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THE DOG THAT NEVER QUITE BARKED: SOCIAL IDENTITY AND THE PERSISTENCE OF POLICE LEGITIMACY

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In many ways the history of British policing over the last half century has been one of constant change. Newburn (2008: 92) provides a list of forty-seven major enquiries and pieces of legislation involving the police over the period 1960–2008. Further legislation like the Police Reform and Social Responsibility Act (2011), and inquiries, such as the 2013 report of the Independent Commission into the future of policing (Brown 2013) have since been added to this list. Structural, policy, and technological developments have been relentless, shaping and reshaping almost every level and aspect of the institution.

On many accounts the legitimacy of the police has also changed significantly over the same period. The fourth edition of Reiner's *The Politics of the Police* (2010) devotes over thirty pages to the development of police legitimacy from 1958 onwards, and he depicts a narrative of decline. From a halcyon period in the 1950s, when the British police had secured a level of public support hard to imagine today, a process of disenchantment and desacralization took hold. By the end of the twentieth century the standing of the police had become contested, tenuous, and fractured. Many factors are thought to have driven this process, from a long series of scandals concerning violence, malpractice, and corruption, via increased social diversity, to the general decline in deference towards authority that occurred over the second half of the twentieth century. Newburn (2008: 111) offers a summary of this process: 'We are now more critical of policing and the police. We ask for more yet, given the greater visibility of the belly of the beast, feel we receive less. We are more demanding and less trusting.' Reiner (2010: 80) is pithier, describing a transformation in the image of the police 'from plod to pig'.

The idea that the police have lost legitimacy, the 'trust and confidence' of the community, and/or 'public support' (terms used more or less interchangeably by many commentators) has become something of an organizing concept, an explicit or tacit

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understanding that underscores many academic, policy, and organizational debates. From high-level reforms including neighbourhood policing, the last Labour government's PSA23 public confidence target, and the inception of Police and Crime Commissioners, to specific policies such as providing better information on police activities (Wünsch and Hohl 2009) and improving the way officers interact with members of the public (Myhill and Quinton 2011), there have been many attempts to 'enhance public confidence'. Talk of a crisis in legitimacy resurfaces on a regular basis (e.g. Mackenzie and Henry 2009: 10).

Yet there is a danger in overstating the extent to which police legitimacy has declined. An alternative account might emphasize that public attitudes remain stubbornly positive. In 2013/14, for example, the Crime Survey of England and Wales found that 63 per cent of people rated their local police as 'excellent' or 'good', while 76 per cent expressed 'confidence' in local police, an increase of 13 percentage points since 2005/06 (ONS 2015). To be sure, these figures compare unfavourably with those from earlier eras. The 1984 British Crime Survey, for example, recorded that nearly 90 per cent of people rated their local force very or fairly good (Jackson et al. 2013: 35), while the public opinion survey conducted for the 1962 Royal Commission into policing revealed extremely high levels of public support and respect at that time (Loader and Mulcahy 2003; Reiner 2010). Police legitimacy has certainly not remained constant over the last half century, and as we shall see crises have occurred. But consideration of the 'job ratings' awarded to police, characterized as measures of overall trust and confidence (Jackson and Bradford 2010) and strongly associated with legitimacy (Jackson et al. 2013), suggests that public support has remained relatively high, and relatively consistent, over a number of years. Indeed, on most national indicators public opinion has moved in a positive direction over the last decade (ONS 2015). On this basis it might be said that the legitimacy of the police never diminished to quite the extent that has been assumed, and it certainly never collapsed.

Harkin (2014: 43) has recently discussed the apparently puzzling persistence of our support for the police, noting that answers to a question posed over a decade ago by Loader and Mulcahy (2003: 35) remain few and far between: 'why—in the face of corruption scandals, miscarriages of justice, paramilitarization, falling crime detection rates, the decline of visible patrols, the Stephen Lawrence affair, and so on—does confidence in the police remain in certain quarters so *high*?' (emphasis in the original). The currently dominant account of police legitimacy within criminology, Tom Tyler's procedural justice theory (Tyler 2006; Tyler and Huo 2002), asserts that fairness is the most important antecedent of legitimacy. Yet, despite 50 years of scandals, often concerning unfair policing, the collapse in legitimacy remains overstated.

Naturally, there are likely to be many answers to this puzzle. For Harkin (2014) the police fulfil atavistic urges to punish among some sections of the population, and garner legitimacy from the extent to which they are perceived to act against denigrated outgroups. Elsewhere, Sindall et al. (2012) demonstrate that at the aggregate level change in public confidence in the police has tracked change in the crime rate—perhaps the crime decline of the last 20 years served to at first brake, and then reverse, a decline in legitimacy that started in the 1960s and which would have carried on had crime continued to rise.

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In this chapter I offer an alternative potential explanation, deriving directly from procedural justice theory. In this view, the police embody a social identity salient to many people's sense of self. When people feel they share an identity (Tajfel 1978) *with* police they are more likely to grant legitimacy *to* police (Hogg 2001). The police thus draw legitimacy from their association with a particular social identity (or set of identities), and from the motivations of individuals to act in ways that support groups to which they feel they belong. Developing this idea provides insight, I argue, into why police legitimacy has not collapsed in the face of the kinds of scandals adumbrated above.

The remainder of the chapter proceeds as follows. After outlining Tyler's procedural justice model and the role of social identity within it, I present empirical evidence from a survey of people living in England and Wales concerning the associations between identity judgements and perceptions of the legitimacy of the police. The chapter closes with some consideration of the dynamic interplay between social identity and police legitimacy.

PROCEDURAL JUSTICE, SOCIAL IDENTITY, AND POLICE LEGITIMACY

Procedural justice theory provides a model for understanding cooperation and compliance in group settings, which is applicable not just in criminal justice contexts but anywhere people are operating in groups marked by internal divisions of labour and power (e.g. workplaces). Scholars in this field are concerned with the ways in which cooperation and compliance is motivated and sustained, with a particular emphasis on the relationship between group authorities and members. The fairness of the procedures through which authorities wield their power is thought to be central to this relationship. When people feel fairly treated by those with power over them they are more inclined to grant legitimacy to that power-holder; legitimacy, in turn, encourages cooperation and compliance.

Social identity provides a key causal mechanism in this process. The way authorities behave towards individuals is 'identity relevant'. Procedural fairness communicates to people interacting with authorities (a) messages of inclusion and status (that the individuals concerned are 'inside' and valued by the group) and (b) that the group itself is worth being a member of (because it treats its members appropriately). When people's sense of identification with a group is activated and made salient, and when they feel more included in it, they are motivated to act in ways that support the group and its authorities (de Cremer and Tyler 2005; Tyler and Blader 2000).

Procedural justice theory has been widely applied within policing contexts over the last two decades, across a range of jurisdictions (Mazerolle et al. 2013). Since questions of social identity lie at the heart of the theory all such research is premised, explicitly or implicitly, on the idea that police represent authority figures within specific social groups. Officer behaviour communicates the value and status the *group as a whole* accords to those with whom they interact. Being treated with dignity and respect by

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officers who display neutral decision-making and who utilize open, transparent communication processes has effects on people in line with those described above. By contrast, when people find their treatment to be procedurally unfair, they feel excluded from the group, that it does not value them, and that its authorities act in inappropriate ways (Tyler and Wakslak 2004). In turn, police legitimacy is undermined. It is furthermore likely that indirect—vicarious and mediated—experiences of policing have similar effects (Rosenbaum et al. 2005).

These ideas resonate strongly with those aspects of police sociology that have positioned police as important representatives of particular social groups aligned, most importantly, with the idea of the nation state (Loader and Mulcahy 2003; Reiner 2010). The extent to which the 'British bobby' evokes images of an imagined national community of feeling and affect is well known to the point of cliché. As Loader and Mulcahy (2003: 46) note, though, equally pertinent is the association of the 'Mountie' with Canadian national identity (Taylor 1999), or the historical role of the police in forging national identities from diverse regional identities in many European countries (Emsley 1999). This is not to claim that police always represent such identities, nor that all Canadians, for example, associate Mounties with what it is to 'be Canadian', but merely that police in many different contexts have been associated with identities built around ideas of nationhood and nationality.

FROM PROCEDURAL JUSTICE TO (FUTURE) BEHAVIOUR

Procedural justice theory is premised on an inherently relational and discursive notion of social identity. A person's sense of self develops in reflexive reaction to the actions of others, and police officers can provide a mirror (Bradford et al. 2014) in which they imagine, assess, and recreate their social self. To the extent that police represent identities linked with nation and state, their actions provide individuals with a way of imagining their place within these particular groups. It is important to note that this is a notion of social identity recognizant of the multiple forms of self-categorization, group membership, and belonging individuals use to construct their sense of self. All people identify with multiple social groups and draw on multiple social categories when constructing their self-concept. What is at stake in experiences of policing is simply people's relationship with, and tendency to categorize themselves as members of, the group police represent. When this relationship is strengthened by the experience of procedural fairness, other aspects of the social self may become less salient, but this is by no means a necessary outcome (one can feel more 'British' without feeling less of a 'school teacher who supports Manchester United and practices yoga').

Procedural justice theory thus shares much in common with labelling theory. Both assume that the actions of criminal justice actors can influence and shape the identities of the people with whom they interact. As Richard Ericson argued some time ago (1975: 15):

> the criminal justice system . . . is perpetually involved in socializing its members, and thereby changing their selves . . . aspects of the criminal process (are) radical agents of

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> identity change, typifying in an accentuated form the secondary socialization process that occurs in many spheres of social life.

An important difference, however, is that while labelling theorists are mostly concerned with the bureaucratic or assigned identities of individuals within the criminal justice system, procedural justice theory takes a much wider view. All those who experience policing are affected, potentially, by the kinds of processes described above.

Procedural justice theory, and identity theory within social psychology more broadly, also share with other criminological theories the idea that identity is closely bound to role-based behaviours (Burke and Stets 2009). When police activity makes salient and strengthens an individual's identification with the group police represent, they are motivated to take on roles linked to this identity, which, given the association of police with the nation state or the community of citizens, may revolve around the idea of the 'law-abiding citizen' (Bradford et al. 2014; Jackson et al. 2012). Enacting roles associated with identities serves to reproduce and solidify the individual's sense of self, and when an identity revolving around citizenship is invoked these roles may include law-abidingness and a willingness to defer to authorities. Policing that denigrates and excludes does not motivate the same role-related behaviours, not least because people's sense that they need to live up to role expectations is diminished when they feel distanced or excluded from related group identities.

Valerie Braithwaite's theory of motivational postures places a similar emphasis on the relationship between identities and roles (Braithwaite 2013). Here, three 'selves' are engaged when an individual experiences legal authority: the moral self, the democratic collective self, and the status-seeking self. Responses to the behaviour of an authority figure will take the form of different postures toward it which, in turn, are conditioned by the way its actions are experienced by the individual in light of their need to maintain a positive self image constructed from the three selves. Braithwaite argues that the experience of fair authority activates or makes salient the moral self, which is law abiding and 'aligned with legitimate authorities' (2013: 95), and the democratic collective self, which sees obeying the law and supporting authority as part of a shared contract with the government and other citizens. Supporting legitimate authority is an important way in which such identities are made 'real' to the individual and expressed by them to others.

COMPLICATING FACTORS

The discussion thus far has focused on the understanding, foundational to procedural justice theory, that police behaviour experienced as fair or unfair affects people's identity judgements, which, in turn, influence the extent to which they grant police legitimacy. There are three important additional points to be made, each of which complicates this understanding. The first is simply that social identity is not the only 'bridge' between fairness and legitimacy. The extent to which people find policing fair or unfair can influence legitimacy in ways that do not involve identity processes.

The second point concerns the relationship between police activity, social identity, and the contexts within which people encounter police. Consider, for example, the

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kind of interactions envisaged in procedural justice theory. Paradigmatically these comprise dyads formed during an encounter between an individual citizen and a police officer. Some level of shared group membership is assumed, as is the idea that the citizen recognizes the police officer as an important representative of this group. Power within this dyad is also very unevenly distributed—the officer has much more than the citizen—implying that it makes sense to envisage that the police officer can 'do' something to the citizen that alters their sense of self (draws them into or pushes them out of the group).

There are, though, different types of encounters (and relationships) between police and citizens. Notably, Drury, Reicher, Stott, and colleagues have over a number of years considered issues of police activity and legitimacy within crowd settings, such as at football matches or demonstrations (Drury and Reicher 2000; Stott et al. 2011). The relationship is no longer a dyad, and while the police usually retain significantly more power than the crowd the gradient is less steep. It can make more sense to envisage these interactions as *intergroup* encounters, at least in the first instance, not least because the policed have a clearly accessible alternative group identity to hand (e.g. 'Liverpool fans', 'anti-globalization campaigners').

In theorizing such encounters social identity is positioned as more actively relational and dynamic than is usually the case in procedural justice theory. The existence of particular shared identities that precede the encounter between police and citizen are not taken as a given, but identity formation is instead considered to be an active, interactive, and ongoing process. It is argued that in crowd contexts—and surely elsewhere—peoples' identities in relation to the police are defined by their active processes of self-categorization in response to police activity. Consequently the extent to which the police are considered 'proto-typical' group representatives (Sunshine and Tyler 2003) is established by and through the ways crowd members read their behaviour in situ. If police are judged to be behaving fairly a sense of shared identity is promoted and they may be accepted as authority figures empowered to direct group members (i.e. people in the crowd, who now feel a sense of shared group membership with police). If police behaviour is found unfair, however, they are judged to have *excluded themselves*. Unfair policing can 'fuse' crowd members into a group that is 'unified . . . in opposition to the police' (Drury and Reicher 2000: 582), and police lose the ability to secure willing compliance.

The third point provides a potential, partial, answer to the question posed by Loader and Mulcahy (2003). Simply stated, it is that the kind of 'law-abiding citizen' identity at stake in peoples' experiences of policing must pre-date such experiences and sit somewhat outside their relationship with police. And if they accord the police status as an authority in a group they identify with, even people who have little or no direct experience of policing will be motivated to grant legitimacy (on the basis of a sense of shared group membership).

This claim is important for two reasons. First, a large majority of people associate themselves with identities that can plausibly be linked with the police. The 2009/10 Citizenship Survey, for example, found that 87 per cent of people felt they 'belonged' very or fairly strongly to Britain (DCLG 2011). In a more detailed analysis Heath et al. (2005) also report high levels of identification as 'British'. While these authors note

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that the increasing salience of English, Scottish, and Welsh identities adds a complicating factor, it is likely many of those who identify with one of the constituent nations of Great Britain simply conceive of 'their' police as Scottish, Welsh, or English rather than British (see e.g. Girling et al. 2000). It almost goes without saying that most people see themselves as law-abiding citizens.

Second, there is an ideological apparatus that surrounds the police, in Great Britain and elsewhere, which is concerned precisely with positioning police as representative of the nation as a community of belonging and affect, and with an identity that can be parsed as the 'law-abiding citizen'. Loader and Mulcahy's (2003) answer to their own question, posed above, revolves around the extent to which people identify with the police as agents of order and stability and cleave to police as authoritative protectors of security and belonging. They apply Bourdieu's concept of symbolic power to explore how the institution of police consistently inserts itself into processes of meaning production and identity formation within particular social contexts. On Loader and Mulcahy's account, these processes frequently coalesce around the identification of and attempts to control the 'dangerous Other' (ibid: 44), defining the boundaries of the group people believe they share with police via the construction of categories denoting 'in' and 'out', 'us' and 'them'.

In sum, it would seem a social identity that the British police can be said to represent is salient to a significant number of people. There is also much to suggest that identification with this group will be associated with the legitimacy people grant to police, so in the next section I turn to some empirical consideration of this issue.

EVIDENCE FROM A SURVEY CONDUCTED IN ENGLAND AND WALES

The data presented in this chapter come from a survey of England and Wales conducted for the European Union FP7 (Seventh Framework Programme)-funded FIDUCIA project.[1] The survey comprised a nationally representative sample of 1,004 people and utilized telephone interviewing. It contained a range of questions regarding police and the criminal justice system, including contact with and trust in the police, police legitimacy, and identity/citizenship (for further details see Bradford et al. 2015).

Three sets of survey items are of interest. The first related to respondents' affiliation with a social identity that can plausibly be linked with the police. Four items probed how important respondents felt 'being British' and 'being a law-abiding citizen' was to how they saw themselves, and how important it was that others saw them in these ways. Affiliation with these identities was common. Some 73 per cent of respondents said bring British was very or fairly important to how they saw themselves, for example, while fully 76 per cent said being a law-abiding citizen was very important to who they were. Confirmatory Factor Analysis (CFA) was used to generate a measure of

[1] http://www.fiduciaproject.eu.

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identity based on the four items.[2] All four loaded onto one construct[3] (hence, 'law-abiding British citizen'), and a scale representing the strength of affiliation with this identity was extracted for analysis (mean=0.0; min=−1.5; max=0.9; SD=0.4). Note that we know neither whether an individual identifying strongly was law-abiding, nor whether they were a British citizen. What is important in the current context is merely that they identified themselves as such.

The second set of items related to police legitimacy. The survey instrument utilized a dual component concept of police legitimacy premised on a psychological account of the phenomenon. Here, legitimacy is envisaged to exist, and the police can be said to be empirically legitimate, when people believe (a) that the police wield their power in appropriate ways and (b) that they have a positive moral duty to obey police instructions. Three survey items tapped, first, into respondent's sense of *normative alignment* with police—the extent to which they believed that police act according to their own moral values (see Hough et al. 2013; Jackson et al. 2012 for sample question wordings). Normative alignment thus reflects the justification of power and the extent to which people feel the police share their broader goals and values. Three further items tapped into respondents' sense that they had a *moral duty to obey* the instructions of police officers. This component of legitimacy relates to classic conceptions concerned with the ability of authorities to command obedience. Here, legitimacy is positioned as an unobservable psychological property that is experienced, on a conscious level, as a sense of duty toward the police.

CFA was again used to validate and extract measures of normative alignment (mean=0.0; min=−2.2; max=1.3; SD=0.64) and moral duty to obey (mean=0.0; min=−3.8; max=2.0; SD=1.2). Levels of police legitimacy were, in this sample, high. For example, some 78 per cent of respondents either tended to agree or strongly agreed that police 'shared their own sense of right and wrong', while 79 per cent thought it was to at least some degree their 'moral duty to back the decisions' made by police.

The final set of measures concerned respondents' perceptions of the procedural fairness and effectiveness of the police, and measures of *trust in police procedural justice* (mean=0.0; min=−2.6; max=1.6; SD=0.73) and *trust in police effectiveness* (mean=0.0; min=−2.9; max=2.4; SD=0.96) were created.

SOCIAL IDENTITY AS A PREDICTOR OF POLICE LEGITIMACY

Table 3.1 shows results from three linear regression models predicting the measures of legitimacy. Included as covariates were the trust measures, the identity measure, and a range of control variables: gender, age, ethnicity, contact with the police, and political ideology (on a simple left–right scale). Very few of these controls were significant in any model, and the coefficients are omitted from the table for visual ease.

[2] CFA is a technique that allows responses to a number of survey items to be combined in order to generate a measure of some underlying psychological construct or 'latent variable'—here, a particular aspect of respondents' social selves which revolves around the idea of being a 'law-abiding citizen'.

[3] 'Loaded onto one factor' means responses to all four of the items were, to a significant degree, caused or explained by one and the same underlying construct.

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Table 3.1 Linear regression models predicting assessments of police legitimacy

All scales coded such that high=more
Standardized betas

	Normative alignment	Moral duty to obey	
	Model 1	Model 2	Model 3
Trust in effectiveness	0.06*	0.22***	0.24***
Trust in procedural justice	0.73***	0.26***	0.23***
Social identity	0.11***	0.37***	0.35***
PJ * social identity			−0.11***
R^2	0.68	0.47	0.48
N	915	915	915

* p<0.05, ** p<0.01, *** p<0.001

Model 1 predicted respondents' sense of normative alignment with police. This was very strongly correlated with trust in police procedural justice, and only weakly with trust in police effectiveness. Holding constant the trust measures, though, the identity measure had a specific, 'unique', statistical effect on this component of legitimacy. Respondents who identified more strongly as 'law-abiding British citizens' were significantly more likely to feel that police shared and acted on their own moral values.

Model 2 predicted respondents' sense of duty to obey the police. This was strongly associated with trust in procedural justice, but also with trust in effectiveness. Once again, however, the identity measure had a specific, 'unique', statistical effect on this component of legitimacy. Respondents who identified more strongly as 'law-abiding British citizens' were, holding constant the other variables in the model, considerably more likely to feel they had a moral duty to obey the instructions of police officers. This statistical effect was also large—larger, indeed, than the effects associated with the trust measures. The correlation between social identity and duty to obey seems, in this sample, to be stronger than the association between identity and normative alignment.

Finally, Model 3 presents a piece of additional analysis. Including an interaction term,[4] it tests whether the strength of the association between procedural justice and duty to obey varied by strength of identification as a law-abiding citizen. The interaction term is negative and statistically significant, one interpretation being that people who identified more strongly as law-abiding citizens placed less emphasis on procedural justice when making their legitimacy judgements.[5] I return to this point below.

[4] Interaction terms test whether the statistical effect of one explanatory variable on the response variable varies according to the value of another explanatory variable.

[5] A similar interaction effect was tested in the model predicting normative alignment but it was found not to be significant.

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CHANGE AND STABILITY IN POLICE LEGITIMACY

The results from the FIDUCIA survey confirm a strong association between social identity and police legitimacy. Those who identified more strongly as 'law-abiding British citizens' granted police more legitimacy *independent of their assessments of police fairness and effectiveness*. There is an association between police legitimacy and social identity that sits apart from experiences of police behaviour; and this relationship was stronger for the duty to obey component of legitimacy, suggesting that social identity is more important when considering people's motivations to defer to the police as group authorities.

It is important to stress the limited nature of the analysis above. It represents merely a 'snap-shot' of opinion. It cannot access any form or process of change, and it cannot disentangle the arrows of causality. Exploratory as they are, though, these findings provide insights into the dynamics of police legitimacy. On the one hand, identification with a group the police can be argued to represent was associated with legitimacy independent of assessments of police behaviour—it seems police are held legitimate not only on the basis of what they do but also on the basis of what they represent. This implies a mechanism of stability in the relationship between police and public. The association of police with a widely shared social identity may provide a reservoir of support (Easton 1965) that can 'top up' legitimacy in the face of behaviour that would otherwise undermine it. Important in this regard is that procedural justice was a weaker predictor of duty to obey when identification was strong (and remember most people identified strongly). 'Strong identifiers' may be inclined to discount reports or even experiences of police unfairness when making legitimacy judgements, because, perhaps, they believe maintaining structures of authority within the group is important.

Positioned thus, the relationship between social identity and legitimacy becomes, potentially, a barrier to reform processes. Despite repeatedly proven acts of malfeasance, it seems police can rely on the goodwill or at least continued commitment of large sections of the population, relieving the pressure to enact fundamental changes to policy and practice. This is an idea that may resonate with campaigners for reform frustrated by the apparent willingness of many people to accept, live with, or simply ignore policing shown to be unfair.

Yet, while I have concentrated here on one particular social identity that seems to be positively correlated with police legitimacy, people have many other identities, some of which will be *negatively* correlated with police legitimacy; for example, those black British identities which formed in direct reaction and opposition to unfair, illegitimate policing (Gilroy 1987). The continued poor relations between police and many black communities and protest groups demonstrate how oppositional identities can become institutionalized and self-reproducing, particularly perhaps when the non-police group is held in low regard by those who continue to identify with and legitimate the police. Group identities (on both sides) can also predispose suspicion, antagonism, and subsequently stabilize *low* levels of legitimacy within particular contexts and relationships.

On the other hand, though, there is a wealth of evidence that procedural justice effects on legitimacy are very widely spread. People's relationships with police can and do change as a result of police unfairness, and police can and do push people out or

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pull people into the group they represent, with significant downstream implications for legitimacy (Bradford et al. 2014). Here, the interplay between procedural justice, social identity, and legitimacy provides potential mechanisms for change. First, there will be moments in which police activity is identified as so egregiously unfair that the reservoir of support provided by processes of identification runs dry. Events such as the Stephen Lawrence affair may constitute 'crunch-points', during which legitimacy becomes more volatile as it decouples from identity precisely because police behaviour has undermined any claim to represent a social group people can be proud of and will seek to affiliate with. Indeed the right thing for the 'law-abiding citizen' to do in response to such events might well be *opposing* the police, or at least seeking to bring police behaviour back within acceptable bounds, a process that can be seen clearly in the liberal critiques of police that come to the fore in such moments and which seek reform or better regulation.

Second, and building on this, as demonstrated by Reicher, Stott, and colleagues' work on crowd policing, unfairness can have the effect not only of breaking any sense of shared group membership between police and policed but coalescing the latter around oppositional identities. This might happen in particular immediate, local, contexts such as football matches, but it might also happen on a wider scale and over longer time periods. It is notable that many of the genuine crises in police legitimacy over the last half century have occurred in times and places where police activity and/or other factors have combined to sunder any sense of shared identity between police and policed. The 1984–5 miners' strike, the inner city riots of the 1980s (and 2011), and the poll tax riot of 1989 provide well-known examples. These crises, at least in some cases, presented opportunities for change, not least because they brought into sharp relief the social distance between police and (some of) the policed, and the problems this distance created.

In conclusion, it increasingly seems that procedural justice or injustice can have both affective (via identity) and evaluative (direct) effects on legitimacy. Yet identity also seems to shape legitimacy in ways independent from procedural justice. Which of these processes predominates will be context-dependent and vary over time and space, and the prevalence of one over the other may go some way toward explaining why the extent of police legitimacy changes—and equally why it does not. Along no doubt with other factors, the association of the police with a widely shared social identity is likely to be one reason why its legitimacy has not collapsed and, indeed, has remained at a relatively high level despite the history of the last 50 years.

This process relies on a particular ideology that links police with broadly inclusive notions of nation and citizenship, however, and as such it is contingent. Police behaviour—and wider social and political forces—that promote the idea the police do *not* share a community of feeling and affect with the policed will damage legitimacy. If people are made to feel, for example by discriminatory social policies, that they are not 'British citizens' accorded the rights and respect due to them as full members of society, then the extent to which they feel police represent them and are worthy of their support will be diminished. The legitimacy of the police cannot be separated from wider patterns of identity formation shaped by multiple social, cultural, and economic processes, and it is entirely possible that the link between police and a widely shared social identity might in the future be attenuated or broken.

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REFERENCES

Bradford, B., Jackson, J., and Hough, M. (2015), *Trust and Attitudes to Justice Abroad. Testing the Legitimacy Model on 'New-crimes' and Addressing Supra-national Trust and Institutional Legitimacy*, Fiducia Project.

Bradford, B., Murphy, K., and Jackson, J. (2014), 'Officers as Mirrors: Policing, Procedural Justice and the (Re)production of Social Identity', *British Journal of Criminology*, 54, 4: 527–50.

Braithwaite, V. (2013), 'Resistant and Dismissive Defiance Toward Tax Authorities', in A. Crawford and A. Hucklesby (eds), *Legitimacy and Compliance in Criminal Justice*, London: Routledge: 91–115.

Brown, J. (ed.) (2013), *The Future of Policing*, London: Routledge.

Burke, P.J. and Stets, J. (2009), *Social Identity Theory*, Oxford: Oxford University Press.

DCLG (2011), *Citizenship Survey 2009/10*, London: Department of Communities and Local Government.

Cremer de, D. and Tyler, T.R. (2005), 'Am I Respected or Not? Inclusion and Reputation as Issues in Group Membership', *Social Justice Research*, 18, 2: 121–53.

Drury, J. and Reicher, S. (2000), 'Collective Action and Psychological Change: The Emergence of New Social Identities', *British Journal of Social Psychology*, 39, 4: 579–604.

Easton, D. (1965), *A Systems Analysis of Political Life*, Chicago: University of Chicago Press.

Emsley, C. (1999), *Gendarmes and the State in Nineteenth Century Europe*, Oxford: Oxford University Press.

Ericson, R. (1975), *Criminal Reactions: The Labelling Perspective*, London: Ashgate.

Gilroy, P. (1987), *There Ain't No Black in the Union Jack*, London: Routledge.

Girling, E., Loader, I., and Sparks, R. (2000), *Crime and Social Control in Middle England: Questions of Order in an English Town*, London: Routledge.

Harkin, D. (2014), 'The Police and Punishment: Understanding the Pains of Policing', *Theoretical Criminology*, 19, 1: 43–58.

Heath, A., Rothon, C., and Anderson, R. (2005), 'Who Feels British', *Sociology Working Paper 2005–05*, Department of Sociology, University of Oxford.

Hogg, M.A. (2001), 'A Social Identity Theory of Leadership', *Personality and Social Psychology Review*, 5, 3: 184–200.

Hough, M., Jackson, J., and Bradford, B. (2013), 'The Governance of Criminal Justice, Legitimacy and Trust', in S. Body-Gendrot, R. Lévy, M. Hough, S. Snacken, and K. Kerezsi (eds), *The Routledge Handbook of European Criminology*, Abingdon: Routledge: 243–65.

Jackson, J. and Bradford, B. (2010), 'Measuring Public Confidence in the Police: Is the PSA23 Target Fit For Purpose?', *Policing: A Journal of Policy and Practice* 4, 3: 241–8.

Jackson, J., Bradford, B., Hough, M., Myhill, A., Quinton, P., and Tyler, T.R. (2012), 'Why Do People Comply with the Law? Legitimacy and the Influence of Legal Institutions', *British Journal of Criminology*, 52, 6: 1051–71.

Jackson, J., Bradford, B., Stanko, E.A., and Hohl, K. (2013), *Just Authority? Trust in the Police in England and Wales*, London: Routledge.

Loader, I. and Mulcahy, A. (2003), *Policing and the Condition of England: Memory, Politics and Culture*, Oxford: Clarendon Press.

Mackenzie, S. and Henry, A. (2009), *Community Policing: A Review of the Evidence*, Edinburgh: Scottish Government.

Mazerolle, L., Bennett, S., Davis, J., Sargeant, E., and Manning, M. (2013), *Legitimacy in Policing*, Washington, DC, USA: Office of Community Oriented Policing Services, US Department of Justice.

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Bosworth, M., Hoyle, C., & Zedner, L. (Eds.). (2016). Changing contours of criminal justice. Oxford University Press, Incorporated.
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Myhill, A. and Quinton, P. (2011), *It's a Fair Cop? Police Legitimacy, Public Cooperation, and Crime Reduction. An Interpretive Evidence Commentary*, London: NPIA.

Newburn, T. (2008), 'Policing since 1945', in T. Newburn (ed.), *Handbook of Policing*, Abingdon: Routledge: 90–114.

ONS (2015), Crime Statistics, Focus on Public Perceptions of Crime and the Police, and the Personal Well-being of Victims: 2013 to 2014, London: Office for National Statistics.

Reiner, R. (2010), *The Politics of the Police*, 4th edn, Oxford: Oxford University Press.

Rosenbaum, D.P., Schuck, A.M., Costello, S.K., Hawkins, D.F., and Ring, M.K. (2005), 'Attitudes toward the Police: The Effects of Direct and Vicarious Experience', *Police Quarterly*, 8, 3: 343–65.

Sindall, K., Sturgis, P., and Jennings, W. (2012), 'Public Confidence in the Police: A Time-Series Analysis', *British Journal of Criminology*, 52, 4: 744–64.

Stott, C., Hoggett, J., and Pearson, G. (2011), '"Keeping the Peace": Social Identity, Procedural Justice and the Policing of Football Crowds', *British Journal of Criminology*, 52, 2: 381–99.

Sunshine, J. and Tyler T.R. (2003), 'Moral Solidarity, Identification with the Community, and the Importance of Procedural Justice: The Police as Prototypical Representatives of a Group's Moral Values', *Social Psychology Quarterly*, 66, 2: 153–65.

Tajfel, H. (1978), 'Inter-individual Behavior and Intergroup Behavior', in H. Tajfel (ed.), *Differentiation Between Groups: Studies in the Social Psychology of Intergroup Relations*, London: Academic Press: 27–60.

Taylor, I. (1999), *Crime in Context*, Cambridge: Polity Press.

Tyler, T.R. (2006), *Why People Obey the Law*, Princeton: Princeton University Press.

Tyler, T.R. and Blader, S. (2000), *Cooperation in Groups: Procedural Justice, Social Identity, and Behavioral Engagement*, Philadelphia, PA: Psychology Press.

Tyler, T.R. and Huo, Y.J. (2002), *Trust in the Law*, New York: Russell Sage Foundation.

Tyler, T.R. and Wakslak, C.J. (2004), 'Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority', *Criminology*, 42, 2: 253–81.

Wünsch, D. and Hohl, K. (2009), 'Evidencing a "Good Practice Model" of Police Communication: The Impact of Local Policing Newsletters on Public Confidence', *Policing: A Journal of Policy and Practice*, 3, 4: 331–9.

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