



What moves Joe Driver? How perceptions of legitimacy shape regulatory compliance among Dutch traffic offenders

Marc Hertogh*

Faculty of Law, Department of Legal Theory, University of Groningen, PO Box 716, 9700 AS Groningen, The Netherlands

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Abstract

Using survey data collected from a sample of 1182 traffic offenders in the Netherlands, and building on the ‘procedural justice model’ which was first developed in Tyler (1990), this paper explores how perceptions of legitimacy shape regulatory compliance. The study makes three contributions to the literature. First, it is one of the few studies in which the procedural justice model is tested in Continental Europe. Second, following recent critiques in the literature, it introduces three modifications to the original model. Third, and unlike most previous studies, it is not only based on self-reporting by drivers, but includes actual evidence about their behaviour as well. With regard to the self-reported level of compliance, the present study largely confirms Tyler’s (1990) original findings. Yet with regard to the observed level of compliance, there are also important differences between both studies. These findings will be explained by shifting our focus to ‘legitimacy-in-context’ (Beetham, 1991).

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1. Introduction

Late at night, at a clear intersection with no drivers to be seen on any side, Joe Driver stopped at a stop sign. Why? His stop, after all, delayed his return home, cost him gasoline and

* Tel.: +31 (0)50 363 86 04.

E-mail address: m.l.m.hertogh@rug.nl

denied him some gratification in driving fast. According to Hyde (1983: 386), who first introduced this example, there are several different reasons for Joe's action. These include habit, fear of the police, fear of hitting other (hidden) cars or pedestrians, or simply Joe's idea that stopping at stop signs is in his own best interest. Yet Hyde wonders if there may also be any additional motives for Joe's decision. 'Those who believe that there are call these "legitimacy" [...]: [o]ne may adhere to a social order; that is, one may conform to its rules and norms, because one accepts the order as a model or believes it binding.' (Hyde, 1983: 387).

In the Netherlands, the potential relationship between legitimacy and compliance with traffic rules is not only theoretically relevant but also of great practical relevance. In the past two years, most traffic fines went up sharply and in some cases nearly doubled. Dutch traffic fines are now among the highest in Europe (Dutch News, 2011; Radio Netherlands Worldwide, 2012). This has led to a wave of public protest in the media and on the Internet (RTL Nieuws, 2011). Also, the police themselves have openly protested against the new traffic fines. Police officers are reluctant to write out expensive tickets for minor traffic offences because they fear that this will ultimately undermine their authority (Hinke, 2011; Dutch News, 2013). People question the true motives of the Dutch government. Do these high traffic fines really improve traffic safety, as the government claims, or are they just an easy way to make money? Following these events, the underlying question of this paper may be summarized in the following terms: Are people's (critical) attitudes and opinions about the legitimacy of the Dutch government only words without any real consequences? Or do they also shape the behaviour of Joe and other drivers in the Netherlands? In this paper, I define legitimacy broadly as 'the belief that legal authorities are entitled to be obeyed and that the individual ought to accept those judgements' (Tyler and Huo, 2002: xiv).

There are basically two positions on legitimacy and compliance: a sceptical and an optimistic position. According to the first position, which is most clearly represented by Hyde, '[l]egitimacy [...] is insufficient to result in obedience.' (Hyde, 1983: 400) According to the supporters of this position, '[a]ll obedience [...] stems from a combination of habit, fear of sanctions, and individual conviction that the requested compliance is in the actor's interest.' (Hyde, 1983: 400; *emph. in original*). Although many social theorists claim that legitimacy is an important motive for compliance, Hyde and others argue that this idea is not supported by empirical evidence. 'Every study I have been able to locate that attempted to show a relationship between an attitude or belief in legitimacy of an order and some corresponding behaviour has found that the relationship is weak or nonexistent.' (Hyde, 1983: 395). The second position, which is most clearly represented by Tyler (1990), claims the exact opposite. In response to Hyde's (1983) criticism, Tyler (1990) has conducted several public opinion surveys. Based on this research, he argues that legitimacy shapes compliance not only in theory, but also in everyday practice. Although other factors (including habit, sanctions and self-interest) may also play a role, these motives are not sufficient to explain regulatory compliance. Tyler (1990: 58) thus concludes: '[L]egitimacy has a significant independent effect on compliance, even when other potential causal factors are controlled for.'

In this paper, both positions will be empirically examined in a survey among Dutch traffic offenders. The central research question (which will developed further later in this paper) may be formulated as follows: What is the role of self-interest, fear of the police, legitimacy and several other variables in influencing regulatory compliance behaviour with traffic rules? To analyse this, this paper uses the 'procedural justice model', which was first developed in *Why people obey the law* (Tyler, 1990) and which is currently considered the 'dominant theoretical approach' to legitimacy and compliance (Bottoms and Tankebe, 2012: 120). The current study

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