggests that we often seek to monitor those we have entrusted with a task (see Williamson, 1993).

⁴<http://www.merriam-webster.com/dictionary/expert>

them heuristically to infer that “she’s probably correct” without knowing anything about those arguments. The very nature of the kinds of expertise examined in this chapter implies a heavy reliance on this kind of heuristic processing; most of us lack the time, training, resources, and ability to fully scrutinize the details of expert statements—which is of course the whole point of having experts.

In the remainder of this chapter, I first provide a brief review of public opinion data on trust in scientists and other experts. These data, perhaps surprisingly, show that experts are largely viewed quite favorably. I then examine two research paradigms that highlight more nuanced aspects of our trust in experts, and argue that they offer converging evidence that, while citizens and experts bring both “inquisitorial” and “adversarial” motives to debates, the desire for truth carries real weight and is not simply given lip service. I close by articulating a normative *epistemic contract* for experts and their consumers, and I review recent developments that suggest ways of facilitating that contract’s successful performance.

Do Citizens Trust Experts?

For much of the latter half of the twentieth century, many scholars subscribed to a “deficit model” of the public’s relationship to science (Allum, Sturgis, Tabourazi, & Brunton-Smith, 2008; Retzbach & Maier, 2014)—a view (a) that citizens distrust scientists, and (b) that the distrust is based on ignorance, so that better science education would improve citizen trust. Both premises are questionable.

First, overall, Americans have quite favorable opinions of science and of scientists. In a 2009 national survey (Pew Research, 2009), 84 % of Americans felt that science’s effect on society is “mostly positive”; only 6 % felt it is “mostly negative.” The same survey found that 70 % believed that scientists contribute “a lot” to society’s well-being—below the level for members of the military (84 %) but well above the level for lawyers and business executives (23 and 21 %, respectively). In 2012, 38 % felt the US government is spending “too little” on scientific research, and only 12 % said we are spending “too much” (NSF, 2014, Appendix tables 7–24).

These views do not translate into an unconditional trust in scientists. Averaged over nearly 40 years, the General Social Survey finds that 40.8 % of Americans have “a great deal” of confidence in the scientific community, but 46.2 % have “only some” confidence, and 6.6 % have “hardly any” confidence (Gauchat, 2012). In 2012, 42 % of Americans agreed that “we believe too often in science, and not enough in feelings and faith” (NSF, 2014, Appendix tables 7–19). And tellingly, surveys are more likely to find evidence of distrust in scientists when they ask about specific “hot-button” topics in science, such as global warming (e.g., Hmielowski, Feldman, Myers, Leiserowitz, & Maibach, 2014), stem cell research (Critchley, 2008), offshore oil drilling (Carlisle, Feezell, Michaud, Smith, & Smith, 2010), or especially expert testimony in adversarial legal proceedings (Cutler & Kovera, 2011). Still, views about science are predominantly favorable across different levels of political ideology and education, and are surprisingly similar among citizens who

express doubts about global warming or evolution (Kahan, 2013; NSF, 2014; Pew Research, 2009). While public confidence is not absolute, it is difficult to identify anything that might be characterized as a crisis of confidence in experts.

Second, it is by no means clear that ignorance explains distrust of science, or that knowledge of science necessarily promotes trust. A meta-analysis of 193 different public opinion surveys (Allum et al., 2008) found a reliable positive association between science knowledge and trust in science. While this is consistent with the “deficit” model, it is notable that, controlling for other factors, science knowledge explained less than 1 % of the variance in trust ratings. In some new areas of science like nanotechnology, ignorance is widespread, and yet people are optimistic about the technology (see Satterfield, Kandlikar, Beaudrie, Conti, & Harthorn, 2009). Indeed, Kahan and colleagues have shown that the divergence in partisan views about technological risks can actually *increase* after exposure to factual information (Kahan, Peters, Wittlin, Slovic, Larrimore Oullette, & Braman, 2012), and that the divergence is larger among those with *higher* levels of science literacy and numeracy (Kahan, Peters, Dawson, & Slovic, 2013).

How do psychologists fare relative to other experts? Rotter and Stein (1971) asked two samples of university students, a sample of secretaries, and a sample of public school teachers to rate the truthfulness of 20 different occupations on a 4-point scale (where 1 = “can be counted on to tell the truth as they know it, almost all the time” and 4 = “lies more often than not”). Ratings were very similar across samples, with a mean of 1.59 for psychologists—behind physicians, clergymen, and dentists, tied with judges, and well ahead of labor union officials, politicians, and used car salesmen. Psychologists ranked 6th in competence and third in altruism. Wood, Jones, and Benjamin (1986) found that 91 % of citizens in four metropolitan areas had highly or somewhat favorable views of psychology. These earlier studies are admittedly somewhat difficult to interpret, because many people associate the term “psychologist” with a clinician offering one-on-one therapeutic services rather than a scientist conducting empirical research. More recently, however, the 2008 APA Benchmark survey (cited in Lillienfeld, 2012) identified widespread citizen doubts about the scientific rigor of psychology, with many seeing it as less rigorous than either medical or economic research. And in a recent cross-disciplinary undergraduate course entitled “Sense, Sensibility, and Science” (which I taught with physicist Saul Perlmutter and philosopher John Campbell), we specifically asked students to “think about your impressions of each scientific discipline presented below.” As seen in Fig. 9.1, they reported less trust in psychology and the social sciences than in the physical, environmental, or medical sciences.

It is not clear whether these new results indicate a decline in psychology’s reputation from earlier surveys, since the questions they asked are very different.

It is possible that public views have changed in important ways since these older surveys were conducted. Twenge, Campbell, and Carter (2014) document stark declines in public trust in others in various surveys between the early 1990s and 2012. Their analyses do not fully explain the trend but show persuasively that it is a period effect (changes in culture by year) rather than an age effect or a birth

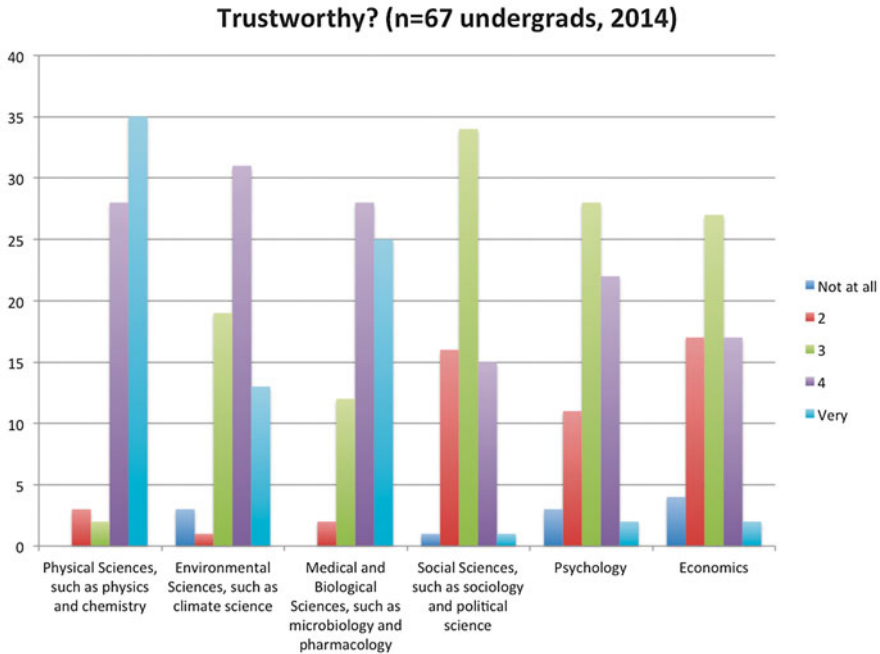


Fig. 9.1 Data from “Sense, Sensibility, and Science” class at UC Berkeley, Spring 2014

cohort effect. Thus, any reductions in confidence in experts might be part of a larger decline in trust overall.

But there are also reasons why trust in experts might specifically change over time. In recent years there have been new messages (both favorable and unfavorable) about social science’s credibility. On the one hand, Angrist and Pischke (2010) argue that economics is in the midst of a “credibility revolution” as it evolves from stylized rational choice analyses and econometric analysis of archival correlational data to more behaviorally realistic hypotheses tested using controlled experiments. This “revolution” is spreading into law schools, business schools, and public policy schools. On the other hand, behaviorally realistic hypotheses and controlled experiments have long been mainstays of empirical psychology, and yet it is undergoing a “crisis” of credibility (see Yong, 2012). Psychology’s crisis results from a perfect storm of coinciding developments, including (a) some prominent cases of data fabrication (and subsequent article retractions), triggered in part by new statistical methods of forensic reanalysis of published results (see Simonsohn, 2013); (b) publicized failures to replicate various prominent research studies (see Pasher & Wagenmakers, 2012); and (c) emerging evidence that researchers in psychology (and other social and behavioral sciences) frequently engage in questionable practices designed to obtain or promote statistically significant results (Fanelli & Ioannidis, 2013; Ioannidis, 2005; John, Loewenstein, & Prelec, 2012; Simmons,

Nelson, & Simonsohn, 2011).⁵ It is too early to say whether the general public is aware of these academic conversations, and/or whether they have changed public trust in science. It is not even clear what the direction of such changes might be. Learning about economics' "credibility revolution" might enhance trust—but it might also imply that we may have been giving economists way more authority than they deserved all these years. Learning about psychology's "credibility crisis" might impair trust—but it also conveys how a science can undergo constant self-scrutiny and self-improvement.

What Do Citizens Want from Experts?

It is easy, especially for an academic audience, to assume that "the more citizens trust experts, the better." But this assumption does not hold up to scrutiny. We should want citizens to trust experts...but only when the experts *should* be trusted. So trust should be contingent. On what factors should it be contingent? As noted earlier, there are many potential cues to credibility—an expert's professional training and pedigree, the expert's professional affiliations, whether the research has been published and the prestige of the publication outlet, etc. But these are "peripheral cues" (Petty & Cacioppo, 1986)—proxies for what the consumer really wants to know. What *does* the consumer really want from the expert? I will consider two major motives: An *inquisitorial* desire for truth and an *adversarial* desire to win a dispute.⁶

These labels evoke two basic forms of legal proceedings—the adversarial approach used in the US and other common-law countries, and the inquisitorial approach used in Continental Europe and elsewhere. But my usage is closer to the more abstract usage in Thibaut and Walker's (1978) theory of procedure. For Thibaut and Walker, the key difference between inquisitorial and adversarial approaches involves *process control*; in adversarial procedures, parties to a dispute select and present their own preferred evidence, whereas in inquisitorial procedures, parties relinquish process control to an ostensibly disinterested third party who seeks out relevant evidence in a neutral fashion.

Thibaut and Walker (1978) argued that inquisitorial procedures are best for *truth conflicts*. Truth conflicts are disputes about the best possible inferences about some true state of affairs. In an idealized truth conflict, the participants may differ in their reading of theory and evidence, but they share a common and overriding epistemic motive of reaching the truth of the matter. Thibaut and Walker argued that adversarial procedures are preferable for *conflicts of interest*. In a conflict of interest, the participants have additional, nonepistemic motives (for justice, for retribution, for

⁵Ioannidis (2005) famously argues that the percentage of reported findings in the literature that are true might be quite low (anywhere from 85 % down to .15 % in his simulations) depending on various assumptions about typical statistical power, the prior probability of our hypotheses, and the nature and direction of biases in our research methods.

⁶The adversarial motive is nonepistemic, but experts can have nonepistemic motives (e.g., to make money) without caring whether they win. In such cases, it is often their sponsor who wants to win.

material gain, for ideological supremacy, for fame) that may distort their interpretation of evidence. It is easy to lionize truth conflicts as the more noble pursuit, but to do so is to adopt the inquisitorial perspective, and to forget that there are many noble pursuits for which truth-seeking is of secondary concern—or even a dangerous distraction from urgent action.

Thibaut and Walker’s (1978) analysis is insightful and justly influential, but overly simplistic. Descriptively, topics like gun control, climate control, and birth control involve both factual disputes (truth conflicts) and value tradeoffs (conflicts of interest). And normatively, there is not one but many component decisions to make, some of which might be best handled in an inquisitorial procedure and some of which may be better handled in an adversarial procedure—or by voting, or even by simply agreeing to disagree if no urgent actions are required. MacCoun (1998) lists a number of important disanalogies between litigation in a courtroom and scientific or policy analytic disputes, suggesting that adversarial procedures are more suitable for legal cases than for scientific problem solving. For example, litigation tends to represent both sides of dichotomous questions (“Did he do it?” or “was she negligent?”), but in science the investigation might lead to options not even considered at the outset. Also, litigation requires closure—a decision needs to be made—whereas science strives to avoid premature commitment to firm conclusions. Finally, in litigation, everyone understands that attorneys are acting as advocated biased toward their clients; in science, an investigator who is being biased is violating social role expectations.

But in any case, I am adapting Thibaut and Walker’s (1978) terminology in a way they might not have intended, to refer to the principal motives that consumers and experts bring to a topic. As seen in Table 9.1, what a citizen wants from experts will be influenced by the citizen’s own motives and perception of the experts’ motives. If the citizen is motivated to seek the truth and believes the experts are as well, then expertise should be judged by how believable each expert is—how likely it is that they are correct. If the citizen’s motivation is inquisitorial but they perceive the expert(s) to be acting out of adversarial motives (trying to win rather than to be correct), the citizen’s task orientation may shift from judging argument validity to assessing the experts’ relative honesty. (In the terminology of Eagly, Wood, and Chaiken [1978], this is a shift from looking for a *knowledge bias* to looking for a *reporting bias*.) This is likely to have a corrosive effect on trust in experts, leading to a cynical view about their value. But if the citizen cares more about winning than about finding the truth, the perceived motives of the experts seem less likely to matter. Such a citizen should assess experts by whether they provide useful ammunition for the dispute.

Table 9.1 Citizens’ motives and their perceptions of expert motives

| | | Perceived expert motive | |
|-------------------|---------------|-----------------------------------|---------------------|
| | | Inquisitorial | Adversarial |
| Citizen’s motives | Inquisitorial | Who is more likely to be correct? | Who is more honest? |
| | Adversarial | Does this help or hurt our side? | |

In fact, citizens demonstrably *do* care about experts' motives (e.g., Critchley, 2008; Eagly et al., 1978; Walster, Aronson, & Abrahams, 1966), and I take this as one of several lines of evidence (see below) that most citizens do care about truth, not just about winning. Indeed, there is an ecological sense in which the adversarial use of experts (to win) is parasitic on the widespread existence of an inquisitorial motive to use experts (to find truth). If no one believed that truth mattered (or, more narrowly, that experts have a higher propensity for finding truth), and everyone knew that, there would be no reason to consult or cite experts. In a world of Machiavellians who know they are all Machiavellians, expertise would have little currency in disputes.

Journalists also play a role in evoking different shared scripts or frames for thinking about expertise. The "inquisitorial frame" is the script of the noble and dedicated scientist, working tirelessly to get to the bottom of some puzzle, emerging with insights that enlighten all and perhaps enhance human welfare. The "adversarial frame" evokes many different scripts—high school debating competitions, Presidential debates, and Sunday morning "dueling expert" news shows—but surely the canonical image is of "hired guns" retained by each side in legal trials (see Cutler & Kovera, 2011). Journalists encourage the adversarial frame because not only it makes for more compelling stories, but also because of a "balance norm" that journalistic fairness requires giving voice to both sides of a dispute (see Boykoff & Boykoff, 2004). Survey researchers also promote one or the other frame. As noted above, very broad and abstract survey questions about "trust in science" evoke an inquisitorial frame rather than an adversarial frame because they do not even mention any disputed issues; surveys on specific politicized topics are much more likely to uncover skeptical views about experts.

Accuracy, Confidence, and Calibration

If my motive for consulting expert views is inquisitorial, I want to know which experts are most accurate. But even if my motives are adversarial, I may want to find experts that are thought to be accurate—so long as they support my position.

Of course, if we had a way of knowing the true answer to our question, we could readily vet expert accuracy—but at that point, who still needs an expert? So instead, we look for good *proxies* for accuracy—variables that are not accuracy in the instant case, but that seem likely to predict it. One approach is to assess the expert's track record of *past accuracy*. This is often surprisingly difficult, requiring unambiguous predictive or diagnostic statements by the expert, for some meaningful reference class or population of cases, and unequivocal data on the correct outcomes, which either occur later or were not yet revealed to the expert. These requirements are easy to meet for some domains (e.g., meteorology, sports handicapping), partially obtainable in other domains (e.g., radiology, economic forecasting), and very difficult to obtain in still others (e.g., lawyering, psychiatry, paleontology).

With effort and ingenuity, researchers have studied accuracy rates in many domains. Because it is so hard to define the reference class or population of such predictions, it is impossible to offer a blanket assessment of expert accuracy—there is a risk of oversampling difficult cases where errors are most likely to occur. For example, expert radiologists are not consulted for extremely routine cases but only for the more difficult, high-risk cases, and the top national specialists may work almost exclusively on cases that other experts have been unable to resolve. In any case, the track record for prediction and control in the human sciences—business and economics (Makridakis, Hogarth, & Gaba, 2009), general medicine (Fink, Lipatov, & Konitzer, 2009), psychiatry and clinical psychology (Dawes, Faust, & Meehl, 1989), law (Goodman-Delahunty, Granhag, Hartwig, & Loftus, 2010), and political forecasting (Tetlock, 2005)—is fairly discouraging, showing that significant errors are far from rare. In all these domains, data-based statistical models consistently outperform intuitive “clinical” expert judgments (Dawes et al., 1989), and these quantitative models are themselves a form of expertise. But even our data-based models often fare badly.

Why? Expert incompetence is surely part of the story (see Gilovich, Griffin, & Kahneman, 2002), as are biases and conflicts of interest that can afflict even the most competent experts (see Moore, Cain, Loewenstein, and Bazerman, 2005). But a big part of the problem is the inherent noisiness and complexity of the open systems of variables that jointly influence human behavior. Choices, behaviors, and their outcomes have multiple determinants, and the relevant parameters change dynamically with context. The variables are endogenously related such that our actions are both a cause of and a response to changing circumstances, and other actors who influence us may be adapting their choices to their expectations of our actions.

Does this mean that relying on experts is a wild gamble? Yes, and no, depending on what one means by “rely.” We should not blindly believe everything experts tell us, but we can look to experts to *tell us how much we should believe them*—i.e., their confidence in their opinions. Unfortunately, many lines of evidence suggest that experts tend to be *overconfident*, that is, more confident in their opinions than is warranted by the evidence (Lichtenstein, Fischhoff, & Phillips, 1982; Lin & Bier, 2008).

For example, Tetlock (2005) studied the predictions made by professional foreign policy experts. Importantly, he took great care to ask them to make concrete yes-no predictions about future events—something you are less likely to hear on, say, the *PBS News Hour*—and that enabled him to later assess their accuracy rates once the time period stated in the question had elapsed. His results were discouraging in two different ways. First, the experts did only slightly better than one would have done by tossing a fair coin, suggesting concrete predictions are not something foreign policy experts are good at. But at least as troubling is that the experts who turned out to be incorrect provided confidence ratings that were about as high as those of the experts who turned out to be correct. So knowing whether they are good at predictions is something else they were not good at.

In hindsight, it may seem unsurprising that experts are confident when they speak out. The competition for positions and grants and students and publications tends to select for confident people. Scientists are socialized to avoid “going public” with results until they are confident that they are correct. Journalists and policy makers selectively choose and reward experts for being confident rather than wishy-washy. But these factors are not the whole story, and maybe not even the main part of the story, because we see similar overconfidence in lay judgments.

One way to assess overconfidence is to assess *calibration*. Roughly, sources are calibrated to the extent that they are $X\%$ accurate for items where they were $X\%$ confident. If I have no idea whether the Nile River is shorter or longer than the Amazon River, I should express a confidence level of 50% (i.e., “I’m just guessing”). If you see me as a potential expert and I tell you that I am only 50% confident, I am essentially telling you “don’t ask me—ask someone else, or just flip a coin.” If I turn out to be correct on, say, 65% of the occasions where I say I am just guessing about dichotomous items (such as true-false questions), it shows that I am miscalibrated—specifically, I am *underconfident*. At the other extreme, if I say “oh, oh, I know this one, I’m sure of it,” I am telling you to trust me. In this case, I am miscalibrated if I am only correct, say, 85% of the occasions where I say I am 100% confident—I am *overconfident*.⁷ According to McKenzie, Liersch, and Yaniv (2008, p. 179), “[i]f people were well calibrated, 90% of their 90% confidence intervals would contain the true value. However, true values typically fall within such intervals between 30 and 60% of the time, indicating extreme overconfidence.”

Figure 9.2 shows the calibration data for 322 UC Berkeley students (graduate and undergraduate) answering general knowledge questions (e.g., “Which is longer? Panama Canal or Suez Canal?”). The qualitative pattern is typical for calibration research using dichotomous yes/no predictions. Students who stated no confidence (.5) were correct more often than chance, suggesting slight underconfidence. But students who were fairly confident (.7–1.0) were wrong much more often than they expected—the classic overconfidence finding.

Does it matter that these students were nonexperts? Not really; similar results have been found for experts in a variety of professional domains, such as the estimation of physical constants by physicists, or stock-market forecasting by financial consultants (e.g., Braun & Yaniv, 1992; Henrion & Fischhoff, 1986; Lichtenstein et al., 1982; Lin & Bier, 2008). McKenzie et al. (2008) directly compared the calibration of information technology professionals and students for questions about the information industry or about the campus; in either domain, the domain experts (professionals and students, respectively) were more accurate, but similar in overconfidence.

One well-known exception to the general pattern of expert overconfidence is that meteorologists tend to be extremely well calibrated (Murphy & Winkler, 1977).

⁷A technicality: At the bottom of the confidence scale, one can never be overconfident, and at the top, one can never be underconfident—but from the consumer’s standpoint, the source is still overconfident. And overconfidence can be observed in datasets that are not vulnerable to this problem (e.g., Brenner, Koehler, Liberman, & Tversky, 1996).

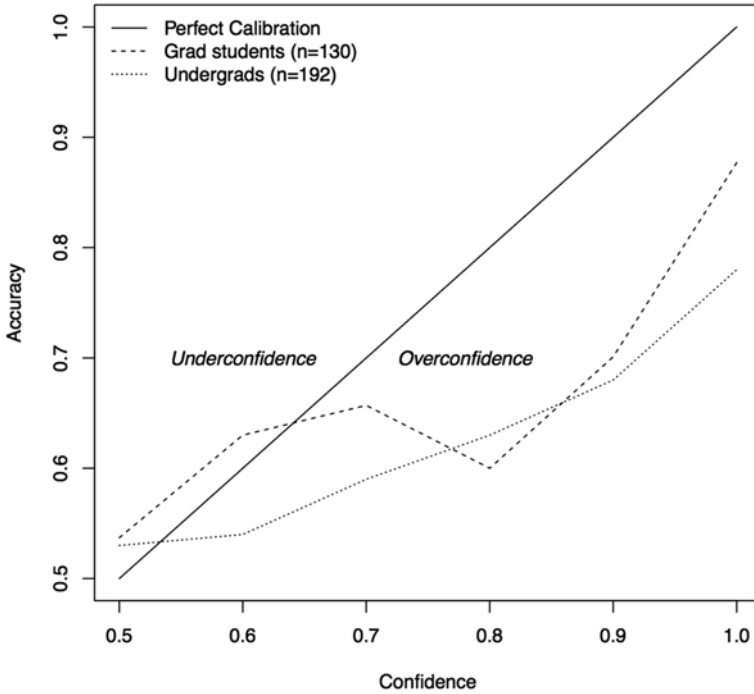


Fig. 9.2 Calibration data for UC Berkeley students answering true/false factual knowledge questions (*Source*: author’s unpublished data)

This says less about their intelligence or their character than about their task. They make many thousands of predictions for a living, and their predictions are quickly, unambiguously, and very publically verifiable by the weather that occurs. Again, the claim is not that they are unusually accurate compared to other experts—indeed, their accuracy falls off very rapidly for events that occur more than a few days in the future. What is notable is that they are calibrated—they know what they know. If a meteorologist says there’s a 50 % chance of precipitation tomorrow, they have not at all told you what will happen—but you can bank on the fact that on half of such days, it will rain.

Other apparent exceptions to overconfidence occur when experts actively strive to “manufacture uncertainty” (Michaels & Monforton, 2005) or act as “merchants of doubt” (Oreskes & Conway, 2010). This is usually portrayed as a cynical effort to undermine public activism against, say, global warming or tighter tobacco regulations, but it can be an important role for experts, particularly in areas where it is the

public or political figures who are overconfident.⁸ In any case, this is uncertainty (a prediction near 50 %) rather than calibration or underconfidence; indeed the experts in question might be quite confident that the outcomes are unpredictable.

A remarkable example of expert calibration involves an expert who is not even human: IBM's Watson computer, who beat the world's top human players on the game show *Jeopardy*. According to Nick Wakeman (2011), Watson "builds an evidence profile to determine what are the most likely correct answers. ...For some questions, one answer will have a high confidence level. This is when Watson is most likely to buzz in. For other questions, none of the answers will have a high confidence level and Watson will not buzz in." As IBM Vice President Dave McQueeney told Wakeman: "That's the interesting thing. The machine knows when it doesn't know the answer."

Expert calibration is a trait that is easily overlooked, but one that we should actively cultivate during graduate training. An expert who is highly calibrated is a good judge of his or her knowledge. In essence, an expert who is calibrated and states low confidence is telling us "you don't have much basis for believing me." But citizens and policy makers who prefer a particular course of action have some reason to welcome such news. In essence, the difference between perfect certainty and the expert's stated certainty (100%—subjective confidence) defines a *region of extraevidentiary discretion*, where the decision maker has freedom to base his or her decisions on nonevidentiary considerations.⁹ "We don't know whether assault weapon bans actually save lives? Then fine, my supporters can keep their Uzis."

Confidence and Calibration as Persuasive Cues

Expert overconfidence might not be a problem if people simply anticipated it and discounted it accordingly. Unfortunately, they do not. For example, eyewitness confidence is known to be a poor guide to eyewitness accuracy, yet it is one of the cues jurors rely on most heavily in deciding whether to believe an eyewitness identification (see Bradfield & Wells, 2000). Price and Stone (2004) reviewed evidence for this reliance on source confidence, labeling it the "confidence heuristic." A heuristic is a cognitive shortcut, sometimes a rule of thumb but often a proxy variable that provides a rough substitute for something more difficult to observe. In this case, Price and Stone suggested that confidence serves as a rough proxy for accuracy.

That people rely on a confidence heuristic is troubling, because confidence is an unreliable proxy for accuracy, but even more so because it is a *biased* proxy for accuracy—people are not just randomly miscalibrated, they are usually (except at

⁸When my colleagues and I published a study demonstrating why the effects of marijuana legalization on use and revenues were extremely uncertain (Kilmer, Caulkins, Pacula, MacCoun, & Reuter, 2010), we were denounced on various websites for being either useless or cowardly.

⁹This also implies that an overconfident expert is unfairly restricting the decision maker's zone of discretion.

the upper end of the probability scale) *overconfident*. It is also distasteful to think that people can be overconfident and not only “get away with it” but even get rewarded for it. And in fact, there are good reasons to question whether this really works. A basic principle in both evolutionary biology and economic game theory is that signals that are easily faked have little value (Zahavi & Zahavi, 1997). Cosmides and Tooby (1992) even argue that evolution has provided us with a hard-wired cognitive module for “cheater detection.” And indeed, in a series of experiments, my colleagues and I (Tenney, MacCoun, Spellman, & Hastie, 2007; Tenney, Spellman, & MacCoun, 2008) demonstrated that overconfidence can backfire.

In two experiments, Tenney et al. (2007) varied eyewitness confidence (high vs. low) as well as whether the eyewitness was shown to have made an error during testimony. In both studies, learning about a single error hurt the credibility and impact of the high-confidence witness, but not the low-confidence witness. (Indeed, the error actually enhanced the credibility of the low-confidence witness.) In two additional experiments, Tenney et al. (2008) replicated and extended these results, showing that (a) they were not simply due to jurors preferring cautiousness or modesty in a witness, and (b) the confident witness is not discredited when the error is one no reasonable person could have anticipated.

Tenney et al. (2008) argued that people use an implicit “presumption of calibration” principle: Our default assumption is that people who say they are confident are calibrated, so we are willing to rely on confidence as a cue or proxy for accuracy. But this assumption is fragile, and readily dropped when the source is found to be in error, even about a peripheral detail. I depict this logic in Fig. 9.2. The presumption of calibration hypothesis is reminiscent of linguistic theories of conversational pragmatics. For example, Grice (1989, p. 27) offers two “maxims of quality” that he believes to be implicitly assumed in our conversations: “1. Do not say what you believe to be false. 2. Do not say that for which you lack adequate evidence.”

It is gratifying to know that listeners, at least in some contexts, hold speakers accountable for unwarranted confidence. Unfortunately, Sah, Moore, and MacCoun (2013) recently established an important boundary condition on the discrediting effect of overconfidence. Importantly, our results are consistent with the presumption-of-calibration logic shown in Fig. 9.3.

In a first experiment, we conceptually replicated the basic Tenney et al. results in an advisor paradigm using physical judgments of weight and confidence intervals rather than categorical confidence statements. But a key step in the “presumption of calibration” logic is that consumers need to discover the source’s accuracy in order to judge the source’s calibration. Thus, in a second experiment, we varied the availability of feedback on the advisor’s performance. In one condition, feedback was freely available, and the results replicated the Tenney et al. pattern, that is, demonstrable overconfidence hurts credibility. But in a second condition, there was no feedback available, and in this case, we replicated the Price and Stone (2004) “confidence heuristic” pattern; confidence was rewarded, irrespective of whether the experts were giving increasingly better or worse advice over time. In a third condition, feedback was available, but participants had to purchase it by investing some experimentally allocated credits toward a prize. Despite the fact that the feedback

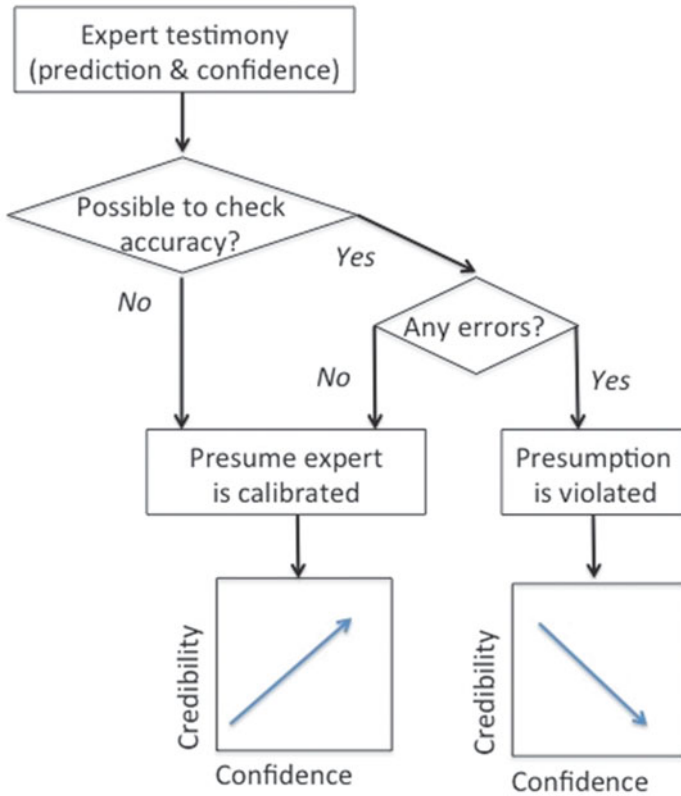


Fig. 9.3 The presumption of calibration

price was carefully designed to be a good investment, most respondents opted out of buying the feedback. As a result, most resorted to the confidence heuristic.

Regrettably, all too many advising situations are analogous to our “costly feedback” (or even “no feedback”) condition. Barriers to obtaining feedback on expert performance may include the need to wait for outcomes to occur, the ambiguity of interpreting outcomes, conflicting data, conflicting interpretations of data, proprietary or classified data, and the ambiguity of parsing what the expert really predicted. As noted earlier, for some professions, this is relatively easy; for others it is very difficult. I return to this point and consider some possible solutions at the end of the chapter.

The evidence for the presumption-of-calibration hypothesis provides potential reason to believe that citizens are motivated, at least in part, by an inquisitorial search for truth. If they were not, why should a source’s error be discrediting, and why should we care about calibration? Still, this is not a conclusive argument; it could be that the source is discredited simply because we think the source’s tainted testimony makes him or her less effective in advancing any adversarial goals we might have.

Biased Assimilation, Naïve Realism, and Attitude Attribution

There are two potentially important limitations of most of the calibration-confidence studies (and indeed, many of the studies in the “advisor paradigm”). First, most (but not all; see Price & Stone, 2004) of these studies present participants with the advice of a single expert, whereas we routinely encounter situations where multiple experts disagree. Of course, the mere existence of disagreement does not necessarily imply the adversarial frame. Consider the recent scientific debate about the causes of “colony collapse disorder”—the rapid disappearance of large numbers of honeybees. Experts disagreed about potential explanations—mites, bacteria, viruses, fungi, antibiotics, electromagnetic radiation—but I doubt this disagreement hurt the credibility of the scientists or the scientific process, because the disagreements were voiced in good faith in the context of a shared pursuit of the truth. It is not disagreement that evokes the adversarial frame; it is the possibility of conflicts of interest, ideology, and ego.

And that highlights a second limitation of many of these studies. Most (but not all; see Tenney et al., 2007, 2008) of these studies use tasks that are mostly truth conflicts but not conflicts of interest. How do confidence and calibration work when there are two opposing experts in a more adversarial situation? It is one thing to believe an expert with high confidence. But if there are *two* experts, and *both* are confident, and they *disagree*, surely something is amiss.¹⁰

But there is another research literature that routinely studies conflicting expert sources (albeit with high confidence either implicitly or explicitly held constant): the *biased assimilation* literature.¹¹

Unlike many of the general opinion surveys, biased assimilation studies tend to explicitly juxtapose two or more experts, which all but guarantees that at least one of the two experts is wrong—or at least more wrong than the other expert. Following the basic design of the classic study in the paradigm (Lord, Ross, & Lepper, 1979), people are exposed to research evidence that either supports or contradicts their own personal beliefs about an issue. Across a wide range of topics, the consistent finding is that people find expert findings more credible and plausible when the research is congenial with the consumer’s own beliefs, even when researchers hold the methodology constant. Note that the term “biased assimilation” does not mean this phenomenon is necessarily irrational or unjustified, though in some cases it clearly is. (For reviews of this literature and discussion of alternative normative interpretations, see MacCoun, 1998; MacCoun & Paletz, 2009) Similar results are found in studies by Kahan and his colleagues (e.g., Kahan et al., 2012; Kahan, Braman, Slovic, Gastil, & Cohen, 2009; Kahan, Jenkins-Smith, & Braman, 2011). They show that consumers selectively interpret research evidence on technological

¹⁰Given the complexity and stochastic nature of many causal systems, I think it is probably theoretically possible for two experts, each well calibrated in the past, to be fairly confident in opposing predictions, but only under rare circumstances. In the three-dimensional space of confidence, calibration, and disagreement, that corner mostly will be empty.

¹¹Another relevant literature looks at expert testimony at trial (Cutler & Kovera, 2011).

risks in a manner that protects their personal commitments to cultural values like egalitarianism or individualism.

The most cynical view of these biased assimilation results is that people simply choose to believe whatever they want to believe. This is probably not the case; Kunda (1990) reviews evidence that most people's beliefs are at least partially constrained by the available evidence, even when it is uncongenial. A less cynical view is that people are "naïve realists"—they believe that there is a clear reality out there that directly determines what we perceive (Pronin, Gilovich, & Ross, 2004). As such, sources that seem to agree with one's views must simply be perceiving what is real. Thus, experts who disagree with one's view pose a puzzle, but the naïve realist can readily solve it by attributing the discordant expert's testimony to some form of bias—e.g., the expert's political ideology or an economic conflict of interest. Revealingly, even in the adversarial setting, experts seem to display naïve realism—they often fail to recognize the very real potential for bias that comes from being retained by one side of a dispute (Commons, Miller, & Gutheil, 2004; Murrie, Boccaccini, Guarnera, & Rufino, 2013).

A recent study by MacCoun and Paletz (2009) provides some evidence supporting this naïve realism account. We presented approximately 1,000 California adults with new research findings regarding public policies that are more popular with liberals (gun control, medical marijuana) or with conservatives (capital punishment, school vouchers)—except that we varied the direction of the finding so that each policy was either found to be effective or had no effect. As in previous studies, there was a reliable biased assimilation effect such that people were more inclined to believe results congenial with their own political views. We then asked citizens to speculate about the political ideology of the social scientists who conducted the target studies. Consistent with naïve realism, when the findings were congenial, most people chose not to speculate about the researcher's politics. But when the findings were uncongenial, citizens were increasingly likely to speculate that the investigator was liberal (for a liberal finding) or conservative (for a conservative finding)—what social psychologists call an *attitude attribution* effect (Jones & Harris, 1967), but a selective one. Figure 9.4 outlines the process.

Overall, this tendency to "explain away" uncongenial results by invoking ideology was somewhat stronger for conservative respondents. One interpretation is that conservatives are more skeptical of science in general, or less willing to be constrained by evidence (see Mooney, 2006, 2012). There is some evidence for this interpretation; for example, using the General Social Survey, Gauchat (2012) shows that in the 1970s, self-identified conservatives reported the highest trust in science, but by 2010 they expressed less trust than either liberals or moderates. But Kahan and colleagues (Kahan et al., 2011, 2012) show that the divergence in partisan views about technological risks can actually increase after exposure to factual information, or with increasing science literacy and numeracy. Indeed, in the case of climate change, views were *more*, rather than less, polarized among the most technically knowledgeable respondents. Also, the fact of the matter is that academic researchers *are* disproportionately likely to hold political views to the left of center

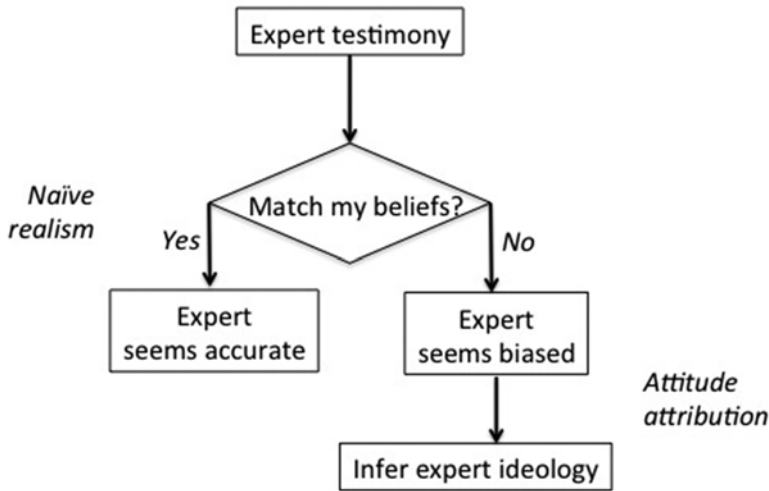


Fig. 9.4 Naïve realism and attitude attribution

(e.g., Pew Research, 2009), and of course conservatives do not hold a monopoly on the selective use or rejection of scientific research (Berezow & Campbell, 2012).

The calibration and confidence paradigm and the biased assimilation paradigm examine different dimensions of the broader topic of trust in experts, but I think there is some continuity in their results. I would not argue that the presumption-of-calibration process (Fig. 9.3) and naïve realism in the biased assimilation paradigm (Fig. 9.4) are descriptions of the same phenomenon, but I think it is reasonable to conjecture that they are closely linked. Naïve realism enables us to presume that others are calibrated (until proven otherwise). In both paradigms, people seem willing to give expert sources the benefit of the doubt. I take this as further support for the proposition that the inquisitorial motive is more basic than the adversarial motive, at least in the domains examined in the research reviewed here.

A Normative Perspective: The Epistemic Contract

I am not certain that my interpretation is correct as an empirical matter—no over-confidence here! But I do want to offer a normative, aspirational account of the appropriate trust relationship between experts and their consumers. My account is “epistemic” in that it pertains to the validity of some claim of knowledge. And it is “contractual,” in the sense that it outlines an agreement setting out expectations regarding the obligations of each agreeing party. Of course, this is a metaphorical contract, a rhetorical device in the tradition of Rousseau or Locke. I think these expectations are implicit and hence poorly articulated when experts claim expertise

and when citizens consult experts. To make the expectations more explicit and more concrete, I offer what I will call “the Epistemic Contract”:

1. *The Expert:*

- (a) *If the expert wants to claim the mantle of authority for a topic, and be granted special consideration (above and beyond an ordinary citizen) in a debate,*
- (b) *then the expert should strive to be calibrated, clearly delineating the strengths and limitations of his or her knowledge.*

2. *The Consumer:*

- (a) *If the consumer sincerely wants to make informed decisions, and to claim expert support for his or her views,*
- (b) *then the consumer’s opinions should be constrained by, and susceptible to revision in light of, available expert opinions,*
- (c) *but only to the extent that the expert’s sincere confidence dictates.*

The epistemic contract is an aspirational model, but I do not think it is a naïve one. It allows both the expert and the consumer to hold a wide range of additional motives. The expert may also want material or social reward or political influence. The consumer may want to use the expert’s testimony to gain material or social reward or political influence. These motives do not violate the epistemic contract, so long as the expert strives to be an honest and calibrated broker of information, and the consumer agrees to either be constrained by that information—or to forgo the use of expert support in a debate. By “constrained,” I have in mind belief revision that is at least qualitatively (directionally) consistent with what Bayesian updating might dictate.

Nevertheless, I recognize that the epistemic contract is not easily enforceable. As Sah et al. (2013) have suggested, for experts and consumers to be bound by evidentiary considerations, they each need an accurate assessment of *calibration*, which in turn requires an assessment of how the expert’s confidence tracks his or her accuracy or validity. That is a tall order.

Facilitating an Appropriate Level of Trust in Experts

A healthy trust relationship between experts and their consumers requires an effort from both sides. Experts have to earn trust, and consumers need to learn that experts can be trusted. As I have argued, a powerful way for both sides to achieve this is through calibration data linking confidence to accuracy. How can we improve expert calibration and consumer access to calibration data? There are a variety of different approaches to this problem, some old, some new, and some still purely hypothetical:

Organized skepticism (Merton, 1938). Scientists use peer review and replication to scrutinize new claims. These methods do not always work, but they are gradually improving (see Bornmann & Mungra, 2011). And it is all too easy to forget that the perfect is the enemy of the good. Even flawed systems of peer review and replication are preferable to none at all, and there are many domains of expertise that are not presently subjected to such scrutiny, and should be. For example, legal scholarship is increasingly empirical, and often draws on lines of argument from probability theory, economics, or other conceptual frameworks. Yet much of this work is published in law reviews without any formal peer review process. And financial consultants provide extremely consequential advice to their clients with little or no oversight from their firms or from regulators.

Open science. In response to the replicability crisis in psychology, there are active efforts to increase transparency by encouraging (or even requiring) researchers to register and/or openly post their hypotheses, their pilot data, their instruments and methods, their data, and their analyses (see Miguel et al., 2014). These efforts now include collaborative multi-institution attempts to audit and replicate published research findings (e.g., Alogna et al., 2014).

Blind analysis. Open science makes it easier to detect bias in research. But it is possible to *prevent* many biases by blinding the investigator in ways that enforce objectivity. Double-blind studies have long been used to blind investigators in the collection of data, but physicists have developed methods of perturbing data (with noise or bias) so that investigators do not know which hypothesis their results favor until the analysis is already complete, and these methods can be adapted for use in psychology and the social sciences (see MacCoun & Perlmutter, *in press*).

Aggregation. Meta-analysis was an important advance in aggregating evidence across experts, and through moderator analysis, it is enabling us to see which features of what expert sources and methods influence results (e.g., Braver, Thoenmes, & Rosenthal, 2014). More recently, Nate Silver’s *FiveThirtyEight* blog demonstrated that aggregating across pre-election polls produces a forecast that is more accurate than its component parts (Silver, 2012). Bayesian model-averaging methods are another approach in the same spirit.

Prediction markets. Prediction markets allow participants to buy and sell shares in outcomes—to “put some skin in the game.” For example, at the Iowa Electronic Markets, run by the Tippie College of Business at the University of Iowa, participants were able to buy and sell futures contracts on the success of the Republican Party at retaking the Senate in November 2014. The market gave the Republicans a 70 % chance of winning, which is what indeed happened.¹²

Prediction markets shift the focus from individual experts to the collective expertise of a community of opinionated people. Which may seem crazy, except

¹²The IEM can be found at <https://tippie.uiowa.edu/iem/>; the 2014 Senate trading is summarized at <https://tippie.uiowa.edu/iem/media/story.cfm?ID=3389>

that it seems to work. Though initially controversial, the evidence to date suggests that prediction markets perform at least as well as opinion polls, and often better, though the key ingredients of the recipe (monetary stakes, information pooling, sample selection biases) are still under investigation (see Arrow et al., 2008). A variation on prediction markets is the kind of public wagers that prominent scientists sometimes make with each other (see Giles, 2002).

Forecasting tournaments. As noted earlier, Tetlock's (2005) work on foreign policy experts suggested that they were neither accurate nor well calibrated. But since then, he and his colleagues have demonstrated that properly designed forecasting tournaments can not only identify accurate and calibrated predictors, but can also promote constant improvements in accuracy and calibration (Mellers et al., 2014; Tetlock, Mellers, Rohrbaugh, & Chen, 2014). For several years, Tetlock and colleagues have solicited probabilistic forecasts on world events from hundreds of professional and amateur forecasters. These new tournaments have produced much more successful, and better calibrated, forecasting than Tetlock found in his earlier work. These tournaments have a recipe that includes requiring *testable predictions, explicit articulation of uncertainty, opportunities for revision, clear metrics for accuracy and calibration (Brier scores), training, effective group process, and publically observable performance data*. Intriguingly, their approach does not involve an accredited guild with restrictive membership, and some of their most accurate "superforecasters" are lay citizens without specialized training, credentials, or access to classified or proprietary data.

Reputation markets. Amazon, Yelp, Facebook, Twitter, Airbnb, and other contemporary web-based services rely heavily on organized systems for collecting and disseminating reputational data, and they have already worked out many of the glitches involved in setting up reliable and fair feedback. Citation counts serve as one traditional reputational metric for experts, and new variations are being developed to take into account the expert's career length, discipline, research topic, and so on (Cronin & Sugimoto, 2014).

Conclusion

Citizens often trust experts, but their trust is contingent. Unfortunately, it is more likely to be contingent on *fidelity* (correspondence to citizens' preferences) rather than on *validity* (correspondence to empirical truth). Still, citizens are far from impervious to validity, and they appear to want experts to be accurate. Citizens appear to assume experts are unbiased unless their testimony is unexpected (naïve realism), and they seem to assume that an expert's confidence is warranted unless the evidence shows otherwise (the presumption of calibration).

To foster an appropriate level of trust in experts, we need better systems for promoting and assessing expert accuracy and calibration. Fortunately, the kinds of innovative methods described above suggest that it may become easier for consumers of

expert opinion to decide what and whom to believe, and when. By highlighting the flaws and foibles of expert judgment, these approaches may not produce a net increase in trust in experts, but they will promote an *appropriate* level of trust in experts. And they will encourage and enable experts to earn that trust.

References

- Allum, N., Sturgis, P., Tabourazi, D., & Brunton-Smith, I. (2008). Science knowledge and attitudes across cultures: a meta-analysis. *Public Understanding of Science, 17*, 35–54.
- Alogna, V. K., Attaya, M. K., Aucoin, P., Bahnik, S., Birch, S., Birt, A. R., et al. (2014). Registered replication report: Schooler & Engstler-Schooler (1990). *Perspectives on Psychological Science, 9*, 556–578.
- Angrist, J. D., & Pischke, J. S. (2010). The credibility revolution in empirical economics: how better research design is taking the con out of econometrics. *Journal of Economic Perspectives, 24*, 3–30.
- Arrow, K. J., et al. (2008). The promise of prediction markets. *Science, 320*, 877–878.
- Berezow, A. B., & Campbell, H. (2012). *Science left behind: Feel-good fallacies and the rise of the anti-scientific left*. New York, NY: PublicAffairs.
- Bornmann, L., & Mungra, P. (2011). Improving peer review in scholarly journals. *European Science Editing, 37*, 41–43.
- Boykoff, M. T., & Boykoff, J. M. (2004). Balance as bias: global warming and the US prestige press. *Global Environmental Change, 14*, 125–136.
- Bradfield, A. L., & Wells, G. L. (2000). The perceived validity of eyewitness identification testimony: A test of the five *Biggers* criteria. *Law and Human Behavior, 24*, 581–594.
- Braun, P. A., & Yaniv, I. (1992). A case study of expert judgment: Economists' probabilities versus base-rate model forecasts. *Journal of Behavioral Decision Making, 5*, 217–231.
- Braver, S. L., Thoenness, F. J., & Rosenthal, R. (2014). Continuously cumulating meta-analysis and replicability. *Perspectives on Psychological Science, 9*, 333–342.
- Brenner, L. A., Koehler, D. J., Liberman, V., & Tversky, A. (1996). Overconfidence in probability and frequency judgments: A critical examination. *Organizational Behavior and Human Decision Processes, 65*, 212–219.
- Carlisle, J. E., Feezell, J. T., Michaud, K. E., Smith, E. R., & Smith, L. (2010). The public's trust in scientific claims regarding offshore oil drilling. *Public Understanding of Science, 19*, 514–527.
- Commons, M. L., Miller, P. M., & Gutheil, T. G. (2004). Expert witness perceptions of bias in experts. *Journal of the American Academy of Psychiatry and the Law, 32*, 70–75.
- Cosmides, L., & Tooby, J. (1992). Cognitive adaptations for social exchange. In J. Barkow, L. Cosmides, & J. Tooby (Eds.), *The adapted mind: Evolutionary psychology and the generation of culture*. New York, NY: Oxford University Press.
- Critchley, C. R. (2008). Public opinion and trust in scientists: The role of the research context, and the perceived motivation of stem cell researchers. *Public Understanding of Science, 17*, 309–327.
- Cronin, E. B., & Sugimoto, C. R. (2014). *Beyond bibliometrics: Multidimensional indicators of scholarly impact*. Cambridge, MA: MIT Press.
- Cutler, B. L., & Kovera, M. B. (2011). Expert psychological testimony. *Current Directions in Psychological Science, 20*, 53–57.
- Dawes, R. M., Faust, D., & Meehl, P. E. (1989). Clinical versus actuarial judgment. *Science, 243*, 1668–1674.
- Eagly, A. H., Wood, W., & Chaiken, S. (1978). Causal inferences about communicators and their effect on opinion change. *Journal of Personality and Social Psychology, 36*, 424–435.

- Fanelli, D., & Ioannidis, J. P. A. (2013). US studies may overestimate effect sizes in softer research. *Proceedings of the National Academy of Science*, *110*, 15031–15036.
- Fink, W., Lipatov, V., & Konitzer, M. (2009). Diagnoses by general practitioners: Accuracy and reliability. *International Journal of Forecasting*, *25*, 784–793.
- French, J. P. R., Jr., & Raven, B. (1960). The bases of social power. In D. Cartwright & A. Zander (Eds.), *Group dynamics* (pp. 607–623). New York, NY: Harper and Row.
- Gauchat, G. (2012). Politicization of science in the public sphere: A study of public trust in the United States, 1974 to 2010. *American Sociological Review*, *77*, 167–187.
- Giles, J. (2002). Scientific wagers: Wanna bet? *Nature*, *420*, 354–355.
- Gilovich, T., Griffin, D., & Kahneman, D. (2002). *Heuristics and biases: The psychology of intuitive judgment*. Cambridge: Cambridge University Press.
- Goodman-Delahunty, J., Granhag, P. A., Hartwig, M., & Loftus, E. F. (2010). Insightful or wishful: Lawyers' ability to predict case outcomes. *Psychology, Public Policy, and Law*, *16*, 133–157.
- Grice, P. (1989). *Studies in the ways of words*. Cambridge MA: Harvard University Press.
- Henrion, M., & Fischhoff, B. (1986). Assessing uncertainty in physical constants. *American Journal of Physics*, *54*, 791–798.
- Hmielowski, J. D., Feldman, L., Myers, T. A., Leiserowitz, A., & Maibach, E. (2014). An attack on science? Media use, trust in scientists, and perceptions of global warming. *Public Understanding of Science*, *23*, 866–883.
- Hovland, C. I., Janis, I. L., & Kelley, J. J. (1953). *Communication and persuasion*. New Haven, CT: Yale University Press.
- Ioannidis, J. P. A. (2005). Why most published research findings are false. *PLoS Medicine*, *2*, 696–701.
- John, L. K., Loewenstein, G., & Prelec, D. (2012). Measuring the prevalence of questionable research practices with incentives for truth telling. *Psychological Science*, *23*, 524–532.
- Jones, E. E., & Harris, V. A. (1967). The attribution of attitudes. *Journal of Experimental Psychology*, *3*, 1–24.
- Kahan, D. M. (2013). Ideology, motivated reasoning, and cognitive reflection. *Judgment and Decision Making*, *8*, 407–424.
- Kahan, D. M., Jenkins-Smith, H., & Braman, D. (2011). Cultural cognition of scientific consensus. *Journal of Risk Research*, *14*, 147–174.
- Kahan, D. M., Braman, D., Slovic, P., Gastil, J., & Cohen, G. (2012). Cultural cognition of the risks and benefits of nanotechnology. *Nature Nanotechnology*, *4*, 87–90.
- Kahan, D. M., Peters, E., Dawson, E. C., & Slovic, P. (2013). *Motivated numeracy and enlightened self-government*. New Haven, CT: Yale Law School. Public Law Working Paper No. 307. Retrieved from <http://ssrn.com/abstract=2319992>.
- Kahan, D. M., Peters, E., Wittlin, M., Slovic, P., Larrimore Oullette, L., Braman, D., et al. (2012). The polarizing impact of science literacy and numeracy on perceived climate change. *Nature Climate Change*, *2*, 732–735.
- Kilmer, B., Caulkins, J. P., Pacula, R. L., MacCoun, R. J., & Reuter, P. H. (2010). *Altered state? Assessing how marijuana legalization in California could influence marijuana consumption and public budgets*. Santa Monica, CA: RAND.
- Kramer, R. M. (1999). Trust and distrust in organizations: Emerging perspectives, enduring questions. *Annual Review of Psychology*, *50*, 69–98.
- Kunda, Z. (1990). The case for motivated reasoning. *Psychological Bulletin*, *108*, 480–498.
- Lichtenstein, S., Fischhoff, B., & Phillips, L. D. (1982). Calibration of probabilities: the state of the art to 1980. In D. Kahneman, P. Slovic, & A. Tversky (Eds.), *Judgment under uncertainty: Heuristics and biases*. Cambridge: Cambridge University Press.
- Lillienfeld, S. O. (2012). Public skepticism of psychology: Why many people perceive the study of human behavior as unscientific. *American Psychologist*, *67*, 111–129.
- Lin, S. W., & Bier, V. M. (2008). A study of expert overconfidence. *Reliability Engineering & System Safety*, *93*, 711–721.
- Lord, C. G., Ross, L., & Lepper, M. R. (1979). Biased assimilation and attitude polarization: the effects of prior theories on subsequently considered evidence. *Journal of Personality and Social Psychology*, *37*, 2098–2109.

- MacCoun, R. (1998). Biases in the interpretation and use of research results. *Annual Review of Psychology*, 49, 259–287.
- MacCoun, R. J., & Paletz, S. (2009). Citizens' perceptions of ideological bias in research on public policy controversies. *Political Psychology*, 30, 43–65.
- MacCoun, R. J., & Perlmutter, S. (in press). Blind analysis as a correction for confirmatory bias in physics and in psychology. In Lilienfeld, S. O., & Waldman, I. (Eds.), *Psychological science under scrutiny: Recent challenges and proposed solutions*. John Wiley and Sons.
- Makridakis, S., Hogarth, R. M., & Gaba, A. (2009). Forecasting and uncertainty in the economic arena. *International Journal of Forecasting*, 25, 794–812.
- Mayer, R. C., Davis, J. H., & Schoorman, F. D. (1995). An integrative model of organizational trust. *Academy of Management Review*, 20, 709–734.
- McKenzie, C. R. M., Liersch, M. J., & Yaniv, I. (2008). Overconfidence in interval estimates: What does expertise buy you? *Organizational Behavior and Human Decision Processes*, 107, 179–191.
- Mellers, B., Ungar, L., Baron, J., Ramos, J., Gurcay, B., Fincher, K., et al. (2014). Psychological strategies for winning a geopolitical forecasting tournament. *Psychological Science*, 25, 1106–1115.
- Merton, R. K. (1938). Science and the social order. *Philosophy of Science*, 5, 321–337.
- Michaels, D., & Monforton, C. (2005). Manufacturing uncertainty: Contested science and the protection of the public's health and environment. *American Journal of Public Health*, 95, S39–S48.
- Miguel, E., Camerer, C., Casey, K., Cohen, J., Esterling, K. M., Gerber, A., et al. (2014). Promoting transparency in social science research. *Science*, 343, 30–31.
- Mooney, C. (2006). *The Republican war on science*. New York, NY: Basic Books.
- Mooney, C. (2012). *The Republican brain: The science of why they deny science and reality*. New York, NY: Wiley.
- Moore, D. A., Cain, D. M., Loewenstein, G. and Bazerman, M. (eds.). (2005). *Conflicts of interest: Problems and solutions from law, medicine and organizational settings*. London: Cambridge University Press.
- Murphy, A. H., & Winkler, R. L. (1977). Reliability of subjective probability forecasts of precipitation and temperature. *Journal of the Royal Statistical Society: Applied Statistics*, 26, 41–47.
- Murrie, D. C., Boccaccini, M. T., Guarnera, L. A., & Rufino, K. A. (2013). Are forensic experts biased by the side that retained them? *Psychological Science*, 24, 1889–1897.
- NSF. (2014). *Science and engineering indicators 2014*. Washington, DC: National Science Foundation.
- Oreskes, N., & Conway, E. M. (2010). *Merchants of doubt: How a handful of scientists obscured the truth on issues from tobacco smoke to global warming*. New York, NY: Bloomsbury Press.
- Pasher, H., & Wagenmakers, E. J. (2012). Editors' introduction to the special section on replicability in psychological science: A crisis of confidence? *Perspectives on Psychological Science*, 7, 528–530.
- Petty, R. E., & Cacioppo, J. T. (1986). *Communication and persuasion: Central and peripheral routes to attitude change*. New York, NY: Springer-Verlag.
- Pew Research. (2009). *Public praises science; scientists fault public, media*. Washington, DC: Pew Research Center for the People and the Press.
- Price, P. C., & Stone, E. R. (2004). Intuitive evaluation of likelihood judgment producers: Evidence for a confidence heuristic. *Journal of Behavioral Decision Making*, 17, 39–57.
- Pronin, E., Gilovich, T., & Ross, L. (2004). Objectivity in the eye of the beholder: Divergent perceptions of bias in self vs. others. *Psychological Review*, 111, 781–799.
- Retzbach, A., & Maier, M. (2014). Communicating scientific uncertainty: Media effects on public engagement with science. *Communication Research*. [print version not out yet]
- Rotter, J. B., & Stein, D. K. (1971). Public attitudes toward the trustworthiness, competence, and altruism of twenty selected occupations. *Journal of Applied Social Psychology*, 1, 334–343.
- Rousseau, D. M., Sitkin, S. B., Burt, R. S., & Camerer, C. (1998). Not so different after all: A cross-discipline view of trust. *Academy of Management Review*, 23, 393–404.

- Sah, S., Moore, D., & MacCoun, R. (2013). Cheap talk and credibility: The consequences of confidence and accuracy on advisor credibility and persuasiveness. *Organizational Behavior and Human Decision Processes*, *121*, 246–255.
- Satterfield, T., Kandlikar, M., Beaudrie, C. E. H., Conti, J., & Harthorn, B. H. (2009). Anticipating the perceived risk of nanotechnologies. *Nature Nanotechnology*, *4*, 752–758.
- Silver, N. (2012). *The signal and the noise*. New York, NY: Penguin.
- Simmons, J. P., Nelson, L. D., & Simonsohn, U. (2011). False-positive psychology: Undisclosed flexibility in data collection and analysis allows presenting anything as significant. *Psychological Science*, *22*, 1359–1366.
- Simonsohn, U. (2013). Just post it: The lesson from two cases of fabricated data detected by statistics alone. *Psychological Science*, *24*, 1875–1888.
- Tenney, E. R., MacCoun, R. J., Spellman, B. A., & Hastie, R. (2007). Calibration trumps confidence as a basis for witness credibility. *Psychological Science*, *18*, 46–50.
- Tenney, E. R., Spellman, B. A., & MacCoun, R. J. (2008). The benefits of knowing what you know (and what you don't): Fact-finders rely on others who are well calibrated. *Journal of Experimental Social Psychology*, *44*, 1368–1375.
- Tetlock, P. E. (2005). *Expert political judgment: How good is it? How can we know?* Princeton, NJ: Princeton University Press.
- Tetlock, P. E., Mellers, B. A., Rohrbaugh, N., & Chen, E. (2014). Forecasting tournaments: Tools for increasing transparency and improving the quality of debate. *Current Directions in Psychological Science*, *23*, 290–295.
- Thibaut, J., & Walker, L. (1978). A theory of procedure. *California Law Review*, *66*, 541–566.
- Twenge, J. M., Campbell, W. K., & Carter, N. T. (2014). Declines in trust in others and confidence in institutions among American adults and late adolescents, 1972–2012. *Psychological Science*, *25*, 1914–1923.
- Wakeman, N. (2011, February 11). IBM's 'Jeopardy!' match more than game playing: Big Blue sees Watson driving strides in analytics. *Washington Technology*.
- Walster, E., Aronson, E., & Abrahams, D. (1966). On increasing the persuasiveness of a low prestige communicator. *Journal of Experimental Social Psychology*, *2*, 325–342.
- Williamson, O. E. (1993). Calculativeness, trust, and economic organization. *Journal of Law and Economics*, *36*, 453–486.
- Wood, W., Jones, M., & Benjamin, L. T. (1986). Surveying psychology's public image. *American Psychologist*, *41*, 947–953.
- Yong, E. (2012). Bad copy. *Nature*, *485*, 298–300.
- Zahavi, A., & Zahavi, A. (1997). *The handicap principle*. Oxford: Oxford University Press.

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