Received: 19 August 2020 | Revised: 17 September 2020 | Accepted: 22 January 2021

DOI: 10.1111/lasr.12570

ARTICLE

Law & Society REVIEW

Police fairness and legitimacy across the post-communist divide in Europe

Valerio Baćak | **Robert Apel**

School of Criminal Justice, Rutgers University, Newark, New Jersey, USA

Correspondence
Valerio Baćak, School of Criminal Justice, Rutgers University, 123 Washington St., Fifth Floor, Newark, NJ 07102-3094, USA.
Email: valerio.bacak@rutgers.edu

Abstract

In the present study, we compared two European regions with deeply contrasting policing traditions—post-communist countries and established democracies—to explore whether political history may have long-term consequences for police–public interactions. Using data from 26 countries that participated in the 2010 European Social Survey, we first measured and compared the prevalence of police-initiated contact and satisfaction with contact once it took place. We found that both tended to be higher in established democracies. Next, we contrasted the magnitude of the association between police contact and attitudes about police fairness and legitimacy between the two regions, finding consistently stronger associations in post-communist countries. Taken together, our results help expand procedural justice theory by demonstrating that incorporating history and context can enhance its ability to explain how interactions with police shape public opinion about law enforcement.

Even though modernization of police forces has reduced the influence of politics across the world, priorities that underlie police work continue to be shaped by past political regimes and their practices (Emsley, 2007). Historically, states with one-party rule have directed police toward protecting the party and the political order (Aitchison, 2016). This protection has been carried out through a system of surveillance common throughout communist Europe, especially in countries under the Soviet influence. Such policing bred profound fear and mistrust among the public because, at any moment, anyone could be placed under surveillance, jailed, and designated a national security threat through no or a highly politicized legal process. The democratic revolutions have helped jumpstart the transition to democratic policing in post-communist countries, yet the change in police mentality and practice has been slow (Beck & Chistyakova, 2002). In contrast, policing in democracies has typically relied on democratic principles such as the rule of law and the separation of powers (Bayley, 2006).

Informed by historical institutionalism, our study helps expand procedural justice theory by asking if the history of policing in post-communist countries has continued to shape police–public interactions in the democratic era. Using data from 26 European countries that participated in the 2010 European Social Survey (ESS), we assessed both the quantity and the quality of interactions with police across the post-communist divide and examined how police contact relates to perceptions of fairness and legitimacy. In the United States, much of this line of research has centered on

 © 2021 Law and Society Association.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

police stops and other forms of police-initiated contact (e.g., Brunson & Miller, 2006; Epp et al., 2014). Perhaps because of the less invasive role of police, fewer studies have examined the prevalence and the characteristics of encounters with police in Europe. Yet as the first point of contact with the power of the state, policing in Europe is also central to how the public forms its opinion about law enforcement and the criminal justice system more broadly (Mazerolle et al., 2013; Tyler, 2011).

Our study expands procedural justice theory by centering the power of political regimes to define the purpose and practices of policing. More specifically, we pose a question similar to that posed by Kutnjak Ivković (2005, p. 177): "[t]o what extent have the police in transition left their undemocratic pasts behind them?" We develop the point that transitions may linger, and that history shapes the practice and the public experience of policing. Empirically, our study is among the first to systematically examine the quantity and quality of police contact across Europe, including in settings where studies on policing and procedural justice have been few and far between (Mawby, 2000). Before detailing our data and analysis, we first broadly describe what is known about the consequences of police contact for public opinion, informed by procedural justice and historical institutionalist perspectives. We then discuss the purpose and practices of policing during communist times to indicate how and why in post-communist countries police contact may be less frequent—and have a greater impact on the public once it takes place.

PROCEDURAL JUSTICE, HISTORICAL INSTITUTIONALISM, AND CONSEQUENCES OF POLICING FOR PUBLIC OPINION

The ever-growing body of scholarship on procedural justice, especially in the United States, has profoundly informed our understanding of how actions by police shape public opinion about police and the criminal justice system more broadly (Tyler, 1990; Tyler & Huo, 2002). The argument at the center of this research is that public perception of police and the willingness to collaborate and comply with the law are affected by how officers perform their duties. If members of the public are satisfied with encounters and perceive them as just, feelings of trust and legitimacy will increase; otherwise the two may dwindle (Hough et al., 2010; Mazerolle et al., 2013). In response to unjust treatment, the public may also feel alienated from law enforcement and become cynical about the legal system (Aas & Bosworth, 2013; Lerman & Weaver, 2014; Nivette et al., 2015). European studies on procedural justice similarly find that fair, transparent, and respectful policing is generally related to higher levels of trust and legitimacy (Hough et al., 2013a, 2013b; Mazerolle et al., 2013; Tyler, 2011).

Empirical research on procedural justice in Europe has significantly enriched our understanding of policing and its public perception, but most studies have either considered the continent as a homogenous whole or they exclusively focused on established democracies (Hinton & Newburn, 2009). Moreover, whereas much of the research in the United States used police contact as a starting point to understand how policing affects trust and legitimacy, actual police contact was rarely the focus of European studies. In the present study, we pay attention to these two issues in particular. Critically, however, while we build on existing studies, we focus on a point that has not been prominent in prior research—that the perception of police and the effects police have on the public are shaped by history and political context.

Historical criminologists have long pointed to the inextricable links between state formation and police, but the analyses have mainly considered the western and northern parts of Europe (Bayley, 1975; Emsley, 2007). Our emphasis is placed on the importance of considering the political histories of policing in other parts of the continent to understand the heterogeneous experiences with law enforcement and the effects those experiences may have on the public. In modern Europe, these issues are especially relevant at the political boundaries drawn in the aftermath of World War II between communist states and liberal democracies.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

Furthermore, our perspective is informed by historical institutionalism (a strand of so-called neo-institutionalism), merged with procedural justice theory into a multilevel theoretical formulation of police legitimacy. Much historical institutionalist work is concerned with explaining the sources of societal change (e.g., Skocpol, 1979), but our interest is in understanding how continuity of institutional forms in the aftermath of societal transformation might shape public attitudes in the present. Key to this is *path dependence*, whereby social institutions are embedded in longer-term processes that tend to reproduce them, albeit in modified form (Pierson & Skocpol, 2002; Thelen, 1999). Our claim is that policing is, to some degree, isomorphic with some of the older institutional arrangements that linger in the wake of political transitions. Traces of an older politico-legal regime render civilian attitudes about fairness and legitimacy more strongly determined by their individual experiences with police, relative to societies that have not experienced similar (or at the very least, recent) transformations.

A central proposition of historical institutionalism is that societies develop along different institutional lines, which gives the state a privileged role in explanatory frameworks. We take this to mean that the relationship of the individual to the state—and consequently between the individual and representatives of the state, as in the police—varies meaningfully depending on forms of institutional dominance. Giddens (1979) defines institutions as "deeply-layered practices constitutive of social systems" (p. 65) and describes them as "sedimented in time-space" (p. 80). Post-communist countries are formerly dominated by political institutions, suggesting police fulfill a coercive function that ensures perpetuation of the regime. From an institutionalist perspective, this coercive and potentially corrupt legacy can be manifested in the present by generally low levels of perceived fairness and legitimacy with respect to police. Established democracies, by comparison, are dominated by legal institutions, which shape civilian attitudes in a manner suggesting generally high levels of perceived fairness and legitimacy.

Aside from expectations about the overall level of fairness and legitimacy, we also consider whether civilian attitudes are more or less strongly correlated with individual experiences with law enforcement in post-communist countries than in established democracies. Given the expected low levels of perceived fairness and legitimacy in the former, we would also posit that positive experiences with law enforcement—because they defy expectations of coercive or unfair treatment—might actually correspond with higher levels of perceived fairness and legitimacy relative to the same experiences in established democracies. We next describe some of the key aspects of policing in post-communist countries, both before and after the fall of Communism, and discuss ways in which the public experience of contact with police may have a different effect relative to their effects on the public in established democracies.

POLICING AND THE POST-COMMUNIST DIVIDE

Policing in communist countries has been intimately linked with politics. Not responsible solely for public safety, police had the mandate to maintain party rule by clamping down on dissent (Marenin & Caparini, 2005; Mawby, 2001). The most infamous effort to do so was the formation of secret police services, such as Securitate in Romania and Służba Bezpieczeństwa in Poland. These services safeguarded the political order and acted as the repressive tool of the ruling party (Mawby, 2000; Stan, 2009). The network of secret surveillance was vast and involved tens of thousands of informers. In practice, this meant that police were the "sword of the revolution," and that the law was subordinated to regime survival (Aitchison, 2016). A similar but less expansive lack of restraint may have persisted into the post-communist era as some officers, despite lustration efforts, have assumed high-ranking positions following the democratic revolutions or they have in other ways influenced the practice of policing on the ground (Galeotti, 1993; Stan, 2009; Welsh, 1996).

International efforts to reform policing have been ongoing since the early 1990s and were spearheaded by organizations such as the United Nations. Yet police forces have remained

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

politicized during post-communist times (Bayley, 2006). Compared to established democracies, police have engaged in higher levels of corruption and have had lower levels of professionalization (Aitchison, 2016; Alvazzi del Frate & van Kesteren, 2004). At the same time, due to the balkanization of countries across the continent after the fall of the Iron Curtain, police forces were implicated in ethnic divisions that left some groups more dominantly represented in law enforcement relative to others—and this may have further contributed to distrust in police. In post-conflict societies that experienced a violent transition, such as countries in former Yugoslavia, militarization and ethnic repositioning of police have been distinguishing characteristics that made law enforcement in times of peace more challenging; it also made it harder for police and the public to trust one another (Hill, 2010; Kutnjak Ivković, 2009; Kutnjak Ivković & Shelley, 2005).

From the vantage point of procedural justice theory, secrecy, lack of transparency, and unchecked power are all characteristics that make the public distrustful of law enforcement (Tyler, 1990). As a result, the public may be reluctant to be in contact with police because they are less likely to expect fair and transparent treatment, and the interactions may be less satisfactory when they happen. For these reasons, the effects of police contact on public opinion may be greater as police officers can operate with greater discretion and less accountability (Beck & Chistyakova, 2002). In addition, negative experiences are known to have a greater impact on individuals than positive ones (Baumeister et al., 2001; Skogan, 2012), which suggests that, if unsatisfactory encounters are more common, there may be higher correlation between the extent and nature of police contact and public attitudes.

A critical point is that the aftermath of the dissolution of totalitarian regimes lingers. It takes time to establish a functioning democratic society and a police force that reflects democratic values. Hinton and Newburn (2009, p. 7) make this point eloquently when they write, "legal codes that were designed to maintain political order and control need substantial post-transition updating so as to provide effective, political and civil freedoms and human rights, a process that can take years." They go on to add that "police involvement in repression associated with authoritarian regimes has cast a long shadow over police-community relations, generating enduring patterns of mutual suspicion, fear, and mistrust" (p. 8). In fact, the notion that police forces emerging from the collapse of Communism needed reform has underlied the effort to promote democratic policing globally—policing that is accountable to law, monitored by independent bodies, and responsive to the needs of ordinary citizens (Bayley, 2006; Pino & Wiatrowski, 2006).

We must also consider that the sudden transition experienced by post-communist countries in Europe may have shaped how police forces do their job and how they relate to the public. Building on Durkheim's idea that anomie results from rapid social change, studies have found evidence that higher crime rates may be an outcome of major political shifts (Pridemore & Kim, 2006; Stamatel, 2009). Even though these studies have not considered policing in particular, the general societal levels of anomie may have also been reflected in the practice of police work. The morale of police officers, the lack of resources and low salaries, increasing crime rates in some instances, as well as the need to adjust to the new political system may have affected the quality of policing and how police interacted with the public. A study based in post-communist Russia, for instance, identified predatory policing—officers using their authority for own material gain—as pervasive (Gerber & Mendelson, 2008). The weakening of states during democratic transitions also made police vulnerable to corruption and infiltration of organized crime (Hajdinjak, 2002; Holmes, 2009).

It is important to note that policing in established European democracies is not ideal as police also engage in unfair and discriminatory practices, especially in interactions with minority and immigrant populations (Fassin, 2013). But police had more time and infrastructure to adopt the principles of democratic policing. This notion is supported by research that shows higher overall satisfaction with police and the way police deal with preventing and controlling crime in western relative to the eastern and central parts of the continent (Alvazzi del Frate & van Kesteren, 2004). At the same time, the public reports higher levels of trust in legal institutions and trust in police in established European democracies (Kutnjak Ivković, 2008; Kääriäinen, 2007). These findings

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

reinforce our point that change happens along with historical continuity. Similar points have been made elsewhere. A recent study on trust in institutions noted that "the 'specter' of the communist past is still haunting the eastern part of the continent" (Schaap & Scheepers, 2014, p. 91). More broadly, when discussing changes in policing in modern democracies, Jones and Newburn (2002, p.142) highlighted that "much current criminology tends to exaggerate the degree of change, and underplay the extent of continuity, in seeking to explain the transformations taking place in contemporary policing systems."

Other studies have performed country-level analysis using data from the 2010 ESS Trust in Justice module, the dataset we also choose for the current study. While these studies have not examined police contact as consequential for police fairness and legitimacy across the post-communist divide, their findings show a regional gap reflecting the importance of political history. In one of the first analyses using the Trust in Justice module data, the least positive public evaluations of fairness and legitimacy were detected in post-communist countries (Hough et al., 2013a, 2013b). In a more recent analysis, Mehozay and Factor (2017) have examined normative beliefs as predictors of police legitimacy, and found, similar to other research, that clusters of countries with the lowest levels of perceived legitimacy generally include post-communist countries. In contrast to those studies, we focus on police contact and the large body of prior research demonstrating the importance of physical encounter for public perceptions of trust and legitimacy (Mazerolle et al., 2013).

While our conceptual distinction between post-communist countries and established democracies in Europe has practical and conceptual usefulness, there are countries for which such a classification is not straightforward. While the Federal Republic of Germany became a bastion of liberal democracy soon after World War II, the German Democratic Republic was under the tight grip of the Soviet Union and the communist party. The state was ruthless in protecting the regime and omnipresent through its network of informants (Gieseke, 2014). But after the unification in 1990, Germany was quick to invest resources to ensure a democratic transformation of its police forces in the east. As a result, policing structure and function soon started to resemble its counterparts in the west (Shelley, 1999).

Southern European countries—Greece, Spain, and Portugal—have also experienced authoritarian dictatorships after World War II. Some of the characteristics that marked countries of the communist bloc also applied to these countries until the 1970s, including political police, surveillance, human rights violations, and repression. In that regard, the way the public perceived and experienced police had a great deal in common with their communist neighbors. Yet the democratization these countries experienced since the 1970s afforded them decades of democratic development and integration with international organizations that promoted police reform. In other words, they had time to foster a more accountable and democratic law enforcement system. For these reasons, we include Greece, Spain, and Portugal among the established democracies in our analysis, details of which are described next.

DATA AND METHODS

The data used in this study are from the European Social Survey (ESS), specifically, the Trust in Justice module available in the fifth round of data collection (2010). In each round, the ESS uses multistage probability sampling to select a sample representative of all individuals age 15 or older, with a target sample size of 1500 and a minimum target response rate of 70% in each country (European Social Survey, 2009). Translation and administration of the questionnaire is performed by a team overseen by a national coordinator, with trained interviewers conducting face-to-face interviews of approximately 1 hour in length. The Trust in Justice module used in this study is one of many rotating modules that, along with the core module, is administered to every participant in the round.

The ESS was fielded in 28 countries in the 5th round, although the present analysis is limited to the 26 countries comprising continental Europe, the United Kingdom, and the Russian Federation,

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

while excluding Israel and Cyprus. (These countries are listed by region in Appendix A, Supporting Information) The ESS meets rigorous standards for cross-national comparability and is widely considered one of the highest quality datasets for international research (Fitzgerald & Jowell, 2010). With appropriate weighting, the ESS provides nationally representative as well as comparative estimates of quantities of interest. It is therefore well suited to compare cross-national estimates of police contact, fairness, and legitimacy. The construction of the Trust in Justice module was largely informed by procedural justice theory. More details about conceptual underpinnings and the development of survey measures in the module can be found elsewhere (European Social Survey, 2011).

Measures

The dependent variables of interest are measures of fairness and legitimacy at the respondent level, each of which is conceptualized as a second-order latent variable composed of three first-order latent variables or subconstructs. Our conceptualization of procedural justice is aligned with Hough et al. (2013a, 2013b; see also Jackson et al., 2011), part of the team which devised the measures included in the Trust in Justice module.[1] (Item wording and grouping by subconstructs are provided in Appendix B.) Fairness of the police refers to the belief of the public that police are effective and competent, and there is a presumption of fairness and respectfulness in treatment. Operationally, fairness of police comprises *police effectiveness* (three items), *distributive fairness* (two items), and *procedural fairness* (three items). Legitimacy of police refers to the belief of the public that they are obliged to respect police authority, on the grounds that police share their values and act lawfully. This is operationalized with subconstructs *duty to obey* (three items), *moral alignment* (three items), and *perceived legality* (two items). The latent variable methods employed to create the measures of fairness and legitimacy are described in the next section, and at the relevant point, we comment on alternative latent variable methods used to judge sensitivity. We also return to conceptualization later for extended discussion.

At the country level, the independent variable of interest is an indicator of whether the country is post-communist or part of established European democracies. Eleven countries are classified as post-communist, with the balance of 15 countries classified as established democracies. At the respondent level, the independent variables of interest are measured from reports of police contact and satisfaction. Survey participants were asked the following yes/no question: "In the past 2 years, did the police in [country] approach you, stop you or make contact with you for any reason?" As shown in Table 1, one-third (34%) of respondents reported experiencing a police-initiated contact. Those who answered affirmatively were then asked the follow-up question: "How dissatisfied or satisfied were you with the way the police treated you the last time this happened?" Respondents chose from five ordered response categories, ranging from very dissatisfied (0) to very satisfied (4). As indicated in Table 1, the average police contact is intermediate between "neither dissatisfied nor satisfied" and "satisfied" (mean = 2.5).[2]

[1]We label our first construct differently than Jackson et al. (2011). What we refer to as "fairness of police," these scholars refer to as "trust in police" or "trust in justice."

[2]Satisfaction is missing for respondents who did not report a police contact in the prior 2 years. To preserve these individuals in the analysis, they are recoded to be 0 s. This means satisfaction may take a value of 0 for two distinct reasons: a respondent did not experience police contact, or they experienced a "very dissatisfied" police contact. When police contact (a dummy variable) and satisfaction (an ordinal variable modeled as continuous) are included together in a regression model, the police contact coefficient will represent a contrast between "very dissatisfied" contact (police contact = 1, satisfaction = 0) and no police contact (police contact = 0, satisfaction = 0), while the satisfaction coefficient will represent the incremental influence of satisfaction, conditional on police contact (police contact = 1, satisfaction = 0–4, or "very dissatisfied" to "very satisfied"). This coding scheme thus resembles an interaction, but without the need to include an interaction term in the regression model.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

TABLE 1 Descriptive statistics

Variable	Valid *N*	Mean (*SD*)	Min, max
Respondent-level outcomes			
Fairness of police[a]	46,941	0.0 (1.0)	−2.9, 2.9
Police effectiveness[b]	50,521	0.0 (0.9)	−2.6, 2.9
Distributive fairness[b]	48,376	0.0 (0.7)	−0.9, 0.9
Procedural fairness[b]	49,499	0.0 (0.9)	−2.4, 2.1
Legitimacy of police[a]	48,104	0.0 (1.0)	−3.3, 2.8
Duty to obey[b]	50,043	0.0 (1.0)	−2.2, 2.0
Moral alignment[b]	50,502	0.0 (0.9)	−2.7, 2.1
Perceived legality[b]	49,199	0.0 (0.7)	−1.7, 1.6
Respondent-level regressors			
Police contact	51,152	34.0%	0, 1
Satisfaction w/ contact[c]	16,895	2.5 (1.2)	0, 4
Minority	50,506	6.3%	0, 1
Female	51,327	54.2%	0, 1
Age	51,218	46.9 (18.5)	14, 102
Citizen	51,316	95.9%	0, 1
Education	51,107	3.8 (1.8)	1, 7
Income	50,802	2.8 (0.9)	1, 4
Country-level regressor			
Established democracy (vs. post-communist)	26	57.7%	0, 1

Note: $N = 51{,}340$. Means of binary variables are shown as percentages. Respondent-level variables are weighted (design weight) whereas the country-level variable is unweighted. Note that for all outcome measures, a higher value indicates a higher level of fairness and legitimacy.
[a]Second-order latent variable from a principal component analysis.
[b]First-order latent variable from a generalized partial credit model.
[c]Sample is limited to respondents who report a police contact.

The study is not designed to reveal causal relationships—it is instead descriptive and exploratory. We nevertheless include several control variables to adjust for obvious sources of confounding of the relationship between police contact and perceptions of fairness and legitimacy. The first set includes gender and age as males and youth are much more likely to engage in law-breaking behaviors (Britt, 2019; Gartner, 2011). Further controls include ethnic minority and citizenship statuses because of the disparate law enforcement treatment of minority populations (Tonry, 1997). The last set of control variables—education and income—accounts for the fact that persons with lower socioeconomic status are more likely to live in socially disadvantaged areas and thus have a greater risk of experiencing involuntary police encounters (Sampson et al., 2002). Although this literature is largely based on U.S. samples, these factors also tend to be associated with attitudes toward police and the criminal justice system (Brown & Reed, 2002). In terms of measurement, gender, whether a person belongs to a minority ethnic group in the country, and citizenship status were dichotomous indicators. Control variables measured continuously include age, educational attainment, and household income. The latter two variables possess ordinal rather than interval-ratio metric, but because the mean outcomes are approximately linear in the responses, they are treated as having interval-ratio metric in the regression models.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

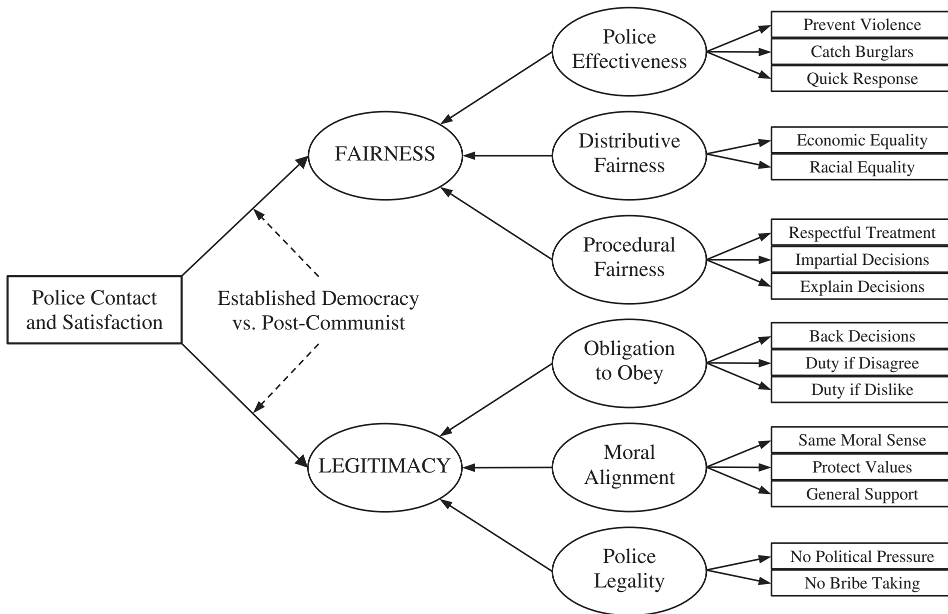

FIGURE 1 Conceptual diagram. *Note*: This diagram provides a guide for the analysis. The first-order latent constructs (police effectiveness, distributive fairness, etc.) are ability scores extracted from generalized partial credit models of the observed indicators. Definitions of the observed indicators are provided in Appendix B. The ability scores are then subjected to principal components analysis to obtain the second-order fairness and legitimacy constructs, which are treated as the dependent variables in the analyses reported below

Analysis

The fairness and legitimacy subconstructs are measured from 16 total items, each with dichotomous or ordinal response coding such that a higher value represents more fairness or legitimacy. The starting point for the analysis is a set of six generalized partial credit models for each first-order construct (police effectiveness, distributive fairness, procedural fairness, duty to obey, moral alignment, and perceived legality), in order to extract the latent ability scores. This is followed by principal components analysis to quantify each second-order construct (fairness of police, legitimacy of police). The factor scores resulting from the latter are then used as dependent variables in a pair of multilevel regression models in which police contact and satisfaction (as well as all respondent-level regressors) are interacted with a dummy indicator for established democracies. The approach is described in more detail below, but Figure 1 is provided as a conceptual guide.

Latent variable models

The generalized partial credit model (GPCM) is a generalization of item response theory (IRT) to polytomous variables (Masters, 1982; Muraki, 1992; for related models, see Hambleton & Swaminathan, 1985; Samejima, 1969). The GPCM is a probability model yielding estimates of item characteristics ("discrimination," "difficulty") and latent respondent characteristics ("ability") which underlie response patterns to a set of ordered measures. Formally, the probability that respondent i (of N individuals) chooses ordered response k (of K responses) to item j (of J items) is written using the logistic distribution function:

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

$$Pr\left(y_{ij}=k\right)=\frac{exp\left[\sum_{s=0}^{k}a_j\left(\theta_i-b_{js}\right)\right]}{\sum_{t=0}^{K}\left\{exp\left[\sum_{s=0}^{t}a_j\left(\theta_i-b_{js}\right)\right]\right\}}$$

Notice there are three distinct outputs from the model. First, the parameter θ_i represents a respondent's "ability," or their position on a latent continuum. A respondent with large θ_i has a systematic tendency to choose higher response categories on all of the items. The estimated value of this person-specific parameter is chosen in such a way as to maximize the likelihood of each subject's observed response pattern, and is the key output that is used for further analysis (described below).[3] Second, the parameter a_j represents an item's "discrimination," or the strength of the association between item j and latent ability θ_i. If a_j is large, then subjects with high ability score higher on the item than subjects with low ability, whereas if a_j is small, subjects with high and low ability score similarly. These item-specific parameters are analogous to factor loadings in factor analysis. Third, the parameter b_{js} represents the item's "step difficulty," or the level of latent ability beyond which the probability that item j is equal to k (vs. k – 1) exceeds 0.5. If b_{js} is large, then relatively few subjects choose response k on item j, whereas if b_{js} is small, many subjects choose the response. These item- and response-specific parameters resemble response thresholds from an ordered logit model. (For interested readers, coefficients from the GPCMs are provided in Appendices C and D.)

The key output from the GPCM is the estimated latent ability score, $\hat{\theta}_i$, which in the present study indicates the degree to which a respondent "endorses" the fairness and legitimacy items with respect to the police, on average. Latent ability is assumed to be continuous and normally distributed with zero mean and estimated variance. Because it possesses equal-interval metric, it is suitable for further analyses rooted in normal-error processes. We therefore subject the latent ability scores to two principal component analyses—one for the three fairness subconstructs (police effectiveness, distributive fairness, procedural fairness) and one for the three legitimacy subconstructs (duty to obey, moral alignment, perceived legality). The resulting factor scores are then used as dependent variables in multilevel regression models, described next. We refer to the resulting factor scores as $\hat{\theta}_i^*$ to distinguish them from the subconstruct latent ability score estimates, $\hat{\theta}_i$, in the description of the multilevel models below.

Multilevel regression models

Because the 51,340 respondents in the ESS are nested in 26 countries, the main portion of the analysis relies on two-level hierarchical models. A simplified version of the model includes a dummy indicator for police contact, a dummy indicator for established democracies, and their interaction (control variables are implied, as are interactions between the established democracy indicator and the control variables):

$$\hat{\theta}_i^*=\alpha+\beta Contact_{ij}+\gamma Established_j+\delta\left(Contact_{ij}\times Established_j\right)+u_j+e_{ij}$$

Given the interaction, the main effect β represents the mean difference in $\hat{\theta}_i^*$ between respondents in post-communist countries who experienced police-initiated contact in the previous 2 years versus respondents in post-communist countries who did not. The interaction coefficient δ is a contrast

[3]An advantageous feature of the GPCM (and related latent trait models), relative to other latent variable methods (e.g., factor analysis, structural equation model), is that respondents need not have complete data on all items in order to obtain an estimate of the latent ability score. Rather, the latent ability scores of respondents with incomplete data will be shrunken toward the grand mean to adjust for their unreliability.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

pertaining to residents of established democracies, such that $\beta + \delta$ represents the mean difference in $\hat{\theta}_i^*$ between respondents in established democracies who experienced police contact versus respondents in established democracies who did not. If post-communist countries and established democracies exhibit the same tendencies with respect to the correlation of police contact with fairness and legitimacy, δ will not differ significantly from zero.[4]

Given the relatively small number of countries in the sample, we did not control for country-level covariates in the multilevel regression analysis (Bryan & Jenkins, 2016). In addition, for generalizable inference using the ESS when respondent-level data are combined from all countries, normed probability weights are required. Two such weights were incorporated into the analysis. The design weight is a respondent weight that adjusts for inclusion probabilities to ensure that the sample of respondents in any single country is generalizable to the population of that country. The population weight is a country weight that adjusts for differences in total population size to ensure that the combined sample is generalizable to all 26 countries.

RESULTS

To explore mean police contact and satisfaction by country, in Figure 2, we plot predictions from intercept-only multilevel models. These are ranked in a so-called caterpillar plot from the lowest mean to the highest mean, with different markers denoting established democracies and post-communist countries. In each graph, the Pearson correlations between an indicator for established democracies and mean levels of police contact and satisfaction exceed +0.4, and even with only 26 countries, both correlations are statistically significant ($p < 0.05$). The clear pattern is for respondents in established democracies to experience more police contact, but also to report higher mean satisfaction with those contacts. Specifically, established democracies exhibit more prevalent police contact by an average of 10 percentage points, and higher mean satisfaction by an average of 0.3 on a five-point scale.

Close inspection indicates that in each graph, 10 of the 15 established democracies (67%) are higher than the global median (i.e., rank >13); whereas 8 of the 11 post-communist countries (73%) are lower than the global median (i.e., rank ≤13). What is also worth noting is the range of mean police contact and satisfaction. For example, respondents in Bulgaria report the least prevalent police contact (16%) whereas respondents in Finland report the most (50%). On the other hand, residents of Ukraine experience the lowest mean satisfaction with police contact (mean = 1.7, intermediate between "dissatisfied" and "neither dissatisfied nor satisfied"), whereas in Sweden, mean satisfaction is highest (mean = 3.0, equal to "satisfied").

In Figure 3, we explore differences in fairness and legitimacy in a similar fashion. In each graph, 11 of the 15 established democracies (73%) possess a higher mean than the global median; whereas 9 of the 11 post-communist countries (82%) are lower than the global median. Because fairness and legitimacy are standardized principal components, the units of the y-axis are standard deviations. Residents of Ukraine thus have mean fairness and legitimacy scores that are one full standard deviation lower than the global mean.

Results of the multilevel regression models are available in Table 2. The indicator for established democracies is interacted with all variables, with the summing of interaction effects and the appropriate main effects shown in the table. To simplify interpretation of the results, the coefficients pertaining to established democracies and post-communist countries are shown in separate columns. Note that positive coefficients signify higher ratings of fairness and legitimacy, whereas negative coefficients represent lower ratings.

[4]Because the model is fully interacted with the dummy variable for established democracies, an obvious concern is high collinearity stemming from inclusion of many interaction effects. To be sure the results are not distorted by high collinearity, we estimated separate multilevel regression models for established democracies and post-communist countries. Comparisons of coefficients across models replicate what is described below.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

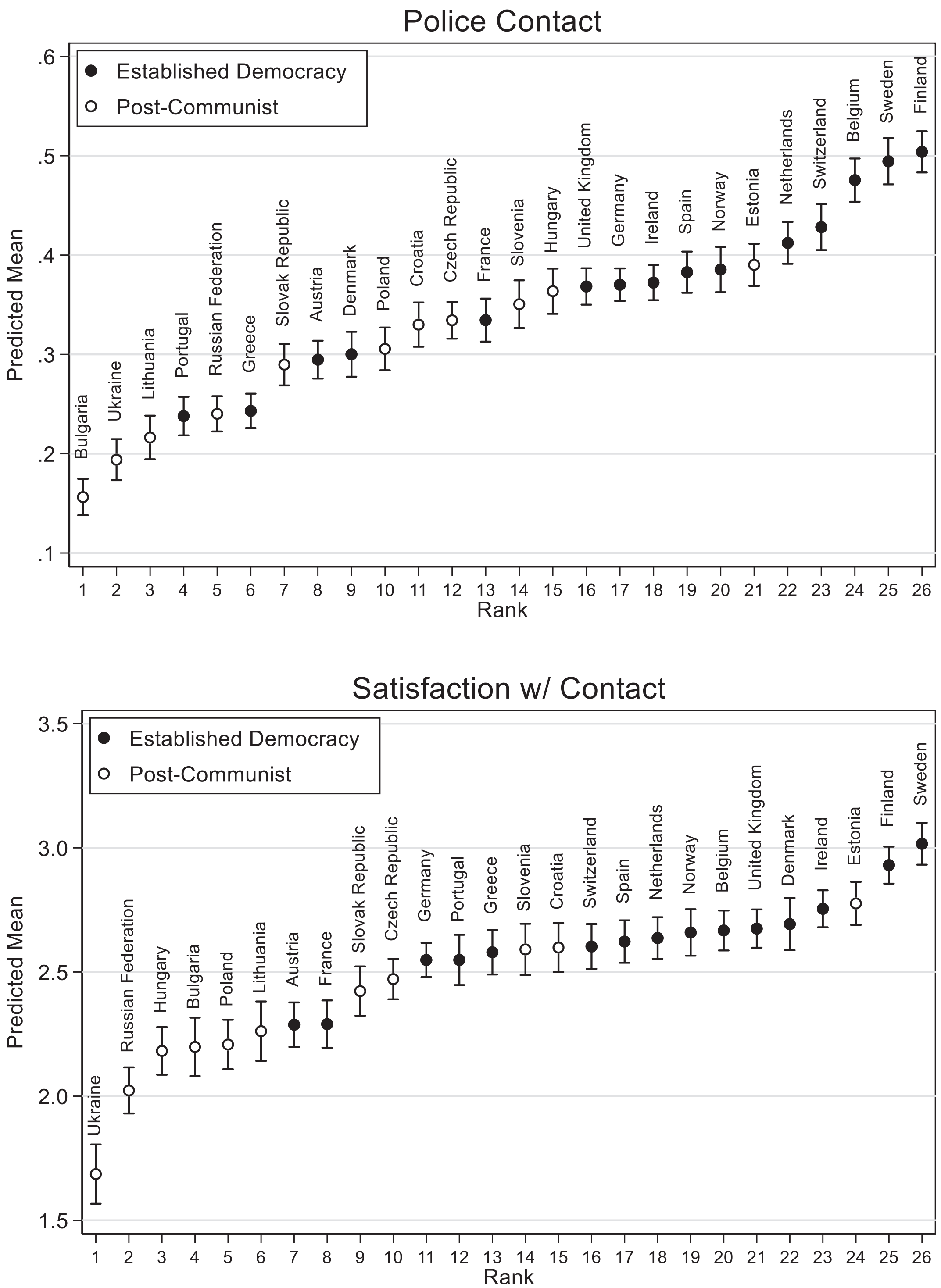

FIGURE 2 Caterpillar plots of country-level police contact. *Note*: Police contact is binary, so the country-level mean is a proportion. Satisfaction with contact is ordinal, with response categories ranging from 0 (very dissatisfied) to 4 (very satisfied). Pearson's correlation coefficients with an indicator for established democracies are 0.48 (police contact; $p < 0.05$) and 0.56 (satisfaction with contact; $p < 0.01$). Spearman's rank correlation coefficient between the country means of police contact and satisfaction is 0.76 ($p < 0.001$)

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

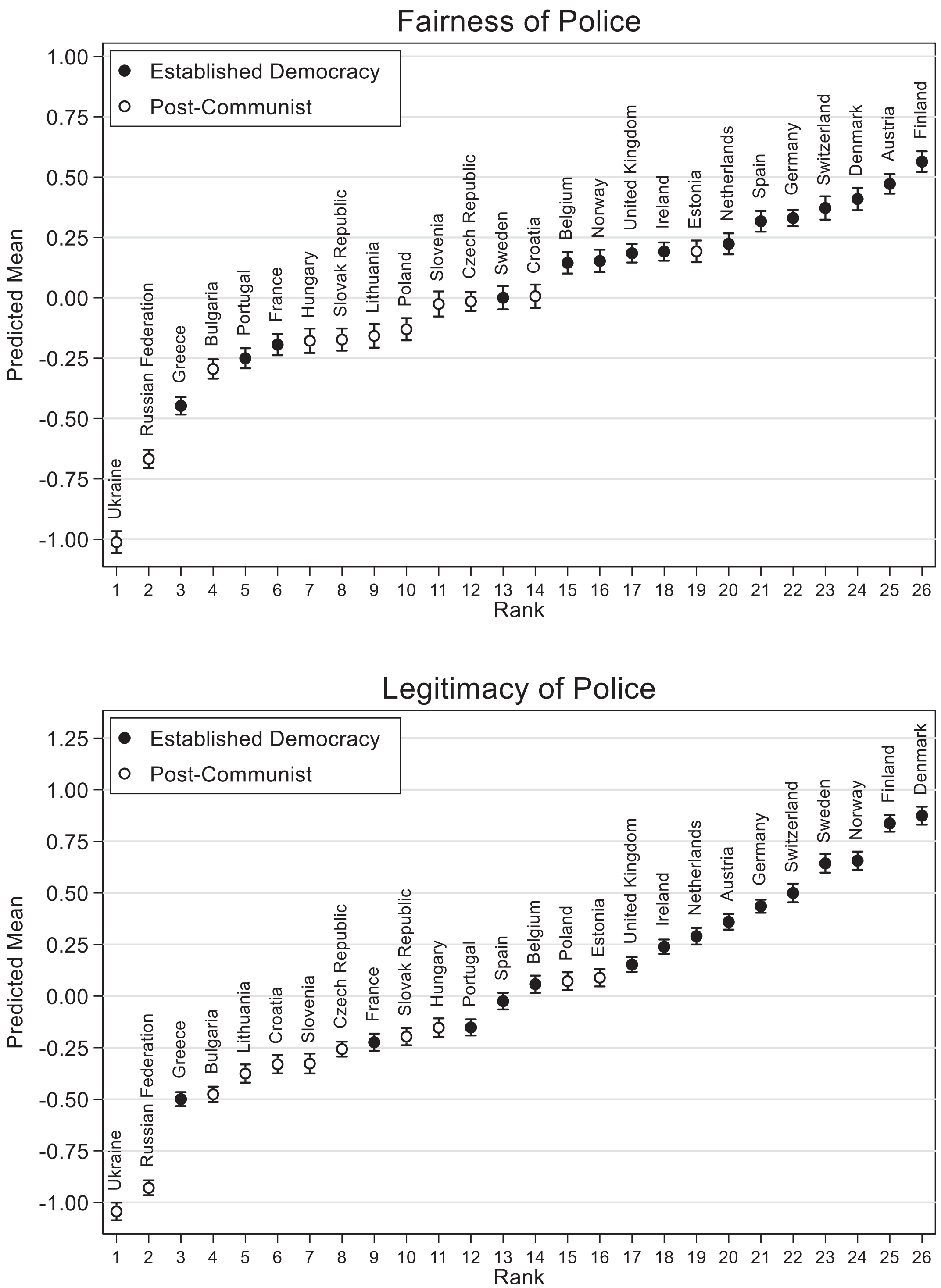

FIGURE 3 Caterpillar plots of country-level fairness and legitimacy, by region. *Note*: Spearman's rank correlation coefficient between the country means of fairness and legitimacy is 0.83 ($p < 0.001$)

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

TABLE 2 Multilevel regression model results for the correlation of police contact with fairness and legitimacy, by region

Regressor	Fairness of police (N = 45,494)		Legitimacy of police (N = 46,611)	
	Established democracy	Post-communist	Established democracy	Post-communist
	Coeff. (*SE*)	Coeff. (*SE*)	Coeff. (*SE*)	Coeff. (*SE*)
Police contact	−0.68 (0.07)***	−0.89 (0.07)***	−0.56 (0.06)***	−0.81 (0.06)***
Satisfaction w/ contact	0.22 (0.02)***	0.35 (0.03)***	0.19 (0.02)***	0.32 (0.02)***
Minority	−0.03 (0.05)	0.17 (0.02)***	0.04 (0.05)	0.05 (0.02)**
Female	0.01 (0.03)	0.02 (0.01)	−0.06 (0.02)***	0.04 (0.02)*
Age/10	0.03 (0.01)**	0.02 (0.01)*	0.05 (0.00)***	0.05 (0.01)***
Citizen	−0.30 (0.05)***	−0.19 (0.07)**	−0.22 (0.04)***	−0.11 (0.08)
Education	−0.02 (0.01)*	−0.04 (0.01)***	0.02 (0.01)	−0.03 (0.01)**
Income	0.11 (0.01)***	0.12 (0.01)***	0.10 (0.01)***	0.09 (0.01)***

Note: Estimates are weighted at the respondent level (design weight) as well as the country level (population weight). Included but not shown are an intercept and dummy indicators for the number of items in the dependent variable with missing values. Shaded coefficients are those that significantly differ across regions ($p < 0.05$). A positive coefficient indicates a higher level of fairness and legitimacy. The coefficient for police contact is a contrast between respondents who report police contact with which they were "very dissatisfied," versus respondents who report no police contact at all. The coefficient for satisfaction then denotes the incremental relationship of contact satisfaction (from "very dissatisfied" to "very satisfied") with the fairness and legitimacy outcomes, conditional on experiencing police contact.

*$p < 0.05$.

**$p < 0.01$.

***$p < 0.001$ (two-tailed tests).

Before turning our attention to police contact and satisfaction, our key variables, we describe the control variables. Generally, individuals who are older, who are noncitizens, who have less education, and who have more income exhibit higher levels of fairness and legitimacy than their younger, non-citizen, better-educated, and lower-income counterparts. With the exception of education and legitimacy, this is true irrespective of region. Interestingly, minorities report a higher level of fairness and legitimacy, but only in post-communist countries. In the case of fairness, the regional difference is statistically significant. While there is no gender difference in perceptions of fairness, women report significantly lower levels of legitimacy in established democracies, but significantly higher levels in post-communist countries. This regional difference is itself statistically significant. We return to ethnicity and gender at a later point, when we find in some sensitivity analyses that regional differences in both fairness and legitimacy become stronger.

The coefficients for police contact and satisfaction have uniform direction and significance in both outcome models and in both established democracies and post-communist countries, suggesting respondents who have different experiences with the police differ significantly in their perceptions of fairness and legitimacy, irrespective of region. First, recall the police contact coefficients capture the difference in ratings of fairness and legitimacy between respondents who report being "very dissatisfied" with their most recent police contact and respondents who report no police contact at all. These coefficients are consistently negative and significant, indicating that the most-dissatisfied police contacts correspond with erosion in fairness and legitimacy compared to no police contact. Second, the satisfaction coefficients quantify differences in fairness and legitimacy conditional on police contact, by contrasting respondents who differ in their reported level of satisfaction with their last police encounter. These coefficients are consistently positive and significant, which indicates that most-satisfied police contacts correspond with higher ratings of fairness and legitimacy than most-dissatisfied police contacts.

Third, cross-region comparison of the police contact and satisfaction coefficients indicate stronger correlations in post-communist countries than in established democracies. For example, mean ratings of fairness among respondents with very dissatisfied police contacts in established

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

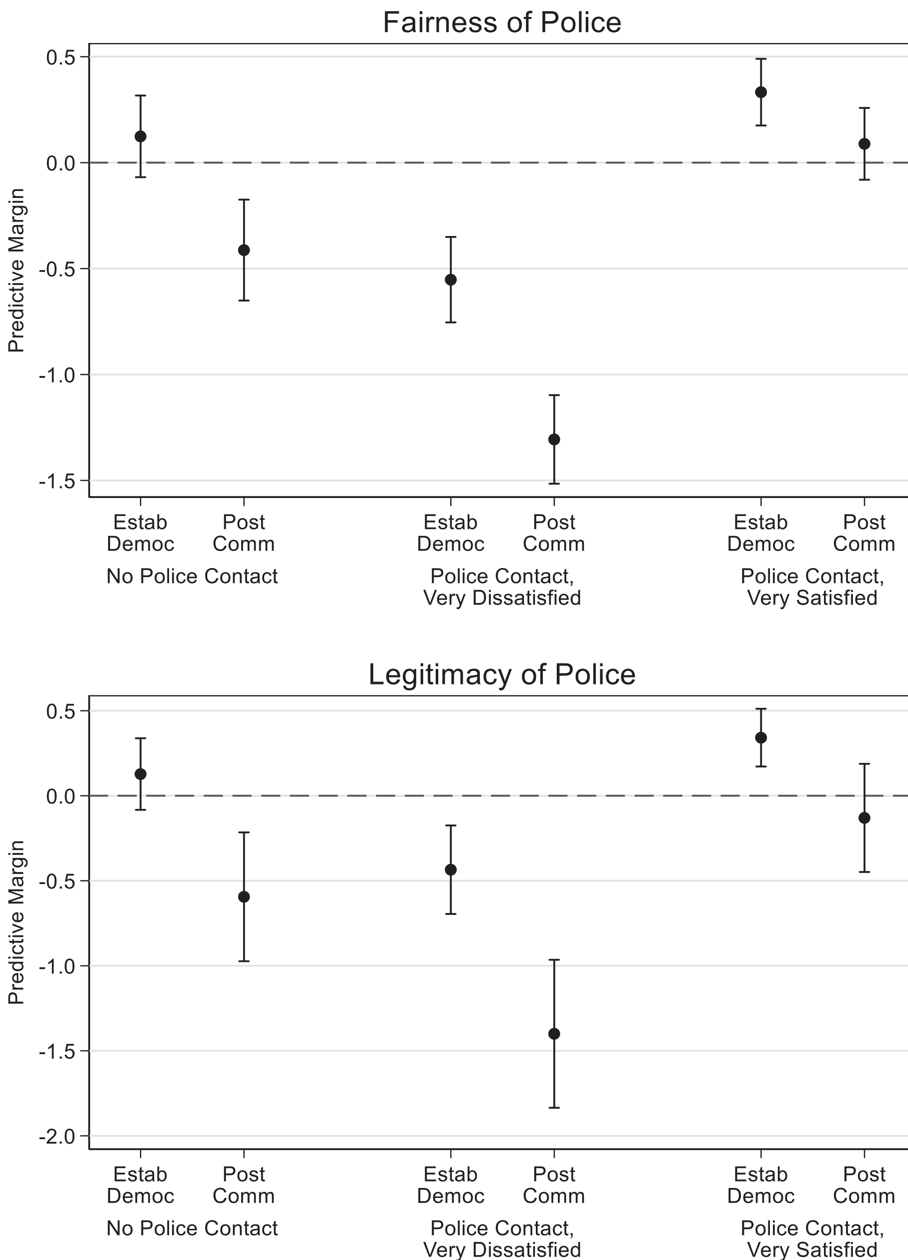

FIGURE 4 Predictive margins of country-level fairness and legitimacy, by region and police contact. *Note*: Within-region differences in predictive margins are all statistically significant ($p < 0.001$), such that mean fairness and legitimacy are highest among respondents with very satisfied police contact, and lowest among respondents with very dissatisfied police contact. Except for mean fairness conditional on very satisfied police contact, cross-region differences in predictive margins are also statistically significant ($p < 0.05$), indicating mean fairness and legitimacy are higher in established democracies than in post-communist countries

democracies is lower by 0.68 compared to their peers in established democracies with no police contact. In post-communist countries, on the other hand, the mean is lower by 0.89—about 1/3 larger in magnitude in post-communist countries relative to established democracies, and judged against a lower baseline. The same pattern of results holds with respect to ratings of legitimacy—the coefficient for police contact is larger by almost 1/2 in post-communist countries. Furthermore, the

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

incremental improvement in fairness and legitimacy corresponding to the level of satisfaction is significantly larger (and more than 50% larger in magnitude) in post-communist countries than in established democracies.[5]

To better understand the relationships indicated in Table 2, Figure 4 provides cross-region comparisons of fairness and legitimacy by police contact experiences. These are predictive margins which hold all other regressors constant at their observed values. The figure shows, first, that being "very dissatisfied" with prior police contact corresponds with significantly lower ratings of fairness and legitimacy relative to no police contact or to "very satisfied" police contact. Respondents with very-satisfied police contacts also report significantly higher ratings than respondents with no police contact. We thus find that police contact experiences are correlated with fairness and legitimacy in such a way that positive experiences are characterized by the highest ratings and negative experiences are characterized by the lowest ratings, irrespective of whether respondents reside in established democracies or post-communist countries.

It can also be seen in the figure that the correlations between police contact experiences and ratings of fairness and legitimacy are stronger in post-communist countries than in established democracies. This can be seen from the fact that the predictive margins differ by a larger margin in post-communist countries. Nor can this be accounted for by the fact that the variables under consideration have larger variances in post-communist countries than in established democracies, as the tests of coefficient significance are consistently larger in post-communist countries relative to established democracies. In summary, while police contact experiences are correlated with fairness and legitimacy in the same way in both established democracies and post-community countries, the correlation is significantly stronger in post-community countries.

In a series of analyses which are not shown, we probe the sensitivity of the foregoing results in a variety of ways. First, we included additional country-level covariates to adjust for obvious sources of confounding of the regional differences in the relationship of police contact and satisfaction with fairness and legitimacy. These were the logged homicide rate, per capita gross domestic product, and Gini coefficient of income inequality, which were included in the model one at a time as well as jointly.[6] Importantly, the existence of the interaction reported in Table 2 was unchanged. We also adjusted for measures of political unrest, by controlling for the total number of casualties due to terrorism from 2001 to 2010 as measured in the Global Terrorism Database (LaFree & Dugan, 2007), as well as the volume of political protest from 1990 to 2004 as measured in the World Handbook of Political Indicators IV (Jenkins et al., 2018).[7] Doing so also did not alter our conclusions from Table 2.

Second, we explored alternative ways to classify countries than the established democracy versus post-communist dichotomy. For example, we substituted an index of democratic governance known as a polity score from the Polity IV Project (Marshall et al., 2018).[8] We alternatively incorporated individual and aggregate ratings of political rights and civil liberties

[5]At the helpful suggestion of an anonymous reviewer, we took additional steps to ensure our findings were not sensitive to unaccounted-for measurement differences in trust and legitimacy across countries. Our solution was to estimate the latent variable models country by country, prior to estimating the multilevel regression model. Doing so allowed each country to have its own measurement properties for the fairness and legitimacy subconstructs as well as the principal components. Aside from slight differences in the magnitude of coefficients and standard errors, the findings were identical with one notable difference. Namely, in the model for fairness of police, the interaction between region and police contact is not statistically significant. This indicates differences in perceptions of fairness between residents who experience very dissatisfied police contact and no police contact are equal in established democracies and post-communist countries.

[6]Homicide and per capita GDP were inversely correlated with fairness and legitimacy, as expected, although the Gini coefficient was unexpectedly positively correlated with fairness (and uncorrelated with legitimacy).

[7]We measured terrorism as the number of incidents, as well as the total number of casualties (fatalities and injuries). We measured political protest as the number of protests, as well as total incidents of political violence. No matter how measured, these additional variables were not correlated with fairness and legitimacy.

[8]The polity score is an ordinal index (range = 1–10) comprising evaluations of political participation, election openness, and checks on executive authority. High values identify more strongly democratic regimes, whereas low values identify more strongly autocratic regimes. The correlation (gamma) between our dichotomous classification and the polity score is 0.68 (among 25 countries for which a 2010 polity score is available), indicating established democracies exhibit more democratic governance ($p < 0.01$), as expected.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

reported annually in Freedom in the World (Freedom House, 2020).[9] We also measured the length of time elapsed since a country was admitted into the European Union.[10] An advantage of these measures is they can be treated as continuous rather than dichotomous measures of democratic strength or longevity. In both instances, the same pattern of results from Table 2 is replicated, and the interactions remained strongly significant. Namely, the correlation between police contact and fairness/legitimacy was more strongly negative in less democratic countries (indicating "very dissatisfied" police contact erodes fairness and legitimacy relative to no contact at all), while the correlation between satisfaction and fairness/legitimacy, conditional on police contact, was more strongly positive in less democratic countries (such that "very satisfied" police contact improved fairness and legitimacy over no police contact). Thus the substitution of continuous measures of democratic governance confirmed our findings from a cruder, dichotomous classification.

Third, we followed the recent advice of Heisig and Schaeffer (2019) to estimate random coefficients on all of the level-1 regressors involved in a cross-level interaction (which is all 8 respondent-level regressors, in our case). Even with only 26 countries, the random effects were precisely estimated, and the interaction of region with police contact and satisfaction persisted. Fourth, we employed a structural equation model to obtain the first- and second-order latent variables, rather than the combination of generalized partial credit models and principal components analysis. Doing so yielded the same pattern and significance of results, but with an important exception. Besides the interactions of region with police contact and satisfaction, the only other interaction was between region and ethnicity, which was statistically significant in both the fairness and legitimacy models. Minorities reported significantly higher levels of fairness and legitimacy, but only in post-communist countries. In established democracies, by comparison, minorities did not differ from their counterparts.

Fifth and finally, because policing scholars might differ in their conceptualizations of fairness and legitimacy (a point to which we return in the closing section), we treated each of the six subconstructs as a dependent variable in a separate multilevel model (regression results for the six subconstructs are shown in Appendix E). We did this to ensure the findings do not hinge on combining the subconstructs in the way we do to form measures of fairness and legitimacy. Police contact experiences were significantly correlated with all six subconstructs in the same direction as previously reported, irrespective of region. Namely, "very dissatisfied" police contact was correlated with erosion in the fairness and legitimacy subconstructs relative to no police contact, and higher levels of satisfaction (conditional on police contact) were correlated with higher levels of the fairness and legitimacy subconstructs. Furthermore, the interaction of police contact experiences with region was fully replicated in four of the six models, and partially replicated in a fifth. The single subconstruct indicating no such regional interaction was distributive fairness, which we believe is a notable finding in its own right.

DISCUSSION AND CONCLUSION

Procedural justice theory has profoundly informed our understanding of how interactions with police influence public opinion. The main contribution of our study, informed by procedural justice and historical institutionalism, is the consideration of how political histories may continue to shape

[9]The democracy score is an aggregate index (range = 0–100) encompassing diverse items related to electoral processes, political participation, government functioning, freedom of expression, rule of law, and personal autonomy and individual rights. We separately considered the 2010 aggregate score as well as measures of political rights (range = 1–7) and civil liberties (range = 1–7), which were averaged. Findings were the same no matter which measure was used. We wish to thank an anonymous reviewer for pointing us to this data source.

[10]This refers to the number of years a country has been an EU member state as of 2010. The correlation (Pearson) between our dichotomous classification and length of EU membership is 0.77 (among the 21 EU countries as of 2010), indicating established democracies have far longer EU membership ($p < 0.001$).

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

policing practices and public opinion about police even after political regimes have changed. This topic has not fared prominently in research on procedural justice, especially not cross-nationally. Our argument is based on what observers of policing in post-communist countries are well aware of—that the pace and depth of reforms was lacking, and that the communist legacy remains influential in how police perform their work. The argument reflects what Beck and Robertson (2009, p. 50) concluded when commenting on police reform in post-Soviet Russia: "much of the police reform has in fact been superficial or involved the continuation—and even the reinforcement—of Soviet trends and traditions, rather than a break from past practices and principles."

There is little doubt, however, that post-communist countries in Europe have witnessed a significant move toward practices and principles of democratic policing, yet our findings suggest lingering differences compared to established democracies. We found that countries formerly under communist governments had consistently and significantly lower prevalence of and satisfaction with police contact. Perhaps not surprisingly given their experiences with authoritarian regimes, Southern European countries found themselves in the middle between the post-communist and established democracies. Despite police contact being associated with attitudes toward fairness and legitimacy across all countries, we also documented that the association was stronger in the post-communist region. These findings are generally in line with research that finds mistrust and fear of police to be more common in Eastern and Central Europe (e.g., Gerber & Mendelson, 2008; Schaap & Scheepers, 2014).

In light of our results, we should return to the question to what extent have the police in transition left their undemocratic past behind them? Efforts at reform according to principles of democratic policing likely have helped police transition into becoming a more democratic organization, although evidence and opinions about the impact of police reforms in European countries during transition to democracy is mixed (Kádár, 2001). It is also perhaps indicative of a positive change that differences between post-communist countries and established democracies we found in our data are not vast, suggesting they might be converging. However, with increasing powers granted to police as they are tasked with policing the refugee crisis, it is not certain that differences will continue to narrow (Aas & Bosworth, 2013). When police are given expanded rights to use force, with little oversight and independent monitoring, the trust that the public has in law enforcement—and its fairness and legitimacy—may deteriorate.

We should also note that even though trust in governments has generally been increasing, with some variation, in post-communist countries, public perception of law enforcement is tainted by issues that post-communist countries continue to face to a greater extent than their Western and North European counterparts. While arguably less of an issue relative to the early years of democratic transition, corruption in the public sector is still relatively high and the public continues to see corruption as a significant problem (Transparency International, 2019). Law enforcement represents the state most visibly and the public support it enjoys is closely linked to how the public perceives government institutions more broadly (Kutnjak Ivković, 2008). In that respect, the extent to which the public in post-communist countries will perceive fair and legitimate authority is not only related to how police perform their jobs, but also to how the government is perceived. In that sense, if the public has low opinion about the government, it may also have low expectations of the services the government provides, including law enforcement. As long as government-related issues like corruption continue to plague post-communist countries, increase in perceptions of police fairness and legitimacy may be slow to materialize.

Even though trajectories of policing and police–public interactions since the fall of Communism, as we argued, are similar and path dependent, there is also idiosyncrasy in the way police forces have changed and the extent to which they remained the same. When describing the emergence of East European capitalism, Stark and Bruszt (2001, p. 1130) commented that "the ruins of communism were not a tabula rasa" but, they also added, path dependency is not entirely *past* dependency. Social and political actors creatively use the resources at their disposal to assemble systems with unique characteristics. In that respect, despite arguing that the results we have observed in our study are a

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

product of similar political pasts, they also reflect idiosyncratic local circumstances. Comparative knowledge about police contact and public opinion about law enforcement would benefit from research that digs deeper, using case studies, into the nature of policing, and its change, during the period of democratic transition.

A longer historical view indicates other historical differences between and within regions. Parts of Europe that used to be under the Austro-Hungarian Empire, such as Austria, Hungary, and Croatia had perhaps as many similarities before the second half of the twentieth century as they had differences afterward. Under Franz Joseph, police forces were established and have taken on some of the contours of policing that were preserved later on, such as centralized governance and a quasi-militaristic command structure (Mawby, 2000). After World War II, however, police forces have kept some of their original features, but the countries under the Soviet influence were molded to maintain the domination of their respective communist parties. This influence was propagated by a standardized system of policing that was "developed in Moscow and exported throughout the socialist societies" (Shelley, 1999, p. 75). The result was significant uniformity in the function, structure, and legitimacy of police across communist Europe—the political function was emphasized, alongside a militaristic structure, whereas legitimacy arose from the party, not from the people (Mawby, 2000).

Furthermore, the post-communist divide is not the only conceptual distinction that can be applied to the European continent. Another classification distinguishes between countries in the core and periphery, and is based on a nation's relationship to the global market economy (Wallerstein, 2004). According to the world systems theory, core countries are those which are commonly associated with the wealthier, more highly industrialized, capitalist West. The periphery, on the other hand, comprises the Central and Eastern European countries (and the Russian Federation), most of which have experienced the transition to a market economy after emerging from Soviet influence in the last three decades. Our classification between post-communist countries and established democracies maps almost exactly onto the core-periphery distinction (Babones, 2005; Chase-Dunn et al., 2000).

While we conceptualized fairness and legitimacy in a way consistent with Hough et al. (2013a, 2013b; Jackson et al., 2011), there is not yet widespread agreement among policing scholars about how best to conceive and measure these constructs, least of all in a comparative context.[11] We conceptualized perceived fairness as the belief of the public that police are effective and competent, and that there is a presumption of fairness and respectfulness in treatment (*police effectiveness*, *distributive fairness*, and *procedural fairness*). This resembles a certain level of trust as defined by Hough and colleagues. Expectations of fair and effective actions by institutional actors would seem to bear little resemblance to notions of trust which emphasize a degree of emotional vulnerability to uncertainty in social relations. For example, Barbalet (2009) views trust as expectations regarding the behavior of others in the absence of pertinent knowledge but carrying with them a risk of betrayal, while Giddens (1991) defines trust as the confidence in the reliability of others which serves as an emotional inoculation against existential anxiety. Interest-based notions of trust emphasize what Hardin (1993, 2002) refers to as "encapsulated interest," or one's judgment that it is in the interest of others to take one's own interests into consideration. Emotional- and interest-based conceptions of trust presume that individuals value continuity in the established relationship, which is of doubtful relevance in one-off encounters like police-citizen interactions.

We conceptualized legitimacy as the belief of the public that they are obliged to respect police authority, on the grounds that police share their values and act lawfully (*obligation to obey*, *moral alignment*, and *police legality*). For other scholars, what we label fairness in this study is closer to how they conceive legitimacy. For Tankebe (2013), legitimacy as a multidimensional construct comprises police effectiveness, distributive fairness, procedural fairness, and lawfulness, but excludes obligation to obey, which is regarded as an outcome rather than a component of legitimacy. This

[11]We wish to acknowledge an anonymous reviewer for alerting us to this debate.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

conceptualization is situated in a dialogic theoretical tradition emphasizing properties of both power holders as well as the audience on the receiving end of the decisions of power holders (Bottoms & Tankebe, 2012, 2017). It is also important to acknowledge that the measurement properties of fairness and legitimacy might systematically differ in comparative contexts, especially in developing and post-colonial nations (Johnson et al., 2014; Tankebe, 2008), as well as among minority groups within a population (Kearns et al., 2020; Sargeant et al., 2014).

Increasingly, scholars are examining how procedural justice theory fares across diverse sets of populations and settings. A study based in Australia, for instance, found that ethnicity moderates the association between procedural justice and cooperation with police, while in a London-based study procedural fairness was more important in predicting cooperation among youth who identified with the UK and another country, rather than only the UK (Bradford, 2014; Murphy & Cherney, 2011). Similarly, in China, South Africa, and Ghana, studies have identified a greater role of police effectiveness in predicting police legitimacy and cooperation compared to studies in Anglo-American samples in which members of the public generally give more weight to procedural fairness (Bradford et al., 2014; Sun et al., 2017; Tankebe, 2009). In line with our study, this research highlights the notion that aspects of procedural justice matter differently depending on the groups that police engage with—and the characteristics of society in which policing takes place.

Our study is not without limitations. Perhaps most importantly, the data are cross-sectional, which restricts our ability to draw causal inferences from observed associations. A longitudinal dataset would be more fitting for analysis of historical trajectories and path dependence, but such data at the cross-national level are not available. Even though causal inference was not the goal of the study, it is also critical to note that our findings may be susceptible to alternative explanations. Specifically, public opinion about law enforcement may be driving the extent to which members of the public are in contact with police, thus introducing the potential for reverse causality, yet this is unlikely because police contact in our study was initiated by the police, and not by members of the public. In some instances, however, the opinion that members of the public already have about police and law enforcement more generally may influence how satisfied they are with police contacts once they took place (Nagin & Telep, 2017; Pina-Sánchez & Brunton-Smith, 2020).

Because of a relatively small number of countries in the ESS sample, we were not in a position to comprehensively control for country-level differences. Although our results withstand controls for lethal violence and economic inequality, future research would benefit from compiling a database with more countries over more time periods so more extensive controls can be included. Finally, we do not have information about the nature of the police encounter—if, for instance, the encounter involved physical force or other forms of violence. In that sense, we were better positioned to empirically show that history and context matter, rather than conclusively show why they matter. Future research would profit from examining how the interactions unfolded and, especially, if they involved verbal harassment or physical force.

Almost regardless of context, police force is one of the state institutions that is slowest to change. The insular nature of its culture, skepticism toward outside influence, and the solidarity that characterizes relationships between police officers make efforts aimed at reform all but quick and straightforward (Bittner, 1970; Shelley, 1999). Similar to the notion of legal cultures, where the focus is on understanding how courts and the legal profession are shaped by local cultural values and norms (Gibson & Caldeira, 1996), our study highlighted the importance of historical context. We demonstrated the need to consider how attitudes toward, and experiences with, police may be shaped by political history—and that the influence of history may linger long after the political regime has changed. Our aim was to expand procedural justice theory to more explicitly embrace the role of history and politics, and in doing so become a more valuable tool for understanding the nature of stability and change in contemporary research on the interactions between police and the public.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

ACKNOWLEDGMENTS

The first version of the study was presented at the conference "Measures and Meanings of Crime and Justice in the Global South" at Rutgers University-Newark. We would like to thank conference attendees for their valuable feedback.

ORCID

Valerio Baćak https://orcid.org/0000-0001-7074-7677

SUPPORTING INFORMATION

Additional supporting information may be found online in the Supporting Information section at the end of this article.

REFERENCES

Aas, Katja Franko, and Mary Bosworth, eds. 2013. *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. New York: Oxford University Press.

Aitchison, Andy. 2016. "Policing after State Socialism." In *The SAGE Handbook of Global Policing*, edited by Ben Bradford, Beatrice Jauregui, Ian Loader, Jonny Steinberg, and Andy Aitchison, 320–36. London: SAGE Publications Ltd.

Alvazzi del Frate, Anna, and John van Kesteren. 2004. "Criminal Victimization in Urban Europe: Key Findings of the 2000 International Crime Victim Surveys." Turin, Italy.

Babones, Salvatore. 2005. "The Country-Level Income Structure of the World-Economy." *Journal of World-Systems Research* 11: 29–55.

Barbalet, Jack. 2009. "A Characterization of Trust, and its Consequences." *Theory and Society* 38: 367–82.

Baumeister, Roy F., Ellen Bratslavsky, Catrin Finkenauer, and Kathleen D. Vohs. 2001. "Bad Is Stronger than Good." *Review of General Psychology* 5: 323–70.

Bayley, David H. 1975. "The Police and Political Development in Europe." In *The Formation of the National States in Western Europe*, edited by Charles Tilly, 328–79. Princeton, NJ: Princeton University Press.

Bayley, David H. 2006. *Changing the Guard: Developing Democratic Police Abroad*. New York: Oxford University Press.

Beck, Adrian, and Yulia Chistyakova. 2002. "Crime and Policing in Post-Soviet Societies: Bridging the Police/Public Divide." *Policing and Society* 12: 123–37.

Beck, Adrian, and Annette Robertson. 2009. "Policing in the 'New' Russia." In *Policing Developing Democracies*, edited by Mercedes S. Hinton and Tim Newburn, 50–72. New York: Routledge.

Bittner, Egon. 1970. *The Functions of the Police in Modern Society. A Review of Background Factors, Current Practices, and Possible Role Models*. Chevy Chase, MD: National Institute of Mental Health, Center for Studies of Crime and Delinquency.

Bradford, Ben. 2014. "Policing and Social Identity: Procedural Justice, Inclusion and Cooperation between Police and Public." *Policing and Society* 24: 22–43.

Bradford, Ben, Aziz Huq, Jonathan Jackson, and Benjamin Roberts. 2014. "What Price Fairness When Security Is at Stake? Police Legitimacy in South Africa." *Regulation and Governance* 8: 246–68.

Britt, Chester L. 2019. "Age and Crime." In *The Oxford Handbook of Developmental and Life-Course Criminology*, edited by David P. Farrington, Lila Kazemian, and Alex R. Piquero, 13–33. New York: Oxford University Press.

Bottoms, Anthony, and Justice Tankebe. 2012. "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice." *Journal of Criminal Law and Criminology* 102: 119–70.

Bottoms, Anthony E., and Justice Tankebe. 2017. "Police Legitimacy and the Authority of the State." In *Criminal Law and the Authority of the State*, edited by Antje du Bois-Pedain, Magnus Ulväng, and Petter Asp, 47–88. Oxford: Hart Publishing.

Brown, Ben, and Benedict W. Reed. 2002. "Perceptions of the Police: Past Findings, Methodological Issues, Conceptual Issues and Policy Implications." *Policing: An International Journal* 25: 543–80.

Brunson, Rod K., and Jody Miller. 2006. "Young Black Men and Urban Policing in the United States." *British Journal of Criminology* 46: 613–40.

Bryan, Mark L., and Stephen P. Jenkins. 2016. "Multilevel Modelling of Country Effects: A Cautionary Tale." *European Sociological Review* 32: 3–22.

Chase-Dunn, Christopher, Yukio Kawano, and Benjamin D. Brewer. 2000. "Trade Globalization since 1795: Waves of Integration in the World-System." *American Sociological Review* 65: 77–95.

Emsley, Clive. 2007. *Crime, Police, and Penal Policy: European Experiences 1750–1940*. New York: Oxford University Press.

Epp, Charles R., Steven Maynard-Moody, and Donald P. Haider-Markel. 2014. *Pulled over: How Police Stops Define Race and Citizenship*. Chicago: University of Chicago Press.

European Social Survey. 2009. *Round 5 Specification for Participating Countries*. London: Centre for Comparative Social Surveys, City University London. Retrieved from http://www.europeansocialsurvey.org/docs/round5/methods/ESS5_project_specification.pdf

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

European Social Survey. 2011. *Round 5 Module on Trust in the Police and Courts—Final Question Design Template*. London: Centre for Comparative Social Surveys: City University London.

Fassin, Didier. 2013. *Enforcing Order: An Ethnography of Urban Policing*. Cambridge, UK: Polity Press.

Fitzgerald, Rory, and Roger Jowell. 2010. "Measurement Equivalence in Comparative Surveys: The European Social Survey (ESS)—From Design to Implementation and Beyond." In *Survey Methods in Multinational, Multiregional, and Multicultural Contexts*, edited by Janet A. Harkness, Michael Braun, Brad Edwards, Timothy P. Johnson, Lars E. Lyberg, Peter Mohler, Beth-Ellen Pennell, and Tom Smith, 485–95. Hoboken, NJ: John Wiley & Sons, Ltd.

Freedom House. 2020 (August). *Freedom in the World*. Retrieved from https://freedomhouse.org/sites/default/files/2020-02/2020_Aggregate_Category_and_Subcategory_Scores_FIW_2003-2020.xlsx

Galeotti, Mark. 1993. "Perestroika, Perestrelka, Pereborka: Policing Russia in a Time of Change." *Europe-Asia Studies* 45: 769–86.

Gartner, Rosemary. 2011. "Sex, Gender, and Crime." In *The Oxford Handbook of Crime and Criminal Justice*, edited by Michael Tonry, 348–84. New York: Oxford University Press.

Gerber, Theodore P., and Sarah E. Mendelson. 2008. "Public Experiences of Police Violence and Corruption in Contemporary Russia: A Case of Predatory Policing?" *Law & Society Review* 42: 1–44.

Gibson, James L., and Gregory A. Caldeira. 1996. "The Legal Cultures of Europe." *Law & Society Review* 30: 55–86.

Giddens, Anthony. 1979. *Central Problems in Social Theory: Action, Structure*. Berkeley, CA: University of California Press.

Giddens, Anthony. 1991. *Modernity and Self-Identity: Self and Society in the Late Modern age*. Stanford, CA: Stanford University Press.

Gieseke, Jens. 2014. *The History of the Stasi: East Germany's Secret Police, 1945–1990*. New York: Berghahn Press.

Hajdinjak, Marko. 2002. "Smuggling in Southeast Europe." In *The Yugoslav Wars and the Development of Regional Criminal Networks in the Balkans*. Sofia, Bulgaria: Center for the Study of Democracy.

Hambleton, Ronald K., and Hariharan Swaminathan. 1985. *Item Response Theory: Principles and Applications*. Boston: Kluwer.

Hardin, Russell. 1993. "The Street-Level Epistemology of Trust." *Politics and Society* 21: 505–29.

Hardin, Russell. 2002. *Trust and Trustworthiness*. New York: Russell Sage Foundation.

Heisig, Jan Paul, and Merlin Schaeffer. 2019. "Why You Should Always Include a Random Slope for the Lower-Level Variable Involved in a Cross-Level Interaction." *European Sociological Review* 35: 258–79.

Hill, Josh B. 2010. "Conflict Policing: Policing in a Time of War." *International Criminal Justice Review* 20: 384–97.

Hinton, Mercedes S., and Tim Newburn. 2009. "Introduction: Policing Developing Democracies." In *Policing Developing Democracies*, edited by Mercedes S. Hinton and Tim Newburn, 1–27. New York: Routledge.

Holmes, Leslie. 2009. "Crime, Organised Crime and Corruption in Post-Communist Europe and the CIS." *Communist and Post-Communist Studies* 42: 265–87.

Hough, Mike, Jonathan Jackson, Ben Bradford, Andy Myhill, and Paul Quinton. 2010. "Procedural Justice, Trust, and Institutional Legitimacy." *Policing* 4: 203–10.

Hough, Mike, Jonathan Jackson, and Ben Bradford. 2013a. "The Drivers of Police Legitimacy: Some European Research." *Journal of Policing, Intelligence and Counter Terrorism* 8: 145–65.

Hough, Mike, Jonathan Jackson, and Ben Bradford. 2013b. "Legitimacy, Trust and Compliance: An Empirical Test of Procedural Justice Theory Using the European Social Survey." In *Legitimacy and Criminal Justice: An International Exploration*, edited by Justice Tankebe and Alison Liebling. New York: Oxford University Press.

Jackson, Jonathan, Ben Bradford, Mike Hough, Jouni Kuha, Sally Stares, Sally Widdop, Rory Fitzgerald, Maria Yordanova, and Todor Galev. 2011. "Developing European Indicators of Trust in Justice." *European Journal of Criminology* 8: 267–85.

Jenkins, J. Craig, Charles L. Taylor, Marianne Abbott, Thomas V. Maher, and Lindsey Peterson. 2018. *Global Conflict Data: Introducing the World Handbook of Political Indicators IV*. Columbus, OH: Ohio State University. Retrieved from https://sociology.osu.edu/sites/default/files/Global%20Conflict%20Data-%20introducing%20WHIV%20%28031818–no%20zotero%29.pdf

Johnson, Devon, Edward R. Maguire, and Joseph B. Kuhns. 2014. "Public Perceptions of the Legitimacy of the Law and Legal Authorities: Evidence from the Caribbean." *Law and Society Review* 48: 947–78.

Jones, Trevor, and Tim Newburn. 2002. "The Transformation of Policing? Understanding Current Trends in Policing Systems." *The British Journal of Criminology* 42: 129–46.

Kádár, András, ed. 2001. *Police in Transition: Essays on the Police Forces in Transition Countries*. Budapest: Central Europe University Press.

Kääriäinen, Juha Tapio. 2007. "Trust in the Police in 16 European Countries." *European Journal of Criminology* 4: 409–35.

Kearns, Erin M., Emma Ashooh, and Belén Lowrey-Kinberg. 2020. "Racial Differences in Conceptualizing Legitimacy and Trust in Police." *American Journal of Criminal Justice* 45: 190–214.

Kutnjak Ivković, Sanja. 2005. "Public Support for Police in Countries in Transition and Established Democracies." In *Comparative and International Criminal Justice: Traditional and Nontraditional Systems of law and Control*, edited by Charles B. Fields and Richter H. Moore, 174–93. Long Grove, IL: Waveland Press, Inc.

Kutnjak Ivković, Sanja. 2008. "A Comparative Study of Public Support for the Police." *International Criminal Justice Review* 18: 406–34.

Kutnjak Ivković, Sanja. 2009. "The Croatian Police, Police Integrity, and Transition toward Democratic Policing." *Policing* 32: 459–88.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

Kutnjak Ivković, Sanja, and Tara O'Connor Shelley. 2005. "The Bosnian Police and Police Integrity." *European Journal of Criminology* 2: 428–64.

LaFree, Gary, and Laura Dugan. 2007. "Introducing the Global Terrorism Database." *Terrorism and Political Violence* 19: 181–204.

Lerman, Amy E., and Vesla M. Weaver. 2014. *Arresting Citizenship: The Democratic Consequences of American Crime Control*. Chicago: University of Chicago Press.

Marenin, Otwin, and Marina Caparini. 2005. "Reforming the Police in Central and Eastern European States." In *Comparative and International Criminal Justice: Traditional and Nontraditional Systems of Law and Control*, edited by Charles B. Fields and Richter H. Moore, 217–42. Long Grove, IL: Waveland Press, Inc.

Marshall, Monty G., Ted Robert Gurr, and Keith Jaggars. 2018. *Political Regime Characteristics and Transitions, 1800–2017: Dataset Users' Manual*. Vienna: Center for Systemic Peace Retrieved from http://www.systemicpeace.org/inscr/p4manualv2017.pdf

Masters, Geoff N. 1982. "A Rasch Model for Partial Credit Scoring." *Psychometrika* 47: 149–74.

Mawby, Rob. 2000. "The Changing Face of Policing in Central and Eastern Europe." *International Journal of Police Science & Management* 2: 199–216.

Mawby, Robert. 2001. "The Impact of Transition: A Comparison of Post-Communist Societies with Earlier "Societies in Transition."." In *Police in Transition*, edited by Andras Kadar. Budapest, Hungary: Central European University.

Mazerolle, Lorraine, Sarah Bennett, Jacqueline Davis, Elise Sargeant, and Matthew Manning. 2013. "Procedural Justice and Police Legitimacy: A Systematic Review of the Research Evidence." *Journal of Experimental Criminology* 9: 245–74.

Mehozay, Yoav, and Roni Factor. 2017. "Deeply Embedded Core Normative Values and Legitimacy of Law Enforcement Authorities." *Journal of Research in Crime and Delinquency* 54: 151–80.

Muraki, Eiji. 1992. "A Generalized Partial Credit Model: Application of an EM Algorithm." *Applied Psychological Measurement* 16: 159–76.

Murphy, Kristina, and Adrian Cherney. 2011. "Fostering Cooperation With the Police: How do Ethnic Minorities in Australia Respond to Procedural Justice-Based Policing?" *Australian and New Zealand Journal of Criminology* 44: 235–57.

Nagin, Daniel S., and Cody W. Telep. 2017. "Procedural Justice and Legal Compliance." *Annual Review of Law and Social Science* 13: 5–28.

Nivette, Amy E., Manuel Eisner, Tina Malti, and Denis Ribeaud. 2015. "The Social and Developmental Antecedents of Legal Cynicism." *Journal of Research in Crime and Delinquency* 52: 270–98.

Pierson, Paul, and Theda Skocpol. 2002. "Historical Institutionalism in Contemporary Political Science." In *Political Science: State of the Discipline*, edited by Ira Katznelson and Helen V. Milner, 693–721. New York City: Norton.

Pina-Sánchez, Jose, and Ian Brunton-Smith. 2020. "Reassessing the Relationship between Procedural Justice and Police Legitimacy." *Law and Human Behavior* 44: 377–93.

Pino, Nathan, and Michael D. Wiatrowski, eds. 2006. *Democratic Policing in Transitional and Developing Countries*. Hamphshire, England: Ashgate.

Pridemore, William Alex, and Sang Weon Kim. 2006. "Democratization and Political Change as Threats to Collective Sentiments: Testing Durkheim in Russia." *Annals of the American Academy of Political and Social Science* 605: 82–103.

Samejima, Fumiko. 1969. "Estimation of Latent Ability Using a Response Pattern of Graded Scores." *Psychometrika* 34: 1–97.

Sampson, Robert J., Jeffrey D. Morenoff, and Thomas Gannon-Rowley. 2002. "Assessing "Neighborhood Effects": Social Processes and New Directions in Research." *Annual Review of Sociology* 28: 443–78.

Sargeant, Elise, Kristina Murphy, and Adrian Cherney. 2014. "Ethnicity, Trust and Cooperation with Police: Testing the Dominance of the Process-Based Model." *European Journal of Criminology* 11: 1–44.

Schaap, Dorian, and Peer Scheepers. 2014. "Comparing Citizens' Trust in the Police Across European Countries." *International Criminal Justice Review* 24: 82–98.

Shelley, Louise I. 1999. "Post-Socialist Policing: Limitations on Institutional Change." In *Policing across the World: Issues for the Twenty-First Century*, edited by Rob I. Mawby, 75–87. New York: Routledge.

Skocpol, Theda. 1979. *States and Social Revolutions: A Comparative Analysis of France, Russia, and China*. New York: Cambridge University Press.

Skogan, Wesley G. 2012. "Assessing Asymmetry: The Life Course of a Research Project." *Policing and Society* 22: 270–9.

Stamatel, Janet P. 2009. "Correlates of National-Level Homicide Variation in Post-Communist East-Central Europe." *Social Forces* 87: 1423–48.

Stan, Lavinia, ed. 2009. *Transitional Justice in Eastern Europe and the Former Soviet Union: Reckoning with the Communist Past*. New York: Routledge.

Stark, David, and László Bruszt. 2001. "One Way or Multiple Paths: For a Comparative Sociology of East European Capitalism." *American Journal of Sociology* 10: 1129–37.

Sun, Ivan Y., Yunning Wu, Rong Hu, and Ashley K. Farmer. 2017. "Procedural Justice, Legitimacy, and Public Cooperation with Police: Does Western Wisdom Hold in China?" *Journal of Research in Crime and Delinquency* 54: 454–78.

Tankebe, Justice. 2008. "Police Effectiveness and Police Trustworthiness in Ghana: An Empirical Appraisal." *Criminology and Criminal Justice* 8: 185–202.

Tankebe, Justice. 2009. "Public Cooperation with the Police in Ghana: Does Procedural Fairness Matter?" *Criminology* 47: 1265–93.

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press

Tankebe, Justice. 2013. "Viewing Things Differently: The Dimensions of Public Perceptions of Police Legitimacy." *Criminology* 51: 103–35.
Thelen, Kathleen. 1999. "Historical Institutionalism in Comparative Politics." *Annual Review of Political Science* 2: 369–404.
Tonry, Michael. 1997. "Ethnicity, Crime, and Immigration." *Crime and Justice* 21: 1–29.
Transparency International. 2019. *Corruption Perception Index 2019*. Berlin, Germany: Transparency International.
Tyler, Tom R. 2011. "Trust and Legitimacy: Policing in the USA and Europe." *European Journal of Criminology* 8: 254–66.
Tyler, Tom R. 1990. *Why People Obey the Law: Procedural Justice, Legitimacy, and Compliance*. New Haven, CT: Yale University Press.
Tyler, Tom R., and Yuen J. Huo. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation.
Wallerstein, Immanuel. 2004. *World-Systems Analysis: An Introduction*. Durham, NC: Duke University Press.
Welsh, Helga A. 1996. "Dealing with the Communist Past: Central and East European Experiences after 1990." *Europe-Asia Studies* 48: 413–28.

AUTHOR BIOGRAPHIES

Valerio Baćak is an Associate Professor in the School of Criminal Justice at Rutgers University-Newark. His research examines how legal systems of punishment and control shape social inequality, in the United States and globally.

Robert Apel is Professor of Criminal Justice at Rutgers University-Newark. His areas of specialization include labor markets, the life course, violence and injury, and criminal justice policy.

How to cite this article: Baćak, Valerio, Robert Apel. 2021. "Police fairness and legitimacy across the post-communist divide in Europe." *Law & Society Review* 55(3): 473–495. https://doi.org/10.1111/lasr.12570

https://doi.org/10.1111/lasr.12570 Published online by Cambridge University Press