

Achieving peaceful regime change: Why do losers consent?

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*Abstract*

Proponents of the rule of law argue that democratic procedures are valuable because they encourage people to accept unfavorable policies that they do not want or feel are fair. This is one reason that elections are central to determining who will make decisions. It is believed that when leaders are fairly chosen their authority is more likely to be accepted as legitimate, especially among those who do not support them. Further, it is believed that elections can more broadly legitimate a regime, leading to feelings of responsibility and obligation to obey everyday laws. This paper reports the results of two panel studies which test the influence of the fairness of elections upon the legitimation of the winner and of the law. The findings show that election fairness matters. It is central to the perceived obligation to accept the decisions and policies of legal and political leaders. This supports the rule of law suggestion that the ability of authorities to be effective is influenced by public views about the fairness of the election through which they gained office.

### *Introduction*

A key element underlying Presidential authority is the widespread belief that the President is a legitimate authority who is entitled to make policies that all Americans ought to accept and follow (Tyler, 2006a). How does the President gain such legitimacy? Elections are traditionally viewed within political science as the procedure through which Democratic leaders are chosen and their authority legitimated (Anderson, Blais, Bowler, Donovan & Listhaug, 2005), an argument reinforced by findings in behavioral economics (Frey & Stutzer, 2004) and social psychology (Gonzalez & Tyler, 2008). This is one reason that the contested Bush v. Gore 2000 election results were of such interest to political and legal scholars. It was anticipated that questions about the legitimacy of this election might undermine the legitimacy of the new American President and of government more generally. Yet, according to legal scholars (Ackerman, 2002; Sunstein & Epstein, 2001) and political scientists (Price & Romantan, 2004) public reactions appear to have been muted. This raises the question of the extent to which the fairness of elections truly matters. This question is crucial to both political science and law because a central premise of arguments linked to the rule of law is that democracy has advantages of stability and efficiency which flow from the legitimacy gained through adherence to fair procedures.

This paper explores whether elections do in fact legitimate political leaders and whether that legitimation extends to support for the rule of law. In addition, it examines the degree to which legitimation, when it occurs, involves deference to newly empowered authorities as opposed to belief and attitude change.

This is an argument that resonates well with recent empirical findings in the social sciences. Studies in behavioral economics indicate that procedures have utility above and beyond their outcomes (Frey & Stutzer, 2004). For example, Stutzer & Frey (2006) demonstrated that the ability to participate in political decisions increased well-being. A similar conclusion emerges from the psychological literature on procedural justice, a literature which suggests that fair procedures are crucial to empowering authorities who will be accepted and deferred to (Lind & Tyler, 1988). The procedural justice argument suggests that the use of fair procedures is a key to the task of enabling political institutions to successfully manage transitions of power in ways that maintain social order and support the legitimacy of those institutions and their occupants.

Models of political stability stress the importance of avoiding riots, rebellions, civil wars and other forms of collective unrest (Moore, 1978; Muller, 1979). One way to do so is by reconciling the losers to their loss. Studies show that losing decreases support for institutional change because losers view existing political institutions as less legitimate (Anderson, Blais, Bowler, Donovan & Listhaug, 2005). It is therefore particularly important therefore to find ways to legitimate new leaders among those who initially supported candidates who were not the victors. As political scientists have emphasized, it is crucial to be able to obtain “losers’ consent” (Anderson, Blais, Bowler, Donovan & Listhaug, 2005). Political scientists point to elections as central to citizen’s perceptions of government legitimacy (Gonzalez & Tyler, 2008) especially among losers. As Moehler (2009) argues “elections have the potential to confer legitimacy, moderate dissent, engender compliance and heighten citizen efficacy (p. 345)”.

What is it about elections that is legitimizing? Elections are viewed as a fair procedure for deciding who will hold power (Frey & Stutzer, 2004; Gonzalez & Tyler, 2008). In particular, the social psychological literature suggests that people's legitimacy judgments are based upon their perceptions of the procedural justice of the process through which people are selected to hold positions of authority. Elections are legitimizing because they are judged to be a fair procedure for the selection of authorities. In particular, political scientists argue that elections matter because they legitimize the winner in the eyes of both supporters and those in the opposition.

A number of studies link the existence of elections to legitimacy. However, as the recent events in the Bush-Gore election make clear, a reaction to fairness or unfairness is not automatic, and elections can vary in many ways that can potentially shape their positive or negative contribution to views about government legitimacy (Ackerman, 2002; Sunstein & Epstein, 2001). The mere creation of an election framework does not ensure that elections are viewed by the public as legitimate, and apparent unfairness does not automatically undermine it. It is perceived legitimacy that is central to reactions to formal election procedures, election tactics and election outcomes and the key question is how perceived legitimacy is constructed by citizens out of information about outcomes and procedural fairness.

This study first tests the argument that it is the perceived procedural justice of the election process that legitimates the winner of a Presidential election among both supporters and opponents. This analysis builds upon several prior efforts to examine the role of procedural fairness in shaping the acceptance of electoral outcomes. Craig, Martinez, Gainous & Kane (2006) used national election study and other cross-sectional

data to examine the influence of procedural justice upon reactions to elections. They argue that the legitimating influence of fair procedures occurred but was lower among losers, who “tend to be less trustful, less certain of the responsiveness of government to popular concerns, less satisfied with the way democracy is working in the United States, and, at least in the 2000 presidential election, less inclined to extend legitimacy to the victorious candidate (pp. 589)”. Anderson & LoTempio (2002) similarly suggest that losers are lower in subsequent trust.

The goal in this study is to address the role of procedural justice in shaping legitimacy, but to do so using longitudinal data analyses that help to separate election outcomes from evaluations of election procedures. Price & Romantan (2004) used this approach to examine confidence in government following the 2000 election. They found that confidence during this period in which the American public might have viewed election procedures as unfair remained “remarkably stable (p. 950)” during this period, and this included confidence in the Presidency, Congress, and the Supreme Court. Unfortunately, this study did not directly measure perceptions of procedural fairness. This stability argument is also supported by an examination of Court support conducted by Gibson (2007), who suggests that “the Court seems as widely trusted today as it was a decade ago (p. 523)”. Again, however, Gibson did not explore the influence of procedural justice.

In addition, by drawing upon the procedural justice literature this study extends the prior examination of procedural justice. Previous studies have relied upon general procedural justice questions that ask about procedural justice in the abstract. The procedural justice literature, in contrast, uses both abstract questions (Was the procedure

fair?) and questions based upon the elements of procedural justice (Was the election neutral?; Were people allowed voice?). This analysis draws upon and compares the use of these two approaches. In particular, the use of questions about procedural elements allows the question of why an election is perceived to be fair or unfair to be addressed.

Further, this study draws upon theories of procedural justice (Tyler & Lind, 1992) and examines the role that relational elements of procedural justice play in legitimation. The relational model of procedural justice argues that the fairness of procedures conveys important messages about inclusion, status and respect. These messages are conveyed by the interpersonal elements of procedural justice, i.e. by quality of interpersonal treatment. Hence, this model of procedural justice suggests that interpersonal treatment might be a key factor shaping people's reactions to events such as national elections. People could potentially be concerned about more than decision making (whether they can get information; whether they can express their views, etc.). They could also be concerned about whether they are being treated with respect and/or whether they feel that political leaders care about and are responsive to their concerns.

The impact of relational judgments on legitimacy is particularly important because it points to an important mechanism through which governments can legitimate themselves. The influence of relational elements of treatment is linked to identity. Authorities convey status and interpersonal respect when they treat people with courtesy, consider their arguments, and show concern for their welfare. Such actions build social bonds and through lead to engagement with institutions and authorities that is linked to shared identity, and feelings of self-worth, status and self-esteem. Hence, through the

procedures of the election political and legal authorities have a mechanism for creating stronger links with the people in their society.

Two studies are reported. The first uses panel data which are part of the National Election Study and includes post-election interviews in two National elections (2000 and 2004). The second uses panel data from a pre and post-election study conducted by Knowledge Networks during the 2008 election. Both studies compare the influence of winning or losing elections to judgments about their procedural fairness upon evaluations of the legitimacy of the government.

### *Study 1*

The perceived procedural justice of the national Presidential election was assessed in National Election Study polls conducted following the 2000 and the 2004 Presidential elections. Of particular interest is a panel study in which the same 786 respondents were asked this question in the same way following both Presidential elections. Study 1 uses the views expressed in this panel to study the question of whether judging the election procedure to be fair shaped legitimacy in ways that were distinct from winning or losing the election. Legitimacy was operationalized using the trust in government scale.

Three questions were addressed in Study 1. First, did the procedural justice of the 2000 election shape trust in government following the 2000 election? Second, did the procedural justice of the 2000 election influence participation in the 2004 election? Third, how do procedural justice judgments made in 2000 and in 2004 jointly shape trust following the election in 2004?



## *Method*

### *Sample.*

Respondents were those people who were in the post 2000 and 2004 post-election panel interviews of the National Election Study (n = 786). The sample had a mean age of 50; was 44% male; and 84% White. It was 33% liberal; 61% conservative; and 6% moderate. Forty-two percent had an annual family income of \$0-25,000. Thirty-one percent had a high school diploma or less; 54% had some college up to a college degree; and 15% had more education.

### *Questionnaire.*

*Election outcome-2000/2004.* Respondents were asked who they voted for and how strongly they felt about that person. These two questions were used to create a scale ranging from 2 (voted for a person they felt strongly in favor of and they won) to -2 (voted for a person they felt strongly in favor of and they lost). In the 2000 sample 43% of the respondents voted for the winner (Bush). In the 2004 sample 46% of the respondents voted for the winner (Bush).

*Procedural justice of the election-2000/2004.* Respondents were asked: “In some countries, people believe their elections are conducted fairly. In other countries, people believe that their elections are conducted unfairly. Thinking about the Presidential election we’ve just had, do you believe it was very fair (5), somewhat fair (4), neither fair nor unfair (3), somewhat unfair (2), or very unfair (1)?” In the 2000 election the mean was 3.38((standard deviation = 1.40); Fifty-eight percent fair; 33% unfair). In the 2004

election the mean was 4.22 ((standard deviation = 1.10); Eighty-four percent fair; 11% unfair).

*Trust-2000/2004.* (2000 wave alpha = 0.73; 2004; wave alpha = 0.67). The trust items were: “Public officials don’t care”; “People do not have a say in government”; “Politics is too complicated”; “How much of taxes does government waste?”; “Is government run for the benefit of big interests or for the benefit of all?”; “How many in government are crooks?”; “Can government be trusted?”; “Elections make government pay attention”; and “The attention the government pays to people when making decisions gives people influence”.

*Satisfaction with democracy -2000/2004.* Respondents were asked if they were: “satisfied, fairly satisfied, not very satisfied, or not at all satisfied” with democracy. In 2000 84% were satisfied; in 2004 85% were satisfied.

*Political participation (2004).* In the 2004 campaign respondents were asked if they had engaged in the following behaviors: vote for President; vote for representative; vote for Senate; Try to influence others; Display button/sticker; attend meetings/rallies; do other work; give money to candidates; give money to party; give money to other groups. The number of activities engaged in was counted to produce a scale ranging from 0 to 9 (mean = 2.30, standard deviation = 1.70).

*Pay attention (2004).* Respondents were asked: “Do you follow government and public affairs?”. Response alternatives were: Most of the time (50%); some of the time (38%); only now and then (10%); hardly at all (3%).

## *Results*

The first question is whether the procedural justice of the 2000 election shaped subsequent trust in government and satisfaction with democracy. The results are shown in Table 1. In both cases procedural justice was found to influence both trust in government and satisfaction with democracy. In contrast, whether the person's favored candidate won had no influence upon trust and satisfaction with democracy.

Include Table 1 here

How do views about the 2000 election shape participation in the 2004 election? This issue was addressed in the analysis shown in Table 2. The results suggest that if the 2000 election was fair people participated in the 2004 election and paid attention to politics in 2004. Again, winning or losing in 2000 did not shape involvement in 2004.

How did winning and losing in 2004 shape trust and satisfaction with democracy? This was addressed in an analysis shown in Table 3. If the respondent thought 2004 was procedurally just they were more trusting and more satisfied with democracy after that election. Winning and losing was secondary, but did matter in 2004.

Include Tables 2 and 3 here

Because this was a panel study it was possible to examine change over time. A path analytic model that does so is shown in Figure 1. As would be expected, support for the winner was highly connected across the two elections since the winner in both cases was the same person (Bush). Interestingly, procedural justice was not as strongly related across years, perhaps because the first wave concerns the disputed 2000 election. Trust

was moderately stable across time. As expected, procedural justice and trust in the first interview predicted subsequent involvement in the 2004 election. And, at time two (2004), both winning/losing ( $\beta = 0.23$ ) and procedural justice ( $\beta = 0.32$ ) shaped trust in government.

Include Figure 1 here

### *Discussion*

This analysis was based upon a panel of respondents interviewed by the National Election Study. That panel was interviewed in 2000 and in 2004. The results suggest that the procedural justice of elections mattered, shaping subsequent views about government. This influence was distinct from the influence of winning or losing the election. Hence, the results support the basic procedural justice argument: the procedures matter above and beyond the outcome.

Because the data used in study one were drawn from the National Election Study they have the limits associated with that study. In particular, the study asks only a single question to assess procedural justice, and that question is abstract (Were election procedures fair?). In addition, the legitimacy is measured in terms of trust in government and satisfaction with democracy. Both of these measures reflect support for the institutions of government, but do not directly measure obligation to defer to and accept Presidential authority. Study two addresses these limitations of study one and also utilizes a better pre-post design.

### *Study two*

Study one supports the argument that procedural justice shapes legitimacy. However, it does so using interviews conducted after the 2000 and 2004 elections. Ideally a test of the ability of procedural justice to shape legitimacy would involve an examination of changes resulting from the campaign associated with a single election. Study two addressed this issue by using a panel design in which respondents were interviewed prior to and after the 2004 Presidential election. It also examined both legitimacy judgments and the willingness to defer to the President and obey the law.

### *Methods*

#### *Sample*

The sample of respondents was drawn from the panel of respondents maintained by Knowledge Networks. Using data collected in prior studies conducted in the panel the study targeted people who were either strong republicans or strong democrats. The pre-election interviews (n = 462) included 256 strong republicans and 206 strong democrats. The post-election interviews included 177 strong republicans (69%) and 133 strong democrats (65%). This study focuses upon the 310 respondents who completed both interviews.

The age distribution of the panel respondents was: 18-24 (3%); 25-34 (9%); 35-44 (16%); 45-54 (24%); 55-64 (22%); and 65-74 (12%). Nine percent were less than high school graduates; 27% were high school graduates; 28% had some college; and 37% were college graduate or more. Eighty seven percent were white. Forty-eight percent were male. And, the median income was \$50-60,000.

### *Questionnaire*

*Voting.* Prior to the 2008 election respondents were asked which candidate they expected to vote for. Forty percent indicated they were likely to vote for Obama; 56% for McCain; and 4% were undecided. After the election they were asked whom they had voted for. Of the 311 respondents 38% had voted for Obama; 54% for McCain. The other 8% either did not vote, voted for another candidate or refused to indicate who they had voted for.

*Candidate evaluations.* In the first wave respondents evaluated both candidates. In the second they evaluated the winner. Respondents were asked six questions about the candidates and later about the new President using a four item Likert scale (agree strongly; agree; disagree; disagree strongly). The items were: “Able to solve our economic problems”; “Able to meet our foreign policy challenges”; “Likely to follow policies that benefit you and people like you”; “Likely to follow policies that are fair to you and people like you”; “Likely to follow policies consistent with your moral values”; and “Likely to do the right thing when making policies” (pre-election evaluation of Obama  $\alpha = 0.99$ ; of McCain  $\alpha = 0.98$ ; post-election evaluation of Obama  $\alpha = 0.97$ ).

*Procedural justice.* A ten item scale was used to assess the procedural justice of the ongoing campaign in the first interview and of the past campaign in the second interview (pre  $\alpha = 0.89$ ; post  $\alpha = 0.92$ ). Three items measured general procedural justice: “In some countries people believe their elections are conducted in fair ways. In other countries people believe their elections are conducted in unfair ways. Do you

believe the recent Presidential election was conducted using procedures that were very fair, somewhat fair, neither fair nor unfair, somewhat unfair, or very unfair”; “In general, would you agree strongly, agree, disagree or disagree strongly that the recent election used a fair procedure to decide who would be the new President”; “Would you agree strongly, agree, disagree or disagree strongly that the Presidential campaign was as honest and open as others that you have seen or heard about”. Three items measured fairness of decision making: “the recent election process” “Gave people the type of information they needed to make informed decisions”; “Provided voters with accurate facts”; and “Gave equal consideration to the views of all the different groups in America”. Three items measured respect for the voter’s rights: “The election process” “Protected the rights of all American citizens”; “Addressed the needs and concerns of the average voter”; and “Gave people an adequate voice”. Finally, respondents were asked whether the procedure “Gave voters an opportunity to choose the most trustworthy candidate”.

*Candidate fairness.* Prior to the election respondents were asked whether: “Barack Obama [John McCain] and his campaign organization have generally been conducting the campaign in ways that do not violate fair election procedures”. After the election the respondents were asked whether each group “generally conducted their campaign in ways that did not violate fair election procedures”.

*Post-election legitimacy.* Respondents were asked eight questions using a four item Likert scale (agree strongly; agree; disagree; disagree strongly). The items were “At this time would you say that you”: “Willingly accept the results of this most recent Presidential election”; “Think that this new President was legitimately elected, and

deserves your support”; “Trust the new President to do what is good for our country”; and “Think the President will do a good job while in office”; “You will willingly follow the policies established by the President”; “You will follow Presidential policies even when you do not agree with them”; “If there were ways of challenging the results of this election, you would probably support them (reverse scored)”; and “You would support efforts by Congress to limit the power of the current Presidency (reverse scored)”. ( $\alpha = 0.90$ ).

*Post-election trust.* Respondents were asked five questions using a four item Likert scale (agree strongly; agree; disagree; disagree strongly). The items were: “You can usually trust the government in Washington to do what is right”; “You can usually trust them to make fair decisions”; “You can usually trust them to do what is best for the United States”; “Many of our political leaders are dishonest (reverse scored)”; and “Many of our political leaders are more concerned about special interests than they are about the average voter (reverse scored)” ( $\alpha = 0.83$ ).

*Obligation to government.* Respondents were asked seven questions using a four item Likert scale (agree strongly; agree; disagree; disagree strongly). The items were: “It hurts our country when people disregard the President’s policies”; “People should go along with what the government decides, even if they disagree with it”; “It is wrong to go against national policies just because you think they are wrong”; “If people follow the President wholeheartedly, our country will be most successful”; “We are less effective as a country if people are always questioning the decisions of the President”; “If the President started making a lot of decisions that most people disagreed with, it would be



all right to follow those decisions (reverse scored)”; and “It is not necessary to obey the laws of a government led by someone you did not vote for” ( $\alpha = 0.70$ ).

*Obligation to law.* Respondents were asked seven questions using a four item Likert scale (agree strongly; agree; disagree; disagree strongly). The items were: “People should obey the law even if it goes against what they think is right”; “Disobeying the law is seldom justified”; “When a police officer makes a decision people should obey it”; “People should pay the amount of taxes the IRS says they owe”; “It’s alright to get around the law as long as you don’t actually break it (reverse scored)”; and “It is hard to blame a person for breaking the law if they can get away with it (reverse scored)” ( $\alpha = 0.70$ ).

*Tolerance.* A four item scale measured tolerance ( $\alpha = 0.71$ ). The items were: “People in the minority should be free to try to win majority support”; “Public officials should be chosen by majority vote”; “No matter what a person’s political beliefs are, he is entitled to the same rights and protections as anyone else”; “I believe in free speech for all no matter what their views might be”; “Most people can be trusted to do what is right”;

*Support for civil liberties.* A four item scale measured support ( $\alpha = 0.73$ ). The items were: “If a person wanted to make a speech in your community against churches and religion, should this be allowed”; “If someone suggested that a book against churches and religion be taken out of the public library, would you favor this”; “If someone wanted to make a speech in favor of Muslim radicals like Osama bin Laden this

should be allowed”; and “If someone suggested a book praising Muslim radicals be taken out of the public library, would you favor this”.

*Self-esteem.* A six item scale was used ( $\alpha = 0.73$ ). The items were: “On the whole, I am satisfied with myself”; “I feel that I am able to do things as well as most other people”; “I feel that I have a number of good qualities”; “I worry about whether other people regard me as a success or a failure (reverse scored)”; “I worry about the impression that I am making on others (reverse scored)”; and “I worry about whether I will look foolish when dealing with other people”.

*Need for closure.* A five item scale was used ( $\alpha = 0.56$ ). The items were: “I get very upset when things around me are not in their place”; “I prefer to be with people who have the same ideas and tastes as myself”; “I feel uncomfortable when I do not manage to give a quick response to problems that I face”; and “I prefer things I am used to rather than things I do not know, and cannot predict”.

*Ideology.* Respondents placed themselves on a scale ranging from extremely liberal to extremely conservative. Thirty percent said they were liberal, 18% moderate, and 52% conservative.

### *Results*

When people were interviewed after the election why do they defer to the election results and what shaped their sense of responsibility to obey the law? An analysis of measures of deference (Table 4) shows that they were connected, with reactions to the President being distinct from but related to broader feelings of obligation toward the law.

The issue of impact on deference was addressed in the regressions shown in Table 5. One factor that might shape people's deference was whether their preferred candidate won or lost. An analysis indicates that this factor shaped both evaluations of the winner (Obama) and subsequent government legitimacy. However, the fairness of the election process consistently had a distinct impact. In particular, it influenced the legitimacy of the winner, trust in government and feelings of obligation to the political and legal systems. The fairness of the election process was especially important to those who lost the election.

Include Tables 4 and 5 here

Given that post-election judgments about the fairness of the election procedures mattered, what shaped those judgments? This question was addressed in the analysis shown in Table 6. One issue was the respondent's evaluation of the winner. Respondents were more likely to say the election procedure was fair if prior to the election they had favorable evaluations of the person who later won. In addition, judgments of the fairness of the election procedure made prior to the election also shaped post-election judgments. It was especially important that the pre-election judgments of the people who lost the election shaped their post-election judgments of election fairness. So, losing did not cause people to ignore issues of procedural justice, i.e. they cared about more than just the outcome. Losing through a fair procedure provided a basis for continuing legitimacy.

Include Table 6 here

Respondents were asked specifically about the fairness of the actions of both candidates' campaigns. These questions were asked both prior to and following the election. The analysis is shown in Table 7. The results suggest that the key issue shaping post-election evaluations of election procedures was whether the person who won used fair procedures and that evaluation mattered the most to those who lost the election.

Include Table 7 here

As with study 1, study 2 was a panel study. A path analytic model (shown in Figure 2) indicated that procedural justice after the election was shaped by two factors: procedural justice prior to the election ( $\beta = 0.52$ ) and whether the respondent's preferred candidate won the election ( $\beta = 0.47$ ). This post-election procedural justice judgment then shaped the willingness to accept the election outcome ( $\beta = 0.50$ ) above and beyond the respondent's vote choice ( $\beta = 0.17$ ).

Include Figure 2 here

It is also possible to separately examine the influence of abstract procedural justice judgments of the type used in the national election study and theoretically based evaluations of procedural justice based upon procedural elements. Figure 3 shows the results of such an analysis. It suggested that quality of interpersonal treatment was especially important in shaping the acceptance of election outcomes. The interpersonal treatment element of procedural justice focused upon respect and trust in the intentions of political leaders.

Include Figure 3 here

### *Discussion*

The two panel studies presented both suggest that a key factor shaping the legitimacy of the President was the respondent's judgments concerning the fairness of the procedures through which the President was elected. These findings support the fundamental premise of procedural justice theory – that the legitimacy of legal and political authorities is linked to the fairness of the procedures through which rules and authorities are given power (Murphy & Tanenhaus, 1969; Rasinski & Tyler, 1987; Rasinski, Tyler & Fridkin, 1985; Tyler, 2006; Tyler, Raskinski & McGraw, 1985). This influence of how authority is legitimated is separate from the influence of the legitimacy that authorities gain when they exercise their authority through fair procedures (Lind & Tyler, 1988; Tyler, Boeckmann, Smith & Huo, 1997).

Prior researchers have already advanced the argument that the fairness of election procedures distinctly shapes public reactions to political institutions and authorities. However, the studies presented contribute to supporting this argument in several new ways. First, they provide a more rigorous test of this argument using panel studies. Second, they utilize a more sharply operationalized model of the procedural justice to be tested, one based directly upon psychological models of procedural justice (Lind & Tyler, 1988). Third, they assess impact upon a broad range of aspects of legitimacy.

The use of panel studies is important because they allow prior attitudes and judgments about political procedures and institutions to be controlled for when evaluating the procedural justice judgments made about an election campaign. This is the most effective way to isolate judgments about a particular set of procedures from prior views

about legitimacy and related attitudes such as trust in government. In particular, study two uses a pre-post-election design that controls for the pre-election views of respondents about the candidates and the campaign.

The use of a theoretically based operationalization of procedural justice means that procedural justice is not only measured using the abstract question contained in the National Election Study. That item is used, but study two also uses measures linked to the elements associated with procedural justice: voice; neutrality; respect; and trustworthiness (Tyler & Lind, 1992). This more specific operationalization highlights the key role of quality of treatment issues, i.e. the view that the procedure protects people's rights; provides an opportunity for their concerns to be addressed; and allows them to choose someone trustworthy for the job. Hence, this analysis gives a better picture of which aspects of procedures people focus on.

Finally, this analysis extends the framework within which legitimacy is studied. The primary legitimacy measure in most political surveys, including the National Election Study, is trust in government (Levi & Stoker, 2000). However, this construct does not represent legitimacy well. Study two measures legitimacy directly by asking about both trust and legitimacy. Further, it assesses obligation directly. It further distinguishes obligation to obey the President from obligation to obey the law and measures both. Making these distinctions suggests that trust is strongly linked to procedural justice, as was found in Study one. Further, perceived obligation is strongly linked to procedural justice. Interestingly legitimacy itself is found to be linked both to procedural justice and to vote choice. This is probably true because the legitimacy of the

President focuses upon the President, rather than the more general feeling of obligation to defer to Presidential/government policies.

Overall, therefore, the results of this study both support the general argument that procedural justice supports legitimacy and provide a basis for understanding that connection that is more nuanced than is available using current national surveys. Those nuances do not in any way undermine the overall argument made using National Election Data of the type considered in Study one, but they do help to make the nature of the influence of procedural justice clearer.

Beyond making the connection between procedural justice and legitimacy clearer the findings also support the relational model of legitimacy (Tyler & Lind, 1992). That model argues that procedural justice is important because it signals to people that they are included within a political group and viewed as a person with the rights and status of that group. It is striking that it is the quality of treatment, which most directly reflects relational concerns, that has the strongest influence upon the acceptance of a new leader. In contrast, quality of information has no direct influence and only shapes acceptance indirectly by shaping overall procedural justice judgments.

### *Conclusion*

The classic argument of political and social theorists has been that for authorities to perform effectively, those in power must convince at least a large proportion of the general population that they “deserve” to rule and make decisions that influence the quality of everyone’s lives. It is the belief that some decision made or rule created by these authorities is “valid” in the sense that it is “entitled to be obeyed” by virtue of who

made the decision or how it was made that is central to the idea of legitimacy. While some argue that it is impossible to rule using only power, and others suggest that it is possible, but more difficult, it is widely agreed that authorities benefit from having legitimacy, and find governance easier and more effective when a feeling that they are entitled to rule is widespread within the population (Tyler, 2006). As Kelman (1969) argues “It is essential to the effective functioning of the nation-state that the basic tenets of its ideology be widely accepted within the population (p. 278)”.

Across all types of organizations the core argument of legitimacy theory is that legitimacy provides a “reservoir of support” for institutions and authorities, something besides immediate self-interest, which shapes reactions to authorities and policies (Dahl, 1956; Easton, 1965; Hurd, 1999; Lipset, 1959; Parsons, 1967, Sears, 2003; Suchman, 1995; Weatherford, 1992). Such a reservoir is of particular value during times of crisis or decline, when it is difficult to influence people by appealing to their immediate self-interest, and when risks about the long-term gains associated with the group are salient (Sears, Tyler, Citrin & Kinder, 1978). Recent research supports this “reservoir of support” argument. Studies of the 2000 Supreme Court decision in *Bush v. Gore* suggest that in gaining deference for a controversial decision the Court benefited from the widespread public view that the Court is a legitimate political institution (Gibson, Caldiera, Spence, 2003).

The many recent changes in the government within various societies around the world, including South Africa and the former Soviet republics have provided additional field settings within which the underlying assumptions of legitimacy theory have been tested. These changes in government have also rekindled interest in understanding how



to create and maintain institutional legitimacy, since issues of social disintegration and internal conflict become salient when governments collapse and new forms of social order must be created. This reemphasis on understanding how to legitimate new governments is consistent with the earlier “major preoccupation of political scientists and sociologists [with legitimacy] in the post-colonial, nation-building era after the Second World War (Sears, 2003, p. 323)”. That preoccupation with establishing legitimacy was fueled by the fear that, without legitimate authorities and institutions, societies would descend into anarchy and chaos.

This political perspective is that, when a new government comes into being, a key factor shaping its success is the degree to which it can establish legitimacy among the general populace. As Gibson suggests: “In a new political system few resources are more coveted than political legitimacy”. Legitimacy is an endorphin of the democratic body politic; it is the substance that oils the machinery of democracy, reducing the friction that inevitably arises when people are not able to get everything they want from politics. Legitimacy is loyalty; it is a reservoir of goodwill that allows the institutions of government to go against what people may want at the moment without suffering debilitating consequences (Gibson, 2004, p. 289)”.

Research on emerging governments supports the argument that political institutions, including courts, can legitimate and gain acceptance for unpopular decisions and policies (Gibson, Caldiera, and Baird, 1998; Machura, 2003). On the other hand, studies also raise questions about the breadth of such legitimation effects. Gibson and Caldiera (2003), for example, find that the Constitutional Court in South Africa has little power to legitimate unpopular decisions.

These findings reinforce the argument that the key to creating and maintaining political legitimacy is the use of fair procedures for determining who will have the authority to lead. This finding adds to the procedural justice perspective by examining the role of fair procedures for creating authority.

Most of the large procedural justice literature has been concerned with fairness in the implementation of existing authority. That literature suggests that established political authorities and institutions lose legitimacy when they do not adhere procedural fairness norms when creating and implementing policies (Clawson, Kegler, and Walterberg, 2001; Farnsworth, 2003; Gangl, 2003; Hibbing and Theiss-Morse, 2002; Murphy, 2004). Recent research on political institutions and authorities in new democracies also supports the argument that procedural issues underlie the legitimacy of political authorities and institutions. A study of Eastern European countries by Kluegel and Mason (2004) suggests that both procedural and distributive justice judgments about the economic system shape political support and other studies show that evidence of procedural injustice, in the form of corruption, undermines political support (Seligson, 2002).

Showing that the procedural base of legitimacy is linked to how leaders become leaders has widespread implication for the legitimation of authority in political as well as other types of organizational settings. In political processes the widespread effort to create deliberative political procedures is motivated, in part, by the demonstration that public participation in such procedures enhances political legitimacy (Carpini, Cook, and Jacobs, 2004; Coglianese, 1997; Karkkainen, 2002, Rechtschaffen, 1998). Here this link is demonstrated with the most visible form of political legitimation: the election. It

suggests the importance of ensuring that elections are conducted in ways that the public experiences as fair.

Table 1. Study 1. Trust in government following the 2000 election.

	Trust in government	Satisfaction with democracy
Candidate won or lose in 2000	-.07	-.04
Procedural justice of the 2000 election	0.29***	0.24***
Income	0.03	0.07
Age	-.06	0.01
Education	0.22***	0.03
Adjusted R.-sq.	19% ***	6% ***

Entries shown are beta weights. \*\*\* $p < .001$ .

Table 2. Study 1. Views about 2000 and participation in 2004.

	Participation -2004 campaign	Attention to politics – 2004 campaign
Candidate won or lost in 2000	-.05	0.00
Procedural justice of 2000 election	0.13**	0.12**
Income	0.12**	0.11*
Age	-.04	-.01
Education	0.18***	0.06
Adjusted R.-sq.	10% ***	4% ***

Entries shown are beta weights. \*\*\* $p < .001$ .

Table 3. Study 1. The 2004 election.

	Trust in government in 2004	Satisfaction with democracy in 2004
Candidate won or lost in 2004	0.14**	0.14*
Procedural justice of 2004 campaign	0.20***	0.31***
Candidate won or lost in 2000	0.06	0.09
Procedural justice of 2000 campaign	0.03	-.02
Trust in government 2000	0.48***	---
Satisfaction with democracy in 2000	---	0.31***
Income	-.06	-.02
Age	0.00	-.03
Education	0.08	-.04
Adjusted R.-sq.	41%***	31%***

Entries shown are beta weights. \*\*\* $p < .001$ .

Table 4. Study 2. Intercorrelation of dependent variables.

	Mean (standard deviation)	Evaluation of winner	Legitimacy of election	Trust in government	Obligation to obey government	Obligation to obey law
Post-election evaluation of winner	2.50(0.88)	---				
Post-election legitimacy	2.11(0.63)	.81***	---			
Post-election trust in government	2.89(0.53)	.32***	.31***	---		
Obligation to obey government	2.48(0.42)	.32***	.44***	.33***	---	
Obligation to obey law	2.02(0.37)	.07	.23***	.15**	.39***	---

Entries are Pearson correlations. \*\*\* $p < .001$ .

Table 5. Study 2. Post-election legitimacy.

	Everyone (n = 310)	Supported winner (n=119)	Supported loser (n=167)
Post-election evaluation of winner			
Post-election procedural justice	.31***	.35***	.48***
Who voted for	.64***	---	---
Adjusted R.-Sq.	70%***	11%***	22%***
Post-election trust in government			
Post-election procedural justice	.48***	.37***	.44***
Who voted for	-.02	---	---
Adjusted R.-sq.	21%***	13%	19%***
Post-election legitimacy of winner			
Post-election procedural justice	.47***	.34***	.58***
Who voted for	.39***	---	---
Adjusted R.-Sq.	55%***	11%***	34%***
Obligation to obey government			
Post-election procedural justice	.48***	.33***	.45***
Who voted for	-.07	---	---
Adjusted R.-sq.	19%***	10%***	20%***
Obligation to obey law			
Post-election procedural justice	.25***	.22***	.22***
Who voted for	-.10	---	---
Adjusted R.-sq.	4%***	4%***	4%***

Entries shown are beta weights. Twenty-four respondents either did not vote or voted for another candidate. \*\*\*p<.001.



Table 6. Study 2. Pre-election influences upon post-election procedural justice.

	All respondents	Supported winner	Supported loser
Pre-election evaluation of winner	.54***	.30**	.29***
Pre-election evaluation of loser	.04	.11	-.05
Procedural justice of ongoing election	.39***	.51***	.43***
Tolerance of differences	.02	.02	.00
Support for civil liberties	.00	.17	-.11
Self-esteem	-.03	.02	-.06
Need for closure	-.01	-.05	-.00
Ideology	.01	-.03	.02
Which candidate likely to vote for	-.07	.05	.02
Adjusted R.-sq.	48%***	37%***	26%***

Entries shown are beta weights. High scores indicate high procedural justice. \*\*\* $p < .001$ .

Table 7. Study 2. Pre-election influences upon overall post-election procedural justice.

	Post-election judgment that election procedures were fair		
Pre-election procedural justice of each candidate			
	Overall	Supported winner	Supported loser
Winner following fair procedures	.40***	0.18	0.44***
Loser following fair procedures	.19***	0.14	0.03
Adjusted R.-sq.	21%***	3%	18%***
Post-election procedural justice of each candidate			
Winner followed fair procedures	.69***	.46***	.62***
Loser followed fair procedures	.05	.25**	.07
Adjusted R.-sq.	47%***	31%***	37%***

Entries shown are beta weights. High scores indicate high procedural justice. \*\*\* $p < .001$ .

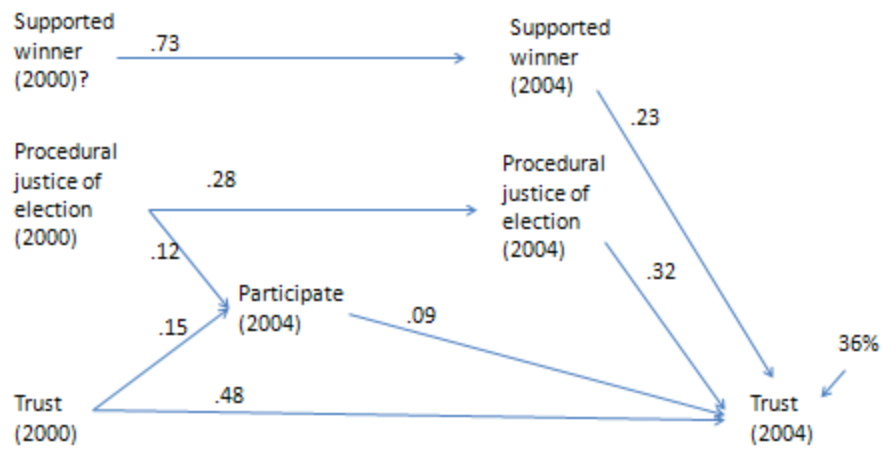


Figure 1. Study 1. National election study (2000-2004).

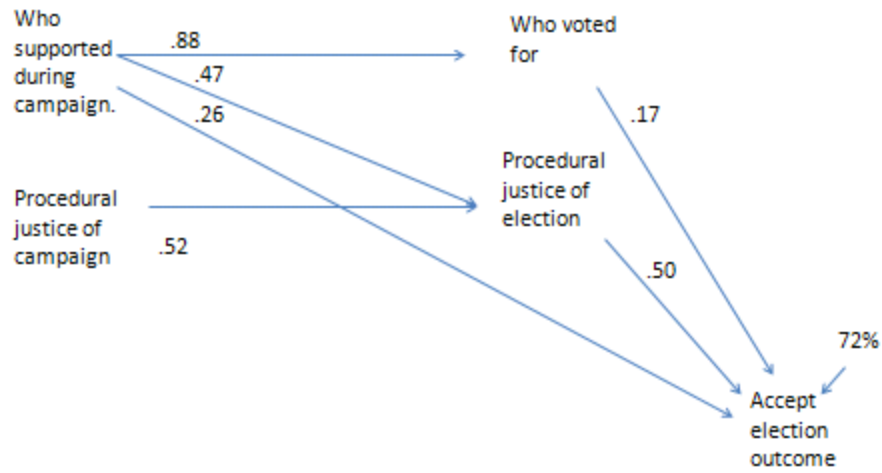


Figure 2. Study 2. Pre-post evaluations.

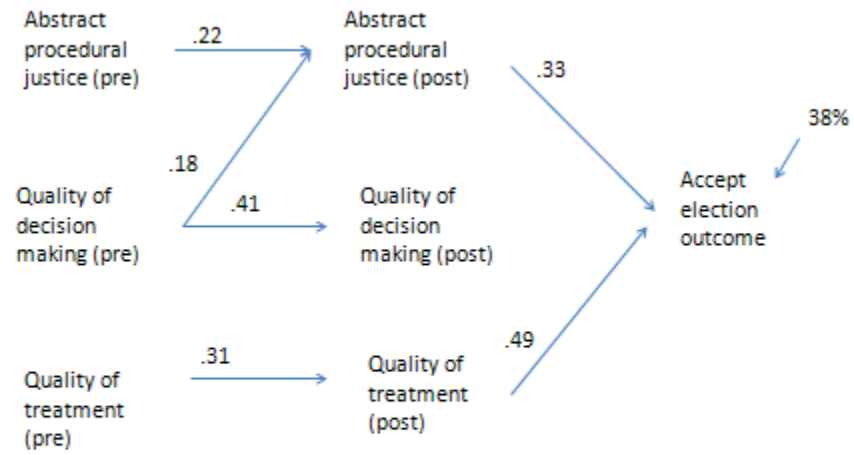


Figure 3. The influence of procedural justice elements.

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