

# Trust in Criminal Justice and Compliance with the Law in Czech Society: Testing the Normative Hypothesis on 1999 and 2011 Samples<sup>1</sup>

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## **Purpose:**

Our study is aimed at examining normative and instrumental aspects of compliance with the law in Czech society, namely trust in the police and its perceived legitimacy, personal morality, and perceived risk of sanctions.

## **Design/Methods/Approach:**

The study is rooted in normative theory of compliance and empirically verifies the model of compliance as suggested by Jackson et al. (2011b) within Czech context, assuming an important role of trust in procedural fairness of the police in shaping compliant behaviour. The analysis is based on structural equation modelling with use of two representative datasets (European Social Survey, 2010; Bezpečnostní rizika, 1999).

## **Findings:**

Both datasets revealed low levels of trust and perceived legitimacy of the Czech police. Nevertheless, the analysis indicates trust in police procedural fairness to be – in contrast to the perceived risk of sanctions – a strong factor in predicting compliance. The obligation to obey the law, shaped mainly by trust in procedural fairness, and personal morality appear to be comparatively the most important predictors of legal compliance in the Czech Republic.

## **Research Limitations/Implications:**

The model was not significant for the 1999 dataset, probably due to poor internal consistency of several constructs.

## **Practical Implications:**

Fair and respectful approach of police can substantially fuel its legitimacy and subsequently legitimacy of laws as well.

## **Originality/Value:**

The role of trust in police, its legitimacy, and legal compliance appears salient in the Czech society despite the post-communist context with low levels of trust in institutions.

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## **Zaupanje v kazensko pravosodje in spoštovanje zakonov v češki družbi: testiranje normativne hipoteze na vzorcih iz leta 1999 in 2011<sup>2</sup>**

### **Namen prispevka:**

Namen naše študije je preučiti normativne in instrumentalne vidike spoštovanja zakonov v češki družbi, in sicer zaupanja v policijo in zaznave njene legitimnosti, osebne morale in tveganje glede sankcioniranja.

### **Metode:**

Študija temelji na normativni teoriji spoštovanja zakonov in v češkem kontekstu empirično preverja model spoštovanja zakonov, kakršnega so predlagali Jackson in sodelavci (2011b). Pri tem študija predpostavlja, da ima zaupanje v postopkovno pravičnost pomembno vlogo pri oblikovanju skladnega vedenja. Analiza temelji na strukturni enačbi modeliranja z uporabo dveh reprezentativnih nizov podatkov (European Social Survey, 2010; Bezpečnostní rizika, 1999).

### **Ugotovitve:**

Oba nabora podatkov sta razkrila nizko stopnjo zaupanja in zaznane legitimnosti češke policije. Kljub temu analiza kaže na določeno raven zaupanja v postopkovno pravičnost policije, ki je – v nasprotju z ugotovljenim tveganjem sankcioniranja – močan dejavnik pri napovedovanju skladnosti. Obveznost spoštovati zakone, na katero vpliva predvsem zaupanje v postopkovno pravičnost, in osebna morala sta se izkazali kot najpomembnejša prediktorja podrejanja zakonom v Češki republiki.

### **Omejitve/uporabnost raziskave:**

Analiza baze iz leta 1999 ni pokazala na statistično pomembnost preučevanega modela zaradi nizke ravni notranje konsistentnosti več konstruktov.

### **Praktična uporabnost:**

Pošten in spoštljiv odnos policije lahko bistveno oblikuje njeno legitimnost ter posledično legitimnost zakonov.

### **Izvirnost/pomembnost prispevka:**

Vloga zaupanja v policijo, njena legitimnost in spoštovanje zakonov sta se v češki družbi pokazala kot izstopajoča dejavnika kljub postkomunističnemu kontekstu, kjer je stopnja zaupanja v institucije nizka.

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**Ključne besede:** kazensko pravosodje, postopkovna pravičnost, zaupanje, legitimnost, spoštovanje zakonov, Češka

<sup>2</sup> Članek je bil prvič objavljen v reviji *Acta Universitatis Carolinae Philosophica et Historica* (št. 2/2012).

## 1 INTRODUCTION

The presented study was initiated by a simple question posed by American psychologist T. R. Tyler in the late 1980s and a subsequent answer that he gave in a couple of years later, based on a huge body of research in American context. The question was ‘Why people obey the law?’ (Tyler, 1990). It redirected the traditional criminological focus from the causes of crime to the causes of compliance or the consensual following of the laws. The given answer is a normative one, considering trust in criminal justice institutions as a significant factor of people’s willingness to comply with the law (Tyler, 1990). That accords with the hypothesized nature of the power of institutions in Western societies. In the process of differentiation, institutions became experts whose specialized knowledge and practice cannot be easily controlled anymore (Giddens, 2010; Luhmann, 1973). Thus, it can be assumed that trust of people in postmodern institutions represents an important source of their legitimacy (which is a significant source of compliance with the law). However, there are differences likely to exist in the salience of the effect of trust on compliance depending on the social context.

Our research regards potential normative and instrumental aspects of people’s compliance with the law<sup>3</sup> in Czech society. Its aim was to empirically verify the model of supposed predictors of compliance proposed by Jackson, Pooler, Hohl, Kuha, Bradford, and Hough (2011b) within the *Eurojustis* project.<sup>4</sup> The structural model inspired by the theory and research on compliance by Tyler (1990) examines effects of personal morality, perceived risk of punishment for crossing the law, and particularly trust in the police and criminal courts, their perceived legitimacy, and the legitimacy of the law in relation to compliance. The subsequent aim of our study was to gain a brief insight in dynamics of the observed relations within Czech society. We used two representative datasets stemming from two research studies on trust in criminal justice in the Czech Republic: *European Social Survey 2010*,<sup>5</sup> *Round 5* and *Bezpečnostní rizika 1999*.<sup>6</sup> The quantitative analysis was based on structural equation modelling in order to estimate the relative importance of normative and instrumental predictors in relation to compliant behaviour, which in our eyes can be helpful in finding valuable guidelines making criminal policy in the Czech Republic.

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3 The term is understood as one’s submission to the external demands placed on him/her by an authority figure (Šikl, 1998). The emphasis is put on voluntariness and proactivity of such behavior, and thus the semantic distinction of compliance and obedience. Compliance should therefore be set apart from non-deviant and conform behavior in general.

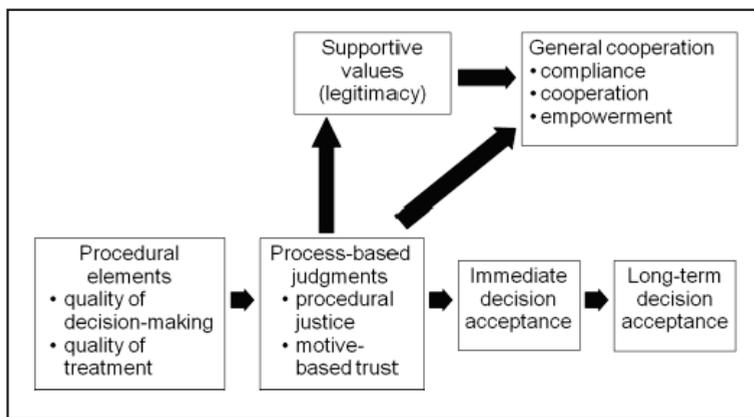
4 Research project (2008–2011) funded under the European Commission’s 7th Framework Programme for Research. See <http://eurojustis.eu/> for more information.

5 Czech data for ESS 2010, Round 5, were gathered during 2011.

6 Research project funded under the Ministry of the Interior in the Czech Republic: MVČR 19982000001: “The security risks - Concept, Data, Policy”.

## 2 TYLER'S NORMATIVE THEORY OF COMPLIANCE

The theoretical basis of our research draws on the conclusions of studies on criminal behaviour and attitudes carried out by Tyler, an American social psychologist. His *Chicago Study* (1984–1985) has provided empirical support for the hypothesis of the dominant influence of normative factors in comparison to instrumental ones in relation to compliance with the law.<sup>7</sup> The research results led Tyler to believe that people comply with the law not so much because they fear punishment as because they feel that legal authorities are legitimate and that their actions are generally fair (Tyler, 1990). According to Tyler's model, consensual following of the law and willingness to cooperate with the police and the courts may be strengthened primarily through people's experience with the authorities showing them a procedurally fair approach.<sup>8</sup> When people are convinced that the police and the courts treat them with respect and that their behaviour during the process (apart from the potential outcomes) is neutral, they are willing to submit to the decisions of those institutions. They also are more satisfied with the decisions and perceive the institutions as authorized to enforce the law (Tyler, 2003, see Figure 1). The effect of perceived procedural fairness, seemingly present on a long-term scale, was found to be relatively stable across different social arrangements (valid for all types of social situations as defined by Deutsch, in both hierarchical and non-hierarchical layouts and in political, legal, managerial, interpersonal, family and educational contexts). No significant differences in the strength of the effect were found in respect to gender, age, ethnicity, education and income level (Tyler & Lind, 2001).



**Figure 1:**  
The assumed relations between police behaviour, trust in police procedural fairness and compliance with law (Tyler in Bottoms & Tankebe, 2012: 122)

<sup>7</sup> Upon which we can understand trust and legitimacy of an institution in general (especially when compared to fear of sanctions) or more precisely only trust in procedural fairness and perceived moral alignment with the institution.

<sup>8</sup> The first systematic studies on procedural justice were carried out during the 1970s by Thibaut and Walker, when it became clear that distributive justice (fairness of the outcomes) does not always yield a decisive influence on satisfaction with interaction and its results, and hence nor for successful conflict resolution. In a series of *in vitro* experiments, the authors found that the perceived fairness of procedures has an impact on satisfaction with the outcome of a decision made by a third party and the willingness to accept that decision (Thibaut & Walker, 1975).

Tyler interprets the effect of perceived procedural fairness mainly by referring to psychic phenomena. According to him, people consider the institutional procedural fairness to be a signal of their high social standing within the community, which strengthens their sense of group membership and thus their felt obligation to follow the rules of the group. Due to the heuristic function, fairness of procedures might be subjectively even more important than any potential gains out of the process (Tyler, 2006). Tyler, nevertheless, lists several factors that may affect the salience of the identified effect of perceived procedural fairness on compliance or selection of criteria used for assessment of procedural fairness. Among these, he specifically points out consensus within one's group, stressing that the larger the consensus, the stronger the effect of procedural fairness. He also highlights the effect of social categorization, attesting that the effect of procedural fairness is supposed to be weaker within one's outgroup (a group that is not part of one's identity). Similarly, the lesser is one's identification with an institution, the weaker the effect (Tyler & Lind, 2001). It has been found that the decision of authorities with low legitimacy is accepted rather with respect to favourability of the results of procedures than to the fairness of those procedures (Tyler & Lind, 2001). Brockner et al. (2001) pointed to the influence of cultural values – e.g. members of a society characterized with “low distance from power” (a society without extreme differences in power distribution) take fairness of procedures into account more than members of a society with “high distance from power” (a society with strong hierarchy depending on differences in power allocation).

In our opinion, the above-stated findings suggest the need to examine the strength of the found impact of interactionally built trust in police (and especially trust in its fair procedures) on compliance in other cultural contexts.

### 3 INSTITUTIONAL LEGITIMACY IN CZECH CONTEXT

Institutional legitimacy represents a multidimensional construct. In our study, we define it in accordance with Jackson, Bradford, Hough, Myhill, Quinton, and Tyler (2012) as a moral alignment with the institution, obligation to obey the institution and legality of the institution.

Theorists of legitimacy usually believe that the concept entails normative as well as instrumental aspects (Bottoms & Tankebe, 2012; Fagan, 2008). There might be differences in the relative importance of legitimacy components depending on the social and political context (Sherman, 2002; Smith, 2007). Inglehart and Welzel (2005) found that in post-communist countries, the perceived legitimacy of the regime might be based more on instrumental factors (its performance/effectiveness) rather than stemming from faith in the values that it may embody. That could be called *ex post* evaluation of legitimacy (assessment of actual performance of the system) as opposed to *ex ante* legitimacy, which encompasses evaluation of the rules of governance (Linek, 2010). This should be reflected in the following analysis of Czech data: it can be expected that especially in the older dataset from 1999 the instrumental factors of trust and legitimacy will not be negligible as we expect that the long period of Communism lead into the

well-described state of “legal cynicism” (Rabušic & Mareš, 1996) and instrumental approach towards authorities in the society and mere 10 years of democracy could not be enough for creating a relationship based on trust in value principles to the new democratic authorities. Even within normative components of institutional legitimacy there might exist substantial differences. As Smith (2007) points out, the way of legitimization of institutions of criminal justice might be quite different across various societies and communities due to their various values.

The legitimacy of the institutions of criminal justice should be seen in a broader framework of the political culture. In this context, the particular impact of corruption, which is a long-term feature of Czech political culture,<sup>9</sup> should be taken into account. There is evidence for considerable corruption in the Czech criminal justice system as well (Frič, 2001). According to the study by Grodeland (2007), despite reforms of Czech judiciary after 1989, there persist practices from the Communist period (e.g. using informal networks of contacts) in the Czech system of justice, inferring that no adequate transformation of social norms inside or outside the judicial system occurred. Data from *ESS 2010 Round 5* show that conviction of the injustice of the police decisions is believed by approximately 40 percent of Czechs,<sup>10</sup> which is the fourth highest proportion among all countries participating in ESS after Russia, Israel and Bulgaria (European Social Survey, 2010).

## 4 METHODS

The methodology of our study draws on the *Eurojustis* project (Hough, Jackson, Bradford, Myhill, & Quinton, 2010; Jackson et al., 2011b). The project was aimed at constructing a valid research tool that would make it possible to test the impact of trust on compliance within the European context and compare the strength of factors influencing people’s willingness to obey the laws across European countries. This could subsequently help with identifying guidelines for making penal policy at the European Union level as well as identifying evaluative criteria for measuring its effectiveness (Hough et al., 2010). Based on a study of a representative sample of the population of England and Wales in 2010, Hough et al. (2010) suggested a structural model of predictors of compliance, incorporating relations between trust in the police and the courts, their perceived legitimacy, compliance with the law and cooperation with criminal justice institutions (see Figure 2). The *Eurojustis* team also proposed a set of questions covering the topic, which was included in the *European Social Survey 2011, Round 5 (D module)*. That makes it possible to verify not only the general impact of trust on compliance but also the Tyler’s assumption of procedural fairness effect in 26 European countries,

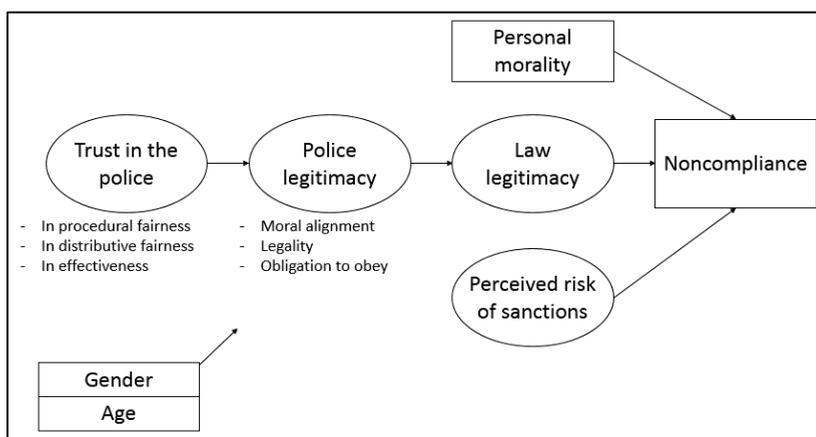
9 According to the international corruption index CPI based on the evaluation of independent institutions corruption in the Czech Republic in 2011 was comparable to the situation in 2001 (after a slight improvement in the years 2006–2009), the Czech Republic received 4.4 points out of 10, where 10 being the best condition. In the ranking of other evaluated countries (in 2011 there were 183 of them) the Czech Republic holds the 57th–59th place together with Namibia and Saudi Arabia (Transparency International, 2011).

10 A proportion of “never” and “not very often” answers the question, “How often do you think that the police make impartial decisions?”

including the Czech Republic. Czech *ESS 2010, Round 5* sample served as the main data source in our study. The other sample used in the study comes from the *Bezpečnostní rizika* survey taken in 1999. Data were analysed with the use of structural equation modelling.<sup>11</sup>

In order to compare the data from 2011 and 1999, we attempted to construct similar scales out of items used in 1999 research, though it applied a different questionnaire. For this reason, it was not possible to create fully compatible constructs or models. The analysis of the older data file concerns only the relation of trust in the police and its perceived legitimacy to compliance, operationalized with partly different sets of indicators than in 2011. Therefore, the comparative part of the research should be understood as highly approximative, employing the qualitative more than quantitative point of view.

**Figure 2:**  
Basic version of the tested model (originated from the model by Hough et al., 2010)



#### 4.1 Data Collection

For the purpose of the analysis, two representative datasets were used: a data file from *European Social Survey, Round 5*, collected from January to March 2011, and a data file from the Czech survey *Bezpečnostní rizika*, recorded in May 1999.

The data for ESS in the Czech Republic was gathered by the research agency *Factum Invenio, s.r.o.* which conducted standardized face-to-face interviews recorded by the papi method. Respondents aged 15 and over were selected through a stratified three-stage random sampling. A total of 2,387 valid questionnaires were obtained (a total return rate 70.16 percent). The administered questionnaire consisted of several thematic parts. The *Trust in Justice* module utilized in this study contains a total of 45 questions (module D - for the full questionnaire see <http://ess.nsd.uib.no/ess/round5/>).

The collection of the data in *Security Risks* research was conducted by the research agency *Universitas* throughout the Czech Republic. In the survey employing standardized interviews recorded by the papi method, respondents

<sup>11</sup> All statistical procedures were performed using the trial version of IBM SPSS 20 (structural modeling in IBM SPSS Amos 20).

of age 15 and over were selected with quota sampling (by gender, age, highest education and economic activity). A total of 1,361 valid questionnaires were obtained (a total return rate 66 percent) (Buriánek, 2001). The questionnaire consisted of questions on several topics. (For the English version of the items used in the scales of the tested model, see Appendix.)

## 4.2 The Structure of the Tested Model

The basic model (Figure 2) consists of five constructs: personal morality, the perceived risk of punishment for committing selected offences, trust in the police, the perceived legitimacy of the police, the perceived legitimacy of the law (felt obligation to follow the law) and compliance with the law. Compliance with the law and personal morality appear as manifest variables in the model, while perceived risk of punishment and trust and legitimacy constructs are treated as latent variables estimated by measured indicators. The model was tested separately for data on police in 2011 (1p) and 1999 (2p).

### 4.2.1 Constructs Based on the ESS Data

In the 2011 sample, trust in the police was derived from three indicators: trust in its effectiveness, procedural fairness<sup>12</sup> and distributive fairness.<sup>13</sup> Perceived legitimacy of the police was also derived from three indicators: felt obligation to obey the police, sense of shared values with the police and beliefs about its legality. Compliance was operationalized through non-compliant behaviour, based on self-reported frequency of committing insurance fraud, buying goods that might have been stolen and committing a traffic offence in the previous five years. The perceived risk of punishment was measured with questions on the perceived likelihood of apprehension in the event these offences were committed in the Czech Republic. Personal morality was measured with questions on assessment of the level of morality of each of those three acts.

### 4.2.2 Constructs Based on the 1999 Data

Trust in the police in the data file from 1999 was derived from trust in police effectiveness (questions 44a, 45c, 45f),<sup>14</sup> its procedural fairness (44f, 45j) and its distributive fairness (44c) in accordance with the ESS theoretical model. The items quite overlap semantically with the ESS items; however, there are fewer of them. The perceived legitimacy of the police was estimated according to the perception of shared values with the police (44e) and its perceived legality (45m). None of the questions in the 1999 survey was suitable for operationalization

<sup>12</sup> *Procedural fairness was operationalized in accordance to Tyler's theory as respectful, neutral and transparent conduct on the part of police. It is aimed at fairness of the procedure, not at the fairness of the outcomes.*

<sup>13</sup> *Distributive fairness was operationalized in accordance to Tyler's theory as beliefs that regardless of one's race or wealth, police grants for the same chance for fair outcomes of the procedure.*

<sup>14</sup> *See Appendix for the 1999 questionnaire.*

of the obligation to obey the police. The obligation to follow the law was compiled from the 55a and 55b items. Thus, there were several changes in the operationalization of legitimacy in comparison to the ESS model – the scale of police legality was lacking, and the number of items for the constructs was lower. The noncompliance scale was created as a summary index out of questions on self-reported probabilities of committing five selected offences by the respondent (traffic offence, environmentally unsound behaviour etc., items 56a–56e). These offences are different than those included in the ESS questionnaire. Moreover, the respondents were asked only about hypothetical committing (*Imagine yourself as a car driver (no matter how real it is). Do you think you could become one of those who without much hesitation stop at “No stopping” sign in the city? etc.*). The perceived risk of sanctions was estimated by asking the s about the likelihood of apprehension and punishment of perpetrators of selected offences (theft of a bicycle, a wallet or a car, 53a–53c). Compared to the ESS questionnaire, the selected offences differ from those enrolled in the scales of noncompliance and personal morality. The personal morality scale consists of items 57-6 (moral evaluation of undocumented employing), 57-13 (moral evaluation of purchasing goods that might have been stolen), and 57-14 (moral evaluation of taking bribes or service in return). The items were selected out of 10 items with the aim to choose relatively consistent ones that would also be compatible with the items used in ESS. The items have been estimated by Cronbach’s coefficient of internal consistency of the scale. The coefficient of the final selection is 0.78.

### 4.3 Theoretical Basis for the Model Structure

The model comprises both instrumental and normative factors, which corresponds to the twofold conception of compliant respectively conform behaviour in criminology. On the one side, there is a cluster of instrumental theories holding the notion that people act with free will and seek utmost gain from their actions. That is ensured by rational calculation of expected costs and benefits of certain behaviour. Therefore, classically oriented criminal policy emphasizes the repressive strategy of deterrence and general and situational prevention, with the aim to increase the perceived risk of illegal actions. As a result, there is a growing demand on institutions of criminal justice in regard to its efficacy, coercive force, etc. (Hough et al., 2010).<sup>15</sup> The strategy of crime fighting (crime-control model), however, is costly and can lead to the alienation of individuals from institutions. Normative theories of, on the other side, consider values as the key attribute in the interpretation of human motivation and action. Compliance with the law is then explained with reference to internal moral or ethical obligation to obey the law and follow the decisions of the institutions of criminal justice. That stems from the personal belief that such behaviour is right and responsible. The main assumption of theorists in this group is that the majority of the population follows the law if such behaviour embodies an internalized value for them, regardless of whether

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<sup>15</sup> *In relation to that we consider trust in effectiveness, trust in distributive fairness, obligation to obey the police as rather instrumental in their core.*

or not it brings explicit advantages.<sup>16</sup> Thus, in comparison to the instrumental approaches emphasizing formal social control processes, the normative theories ascribe more importance to self-regulation.

## 5 HYPOTHESES

*A. The proposed revised model of compliance with the law will be generally acceptable for Czech data and both normative (trust in procedural fairness, police legality, moral alignment with the police, personal morality) and instrumental (perceived risk of sanctions, trust in effectiveness, trust in distributive fairness, obligation to obey the police) factors will be significant in relation to compliance.*

It can be assumed that the basic factors of compliance in the model as factors derived from the main types of motives of human agency, based on the hedonistic and value principles, cover the main potential aspects of compliance. Moreover, the power of the model to explain the differences in levels of compliance was empirically verified in many social contexts (Jackson et al., 2012; Schulhofer, Tyler, & Huq, 2011). Furthermore, given the observed benevolent morality of the Czechs, low trust in procedural fairness of the police and its low perceived legitimacy (European Social Survey, 2010), it can be expected that normative factors alone cannot explain the compliance with the law. In addition, instrumental factors (trust in effectiveness) have been identified as relevant to legitimize institutions within the cluster of post-communist societies (Inglehart & Welzel, 2005).

*B. The effect of procedural fairness will be less salient in Czech data than in British pilot data and less salient in the 1999 Czech sample in comparison to the 2011 Czech ESS sample.*

The current data obtained through ESS 2010 Round 5 point to the relatively low satisfaction of the Czechs with the work of the police compared to other participating countries as well as to lower overall confidence in these authorities. In 1999, trust in the police was even lower than in 2011 (Centrum pro výzkum veřejného mínění [CVVM], 2012). In 1995 approximately one-third of the population showed signs of social frustration and of alienation from the institutions (Rabušic & Mareš, 1996). It is expected that in such a situation normative factors would be of less importance. Furthermore, given the assumption of a higher PDI index in the Czech Republic (Hofstede & Rose, 2001) (for countries with higher PDI, a weaker effect of procedural justice was detected (Brockner et al., 2001)) and the low legitimacy of the police in the Czech Republic (for institutions with low perceived legitimacy a weaker effect of procedural justice is assumed (Tyler & Lind, 2001)), we suggest that trust in procedural fairness will not bear more importance than other components of trust in the police for its perceived legitimacy and for compliance.

<sup>16</sup> In relation to that we consider trust in procedural fairness, police legality and moral alignment with the police as rather normative in their core.

## 6 EMPIRICAL ANALYSIS RESULTS

### 6.1 Internal Consistency of the Scales

For the results of internal reliability analysis of all the main scales of the model, assessed with Cronbach's alpha, see Table 1. Although most of the scales yielded satisfactory estimates, the analysis showed some shortcomings. The low internal consistency of some of the constructs is likely due to a small number of items used. Considering the functioning of the trust and legitimacy constructs in the model only as of their individual components (assuming rather loose reciprocal links (Jackson et al., 2011a)), their overall low internal consistency does not pose any serious problems. What could be more problematic is the low internal consistency of the compliance scale, the perceived legitimacy of the law, and the perceived legality of the police in 2011. The comparison of averages achieved at the subscales of compliance shows a relatively large difference in the frequency of committing. Traffic offences are committed relatively more frequently than insurance fraud or buying goods that might have been stolen. In this sense, the scale is not uniform, which leads to its low internal reliability. (Nevertheless, the items are at a similar level in terms of moral evaluation.) It would therefore be appropriate to extend the range of the compliance scale with more items. For further work with the compliance scale, weighted values were used.

**Table 1:**  
Internal consistency of the scales and subscales of the model (Cronbach's alpha)

<i>Main scale</i>	<i>Subscale</i>	2011		1999	
		<i>N of items</i>	$\alpha$	<i>N of items</i>	$\alpha$
<b>Trust in the police</b>		8	0.77	6	0.73
	Trust in police effectiveness	3	0.77	3	0.57
	Trust in police distributive fairness	2	0.62	1	x
	Trust in police procedural fairness	3	0.80	2	0.56
<b>Perceived legitimacy of the police</b>		8	0.77	2	0.56
	Obligation to obey the police	3	0.94	x	x
	Moral alignment with the police	3	0.85	1	x
	Perceived police legality	2	0.31	1	x
<b>Perceived law legitimacy</b>		2	0.31	2	0.46
<b>Perceived risk of sanctions</b>		3	0.82	3	0.72
<b>Personal morality</b>		3	0.79	3	0.78
<b>Noncompliance</b>		3	0.36	5	0.68

## 6.2 Attitudes of the Czechs Toward Police in 2011 and 1999

For distribution of the attitudes in both years see Tables 2 and 3. The most interesting find is probably the paradox between the moderately strong obligation to obey (the police, the law) and the relatively high noncompliance. According to the final report of ESS 2010 Round 5 (European Social Survey, 2010), the Czech position is beyond the general trend of the somewhat linear relationship between the obligation to obey and noncompliance (Jackson et al., 2011b). It seems that the commitment to obey the law may not be a significant predictor of compliant behaviour in the Czech environment. Czechs consider the police activities to be rather negative, with the exception of trust in effectiveness in 2011. There seems to be a stable low level of trust in procedural and distributive fairness of the police as well as low perceived moral alignment and their low perceived legality.<sup>17</sup> Thus, we might expect that compliance will be positively affected rather by perceived risk of sanctions and trust in the effectiveness of the police, though the original assumptions make them comparatively less important (Jackson et al., 2012). The strongest predictor of compliance according to Jackson et al. should be personal morality. Czech society, however, seems rather benevolent in regard to morals, according to the data from both samples. The preliminary assessment of the data thus indicates that the proposed theoretical model for the Czech population may not be very functional, in that the included predictors would not explain the variance in compliance to a satisfactory extent.

<b>D4-6. How likely is it that you would be caught and punished in the Czech Republic if you ...</b>	Not at all likely	Not very likely	Likely	Very likely	Don't know
... made an exaggerated or false insurance claim	16.5	21	36.3	21.9	4.1
... bought something you thought might be stolen	19.7	33.7	27.7	14.3	4.4
... committed a traffic offence like speeding or crossing a red light	12.5	27.3	35.7	21	3.3
<b>D1-3. How wrong do you consider these ways of behaving to be ...</b>	Not wrong at all	A bit wrong	Wrong	Seriously wrong	Don't know
... make an exaggerated or false insurance claim	6.3	14.8	39	38.7	1.2
... buy something you thought might be stolen	5.6	19.7	41.2	31.8	1.6
... commit a traffic offence like speeding or crossing a red light	3.7	24.3	42.3	28.4	1.3
<b>D43-46. How often have you done each of these things in the last five years?</b>	Never	Once	Twice	3x-4x	5x and more
... made an exaggerated or false insurance claim	93.6	3.2	0.9	0.4	0.04
... bought something you thought might be stolen	81.3	8.5	2.8	1.2	0.4
... committed a traffic offence like speeding or crossing a red light	57.3	12.4	10.4	6.2	8.4

Source: European Social Survey (2010)

**Table 2:** Perceived risk of sanctions, personal morality and self-reported frequency of committing offences in the Czech sample in 2011 (in %)<sup>18</sup>

<sup>17</sup> Though we cannot rely on comparing attitudes on single items in both years, because of the inconsistencies in measurement discussed in section 4.2.2.

<sup>18</sup> The rest of 100 percent are missing values and responses "don't know" (if those are not stated in the table).

**Table 3:**  
Perceived risk  
of sanctions,  
personal  
morality and  
self-reported  
likelihood  
of potential  
committing  
selected  
offences in the  
Czech sample  
in 1999 (in %)

Q. 53 How likely is it in the Czech Rep. that the offender will be tracked down and surrendered to be punished for ...					Average likelihood in %	Don't know
... theft of a bicycle at the house where you live					22.5	0
... theft of a wallet on the street, in a shop					17.4	0
... theft of a car					22.7	0
Q. 57 How do you assess the following behavior ...	Not at all bad (9,10)	Not very bad (7,8)	Rather bad (5,6)	Bad (3,4)	Very bad (1,2)	Don't know
... undocumented employing (without paying for employees' insurance)	3.5	7.3	17.4	27.2	43.4	1.2
... buying an item that might have been stolen	6.5	13.9	27.7	24.4	25.6	2.0
... taking bribes or service in return	2.9	10.1	20.0	24.5	41.0	1.5
Q. 56 Imagine yourself as a driver (no matter how real it is) – do you think that you could become one of those who ...	No	Rarely	Yes	x	x	Don't know
a. ... without much hesitation stop at "No stopping" sign in the city and go get something	45.8	43.6	10.3			0.3
b. ... exceed the speed limit wherever controls cannot be assumed	40.1	42.4	17.3			0.2
c. ... if caught after committing an offence, offer a bribe to the police officer for a "reasonable solution"	74.7	19.1	5.9			0.3
d. ... get rid of an old tire by leaving it at a pile of rubbish in their surroundings	80.2	15.9	3.5			0.3
e. ... having damaged another car when parking nearby, they would try to disappear before the owner comes	69.0	23.9	6.8			0.3

Source: *Bezpečnostní rizika, 1999*

### 6.3 Correlation Analysis

Despite the revealed specifics in Czech attitudes toward the criminal justice system discussed in the previous chapter, the analysis of correlations between the constructs (see Tables 4 and 5), confirmed a number of theoretical assumptions. In particular, we observed a connection between trust in police procedural fairness and its perceived legitimacy and also a connection between personal morality and the obligation to obey the law to noncompliance. However, the correlation analysis

shows weak links of several components of police legitimacy to the obligation to obey the law and to noncompliance, which is contradicting the conclusions of Jackson et al. (2012). Remarkably, the correlation matrices for the data from both studied years are very similar, despite different indicators constituting the respective constructs in both samples. This could indicate achieving suitable conditions for the mutual comparison of the structural models in both years.

	Personal morality	Perceived risk of sanctions	Trust in police effectiveness	Trust in police procedural fairness	Trust in police distributive fairness	Moral alignment with the police	Obligation to obey the police	Police legality	Obligation to obey the law
Noncompliance	-.326**	-.086**	-.105**	-.042	-.087**	-.107**	-.093**	-.009	-.215**
Personal morality	1.000	.278**	.192**	.131**	.119**	.203**	.132**	.067*	.276**
Perceived risk of sanctions		1.000	.123**	.073*	.071*	.073*	.116**	.021	.113**
Trust in police effectiveness			1.000	.520**	.315**	.479**	.182**	.273**	.153**
Trust in police procedural fairness				1.000	.411**	.552**	.215**	.351**	.173**
Trust in police distributive fairness					1.000	.360**	.115**	.237**	.149**
Moral alignment with the police						1.000	.315**	.232**	.240**
Obligation to obey the police							1.000	.058*	.185**
Police legality								1.000	.118**

**Table 4:** Correlations between scales of the model for the police (Czech datafile ESS 2010,  $n = 1198$ , Spearman correlation coefficient, bootstrapped values)

	Personal morality	Perceived risk of sanctions	Trust in police effectiveness	Trust in police procedural fairness	Trust in police distributive fairness	Moral alignment with police	Police legality	Obligation to obey the law
Noncompliance	-.420**	.009	-.023	-.127**	-.143**	-.086**	-.046	-.207**
Personal morality	1.000	-.004	.016	.099**	.034	.055*	.073**	.247**
Perceived risk of sanctions		1.000	-.295**	-.197**	-.160**	-.279**	-.193**	-.004
Trust in police effectiveness			1.000	.475**	.373**	.508**	.332**	.018
Trust in police procedural fairness				1.000	.385**	.567**	.316**	.106**
Trust in police distributive fairness					1.000	.441**	.267**	.052
Moral alignment with police						1.000	.389**	.062*
Police legality							1.000	.025

**Table 5:** Correlations between scales of the model for the police (Czech datafile Bezpečnostní rizika 1999,  $n = 1297$ , Spearman correlation coefficient, bootstrapped values)

## 6.4 Data Adjustment

Prior to the analysis several transformations were made in order to adjust the data to a form suitable for applying the structural modelling procedures. The data in “noncompliance” and “personal morality” variables were not evenly distributed (which is understandable if we consider the nature of the variables) and measured at four- and three-point scales. Therefore, the “personal morality” variable was dichotomized before entering the structural analysis. In the category labelled as “moral” (marked “1”) 78.5 percent of the respondents were included; the “immoral” group (marked “0”) counted as 21.5 percent of the respondents. In 1999, the “moral” group after dichotomizing was made up of 73.4 percent of the respondents while 24.2 percent of the respondents can be designated as the “immoral” group. The dichotomization of the variable “noncompliance” was not performed because structural analysis in AMOS software does not allow for the response variable of binary character. For model fit calculation and estimating the significance of the relations, a bootstrapping procedure that utilizes abnormally distributed data was used.

Overall, at 11.7 percent of the sample that included 280 people in the 2011 sample and at 4.7 percent involving 64 people in the 1999 sample, at least one answer was missing. In the analysis of missing values, there were no significant specific patterns found. For the purpose of structural modelling with applying bootstrapping procedures, the missing values in 2011 were replaced by using the EM method, available in the *Multiple Value Analysis* in SPSS. Missing values in 1999 were replaced with the median of the two nearest values.

## 6.5 Structural Analysis

### Model 1p: Trust in police and compliance in 2011

According to the value of the chi-square test, the model 1p (for the final 1p model of compliance see Figure 3 and for the complete list of significant standardized regression coefficients of the 1p model see Table 6) appeared not to be very suitable for the given data (the null hypothesis of concordance of the covariance matrices was rejected at the level of  $p$  lower than 0.005). A similar result was achieved with Bollen-Stine test ( $p$  lower than 0.005) used due to the uneven distribution of the data of the individual variables. Nevertheless, regarding a large sample size in which the statistical power of the chi-square test is strongly manifested, it is advisable to take into account other indicators of model quality, such as the relative  $\chi^2$ , RMSEA, CFI and TLI measures (Urbánek, 2000). Those indicate relatively good quality of the model in this case (relative  $\chi^2 = 4.81$ , the RMSEA index = 0.04, CFI = 0.96, TLI = 0.95). Noncompliance was in 2011 sample directly predicted by personal morality (-0.15) and especially by legitimacy of law (-0.38). Trust in police procedural fairness proved to be an important factor in predicting noncompliance as well. However, it probably influences noncompliance indirectly: people believing in fair and respectful treatment of police perceive police and, consequently, the law as more legitimate. Thus they also do not cross the law. All other estimated dimensions of trust seem to be also partly contributing to the legitimacy of police

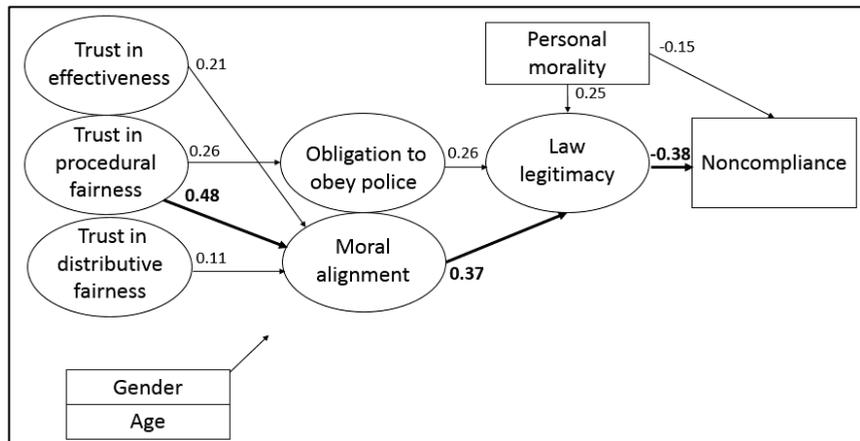
and the law, but the link is less strong and only with one dimension of police legitimacy: moral alignment with police (0.11 for trust in distributive fairness and 0.21 for trust in effectiveness). There was no evidence of a direct or indirect influence of perceived risk of sanctions and the perceived legality of the police on noncompliance with the law, which is consistent with the assumptions of Tyler and Lind (2001) and the pilot study of Jackson et al. (2012). According to the final model, it seems that beliefs about how police itself abides the law do not influence people's decision to violate the law much, nor do the beliefs about how risky it is to cross the law. The perceived legality of the police and the perceived risk of sanctions were therefore excluded from the final 1p model. Thus, obligation to follow the law (influenced mainly by trust in procedural fairness of the police) and personal morality seem to be comparatively the most important predictors of compliance with the law in Czech society in 2011.

### **Model 2p: Trust in police and compliance in 1999**

The model 2p for data from 1999 (for the final 2p model of compliance see Figure 4 and for the complete list of significant standardized regression coefficients see Table 7) was not confirmed regarding the poor statistical fit (relative  $\chi^2 = 882$ , RMSEA = 0.10, CFI = 0.73, TLI = 0.57), which means that the suggested predictors and their relations cannot much explain variance in noncompliance. Still, regarding the observed relations, we tend to think that the poor fit of the 1999 data in the model might be caused by the low internal consistency of several scales discussed in previous sections, rather than by an incomplete pattern of predictors.

As in the 2011 data, the perceived risk of sanctions and the perceived legality of the police were not significant in relation to noncompliance or any of its predictors. Personal morality and law legitimacy affect noncompliance most strongly (-0.26 for both links). We can observe somewhat stronger involvement of personal morality in comparison to the 2011 sample – regarding the direct and indirect links it seems to be the strongest predictor of noncompliance. On the other side, trust related constructs are connected to compliance only directly (without any influence on law legitimacy) and only loosely (trust in effectiveness -0.09, trust in procedural fairness -0.08 and trust in distributive fairness -0.14). Thus, a relatively lower importance of procedural fairness over distributive fairness was found in the data from 1999 compared to the data from 2011 and overall more importance of personal morality and lesser importance of quality of police treatment and its legitimacy. These findings would, nevertheless, need further examining considering the poor quality of the model.

Figure 3:  
Final model 1p  
of relations\*



\*Final model 1p of relations between trust in the police and noncompliance with the law, including the standardized regression coefficients (European Social Survey, 2010) relative  $\chi^2 = 737$ ,  $df = 156$ ,  $p < 0.0005$ , CFI = 0.96, TLI = 0.95, RMSEA = 0.04

Table 6:  
Standardized  
regression  
coefficients in  
the final model  
1p significant  
at 0.005 level  
(Czech data  
file ESS 2010,  
Round 5)

moral alignment with police	←	trust in police procedural fairness	<b>0.480</b>
obligation to obey police	←	trust in police procedural fairness	<b>0.260</b>
moral alignment with police	←	trust in police distributive fairness	0.114
moral alignment with police	←	trust in police effectiveness	0.213
moral alignment with police	←	age	0.084
moral alignment with police	←	personal morality (dichot.)	0.038
obligation to obey police	←	personal morality (dichot.)	0.074
obligation to obey the law	←	obligation to obey police	<b>0.261</b>
obligation to obey the law	←	moral alignment with police	<b>0.369</b>
obligation to obey the law	←	age	0.141
obligation to obey the law	←	gender	0.170
obligation to obey the law	←	personal morality (dichot.)	<b>0.251</b>
noncompliance	←	personal morality (dichot.)	-0.151
noncompliance	←	obligation to obey the law	<b>-0.379</b>
noncompliance	←	obligation to obey police	0.068

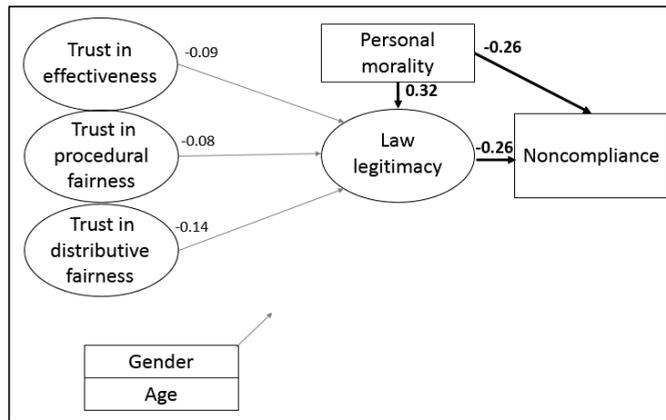


Figure 4: Final model 2p of relations\*

\*Final model 2p of relations between trust in the police and noncompliance with the law, including the standardized regression coefficients (Czech datafile *Bezpečnostní rizika 1999*) relative  $\chi^2 = 882$ ,  $df = 56$ ,  $p < 0.0005$ ,  $CFI = 0.73$ ,  $TLI = 0.57$ ,  $RMSEA = 0.10$

noncompliance	←	trust in police procedural fairness	-0.083
noncompliance	←	trust in police distributive fairness	-0.145
noncompliance	←	trust in police effectiveness	-0.094
obligation to obey the law	←	personal morality (dichot.)	<b>0.324</b>
noncompliance	←	personal morality (dichot.)	<b>-0.261</b>
noncompliance	←	obligation to obey the law	<b>-0.257</b>

Table 7: Standardized regression coefficients\*

\*Standardized regression coefficients\* in the final model 2p (Czech datafile *Bezpečnostní rizika*) significant at 0.005 level

## 6.6 Comparison of Czech Data to British Findings

In the Czech samples from both years, the observed direct effect of trust in police procedural fairness on the moral alignment with the police was weaker than in the England and Wales pilot study (Jackson et al., 2012), and at the same time there was a greater effect of trust in police distributive fairness in Czech samples. Furthermore, the effect of the obligation to obey the law on noncompliance seems to be of greater importance in the Czech than in the British context. In addition, it transmits the effect of personal morality (in both years) and the effect of sense of shared values with the police (in 2011), which in the UK sample affects noncompliance mainly directly, even as its most important predictor. The significance of obligation to obey the law corresponds with a relatively strong orientation of Czechs on following rules.<sup>19</sup>

<sup>19</sup> This factor was identified in ESS 2010, 5th Round (according to a comparison of countries on one item from the Schwartz battery of value orientations, based on weighted values through Nesstar Web View, <http://nesstar.ess.nsd.uib.no/webview/>).

## 7 DISCUSSION

The assumptions were confirmed only partially, which, however, should be viewed positively. The results of the analysis suggest a greater importance of procedural fairness and normative factors in general on compliance with the law in Czech society than was expected, especially with regard to the low perceived legitimacy of criminal justice institutions in Czech society. That might give the impression that the effect is fairly universal across different social contexts. However, with regard to the overall analysis results, we incline to accept the assumption that the effect of procedural fairness is indispensably influenced by the social context. A weaker direct effect of trust in police procedural fairness on moral alignment with the police and a greater effect of trust in police distributive justice were observed in the Czech samples from both years compared to the England and Wales pilot data. We also found a lower importance of procedural fairness in 1999 compared to 2011.

However, even if we accepted the model of compliance with the law regarding the police in the 2011 sample as it was designed by Jackson et al. (2012), it worked worse when tested on the data from 1999. There the factors of police perceived legitimacy had no significant effect on compliance. This inadequacy, however, could point to certain methodological shortcomings rather than to inappropriateness of the normative hypothesis itself. Specifically, there may be an inadequate or inaccurate coverage of several constructs, e.g. of perceived police legitimacy in 1999. The problems with legitimacy indicators correspond to the low internal consistency of those scales.

The main limit of this study in our view lies primarily in different operationalization of the constructs in the data from 1999 and 2011, which impedes drawing unambiguous conclusions from their comparison. Besides this, there is another deficiency that regards the operationalization of noncompliance with a rather narrow range of indicators. Apart from that, the under-representation of the items on police legitimacy in 1999 can be considered to be rather restraining.

Despite these facts, the analysis succeeded in bringing basic answers to the questions set out and provoked a number of inspiring ideas for further study of compliance with the law. It would be possible to follow up with a comparative analysis of the relations for various social groups and strata in Czech society. That could lead to a specification of the model of compliance with the law, strengthening its explanatory value within Czech context. For this purpose, it would be appropriate to elaborate the noncompliance scale and extend the perceived legitimacy scales. It might also be revealing to address the implied issue of the role of general attitudes in contrast to interactionally built trust in Czech context. We suppose that a general orientation toward abiding by the rules – an orientation that seems to be strong in Czech society – might play a significant role in the perception of the institutional legitimacy and in compliant behaviour, quite independently of their actual performance.

## 8 CONCLUSION

With regard to the results of the analysis, we incline to accept the assumption that in the Czech environment the procedural fairness effect on the perceived legitimacy of the criminal justice system and on compliance with the law is valid. However, it is likely that its strength might vary according to the context. The effect seems to be weaker in 1999 than in 2011, probably largely due to the lower levels of trust in the police and its lower perceived legitimacy connected to a high level of perceived corruption within the criminal justice system. Despite the stated shortcomings of our work, we believe that the results make it possible to accept the assumption that normatively oriented criminal policy aimed at fair procedures of the police may substantially affect public trust in the police, its perceived legitimacy, and a long-term willingness to follow the law in the Czech Republic.

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### Appendix

#### *“Bezpečnostní rizika”* [Security Risks] Survey Questionnaire 1999 (selected items)

##### **Trust in police procedural fairness**

45. Try to assess the following police behaviour.

(1 = almost always, 2 = very often, 3 = from time to time, 4 = not very often, 5 = almost never)

45f. The police treat victims of crime seriously and help them.

45j. The police try to behave politely and decently.

##### **Trust in police distributive fairness**

44. I will now read several statements on police monitoring of obeying the laws in your municipality. State how much you agree or disagree with the statements.

(1 = strongly agree, 2 = somewhat agree, 3 = do not know, 4 = somewhat disagree, 5 = strongly disagree)

44c. The police treat everyone the same, irrespective of who it is.

##### **Trust in police effectiveness**

44a. I am satisfied with the way the police protect my residence neighbourhood.

45c. The police try to prevent crime.

45d. Help from the police is quick and accessible.

##### **Police legitimacy: moral alignment with the police**

44e. The police is a real “friend and assistant” to the citizens.

##### **Police legitimacy: police legality**

45m. There often arose doubts about the trustworthiness and incorruptibility of the police.

##### **Obligation to obey the law**

55. Please state your personal opinion (agreement or disagreement) with the following statements.

(1 = totally agree, 2 = somewhat agree, 3 = somewhat disagree, 4 = totally disagree)

55a. People like me have to follow the law even if it does not correspond to their personal belief.

55b. For people like me there are only a few reasons for following the laws.

**Perceived risk of sanctions**

53. *Yet we are interested in your ideas about the success of the police in fighting crime. Please try to estimate the likelihood that the offender will be tracked down and surrendered to be punished for the selected offences: (A rough estimate in percentage from 1 to 99%, meaning from the minimum to the maximum likelihood, is enough.)*

- a. The theft of a bicycle at the house where you live
- b. The theft of a wallet on the street or in a shop
- c. The theft of a car

**Personal morality**

57. *How do you assess the following behaviour?*

*(1 = very bad ... 10 = not bad at all)*

- 6. Undocumented employing (without paying for insurance of the employees)
- 13. Buying something that might have been stolen
- 14. Taking bribes or service in return

**Noncompliance**

*And now try to imagine yourself as a car driver (no matter how real it is). Do you think you could become one of those who ...*

*(1 = yes, 2 = rarely, 3 = no)*

- a. stop without much hesitation at a "No stopping" sign in the city and go get something
- b. exceed the speed limit wherever controls cannot be assumed
- c. offer a bribe to the police officer for a "reasonable solution" if caught after committing an offence
- d. get rid of an old tire by leaving it at a pile of other rubbish in their surroundings
- e. having damaged another car when parking nearby, they would try to disappear before the owner comes