



Law students' trust in the courts and the police

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Abstract

Law students prepare for a legal career and it is therefore of general interest, how much trust they have in the police and the courts. Their views may be influenced by their studies, media consumption, direct experience and other factors. In a previous study it appears as if law students are becoming more critical over the course of their studies. This explorative questionnaire study compares the views of 2012 final year undergraduate law students with the answers the same cohort gave in 2010, when starting their studies, and with final year law students 2010. Contrary to our expectation, the final year law students of 2012 showed more trust in courts and police than their predecessors 2010. The data suggest that the study of law, personal experiences and those of family and friends, as well as media effects are among the factors forming trust in the institutions.

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1. Introduction

Trust in state institutions is vital for a modern society. Institutions work best if they can count on a generalised support by the citizenry that is much broader than just supporting the decisions on single issues (Easton, 1965). Most people when growing up in a society initially learn to trust state institutions (Easton and Dennis, 1969) and they adopt the dominant social values, among them expectations of fair treatment by authorities (Tyler, 2006). Trust also serves as a device to counter ubiquitous uncertainties in social life (Luhmann, 2000b). People use a

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'trust authority heuristic' which allows interaction with professionals and holders of superior office to run smoothly (Luban, 1998, 7). Of course, trust in institutions and officials can be betrayed and people look out for clues as to how much they can rely on the benevolence, neutrality and respect by authorities (Tyler and Lind, 1992; Lind, 1994; Jackson et al., 2011, 270). In this, they not only take clues from how they were treated, but also from how others are treated by the authority (Rasinski and Tyler, 1988, p. 17; Machura, 2001).

The courts and the police are major agents to uphold the rule of law and to serve communities by dealing with conflicts ranging from the most mundane incidents to holding powerful actors to account. If citizens do not trust sufficiently in police and courts, they will be unable to mobilise the law in their interest. Although the majority of conflicts are usually addressed without recourse to state law, state institutions, and lawyers (Ehrlich, 1936/2002), there always remain conflicts to be dealt with. Society as a whole will suffer if these problems are not being brought to the attention of authorities. Be it that the law does not develop in ways conducive to a resolution, leaving social needs unaddressed, or be it that sometimes conflicts are channelled to illegitimate actors. The role of lawyers is to translate everyday problems into the language of law. They are not in vain sometimes referred to as servants of justice. If lawyers would not have confidence in the proper functioning of police and courts, at least in principle, they would find it difficult to perform their social function. Of course, all this needs to come with the appropriate qualifications. The institutions may be well organised but the individual officers lacking capabilities. Or, the representatives do their best while the institutions are in urgent need of reform. As Emile Durkheim (1895/1976, 181) taught, people tend to have a keen interest in at least criminal law and how social order is restored. Experience with institutions like courts and police may vary hugely. In addition, people may have been exposed to different extent and in various situations to the authorities. These potentially influence the way they see authorities (e.g. recently Jackson et al., 2012, 1060). Some people may not even have much of direct experience and, therefore, rely on third hand information.

Research addressing "trust" in institutions and their representatives has very consistently arrived at the conclusion that it is related to perceived effectiveness, distributive justice and procedural justice (or "fairness"), the latter likely being most important (e.g. Tyler and Huo, 2002; Sunshine and Tyler, 2003; Dirikx et al., 2013, 125; Tyler and Jackson, 2013). For example, Tyler and Jackson (2013, 13) wrote that "trust is the belief that the police can be relied upon to act competently (be effective), to wield their authority in fair ways (be procedurally just), and to provide equal justice and protection across society (be distributively fair)." Courts and the police are among the most widely studied institutions. While effectiveness and distributive justice always were considered to be decisive factors, academic and professional interest in experiences of procedural justice developed only later, mainly from the 1970ies onwards. People want to be treated fairly, by decision makers who try hard to arrive at a solution, appear impartial, and respect people's rights (e.g. Leventhal, 1980; Tyler, 2006; Machura, 2001; for the UK e.g. Jackson and Sunshine, 2007; Myhill and Beak, 2008).

The study of trust-related phenomena is slightly complicated by different concepts and terminology. Trust is sometimes treated as a measure for legitimacy (Tyler, 2006, 47; Tyler and Jackson, 2013, 2, 7). "Legitimacy" is used in different ways. The authors of this article side with Max Weber's original twofold concept. Firstly, legitimacy signifies feelings of *obligation* by rulers and ruled to act according to a social order seen as "binding" or "exemplary" (Weber, 1968, 31). If an order because of its qualities is believed to be "exemplary", we can note for our discussion, it tends to be trusted. Furthermore, an order experienced as "binding" can be already trusted in the sense that it facilitates reliable interaction. Weber (1968, 212–216) also

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