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African Americans' Willingness to Extend Legitimacy to the Police: Connections to Identities and Experiences in the Post-George Floyd Era

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Abstract

Numerous benefits materialize when people extend legitimacy to institutions; consequently, many investigations of the legitimacy of the police have been reported. However, several critical issues remain unanswered. My paper's purpose is to revisit the question of willingness to grant police legitimacy, focusing on a nationally representative sample of African Americans. I test hypotheses connecting police legitimacy with experiences with unfair treatment by legal authorities, ingroup attachments, attitudes toward systemic racism, and engagement with Black Lives Matter. My findings reveal significant connections between experience with discrimination, ingroup attachments, and beliefs about systemic racism but little relationship between BLM attitudes and police legitimacy.

Keywords: police legitimacy; Black public opinion; Black Lives Matter; Social Identity Theory; Legitimacy Theory

Scholars and pundits alike have become concerned about whether people in the United States are unwilling to extend legitimacy to their police forces (see Solomon 2019; Peyton et al. 2019; Ortiz 2020). The movement to “defund” the police is just one obvious example of how the legitimacy of the police force is being challenged (see Su et al. 2022). In addition, the long-standing unfair treatment of some segments of the constituency (e.g., “Driving While Black”—see Alexander 2012; Soss and Weaver 2017; The Marshall Project 2021; Jefferson et al. 2023), the continuance of highly publicized and widely protested police brutality against people (see Kahn and Martin 2016; Lacoë and Stein 2018), and the increased demands for accountability (see Eder et al. 2021) all present legitimacy-threatening challenges to police forces throughout the country.

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While diverse scholarship has investigated public attitudes toward the police, important lacunae exist in our knowledge of why some citizens issue support and others do not. Perhaps most important, researchers have used a wide variety of measures of police legitimacy, often without clear and rigorous definitions of the concepts and without explicit evidence of the validity and reliability of the indicators. Legitimacy Theory recognizes different sorts of attitudes toward the police (e.g., performance satisfaction) but distinguishes institutional legitimacy as a form of loyalty toward an institution that transcends being happy with the institution's short-term actions. According to a voluminous and formidable literature, it is crucial that police legitimacy be measured accurately. This has not always been the case in earlier research.

Moreover, much extant research is drawn from earlier eras. If the world changed with the murder of George Floyd, as most believe it did, then the applicability of earlier research to today's context may be limited. George Floyd's murder no doubt catalyzed and mobilized negative attitudes toward the police, undermining police legitimacy within many segments of the population (Reny and Newman 2021). And if the associated Black Lives Matter movement (BLM) strengthened or made Black in-group identities more salient, then it is possible that the influence of vicarious attitudes on police support has grown, perhaps making Black people more sensitive to how they as a group are often treated by the police, as well as increasing confidence that something can be done about the problem (Christiani and Shoub 2022). Thus, it would not be surprising to find that police legitimacy has hit rock bottom in the contemporary era, especially among Black folks.

Finally, while most research has focused on comparisons of the views of Black and White people (e.g., Peffley and Hurwitz 2010), studies of intra-Black variability in police attitudes are much less common. Because it is unwarranted to assume that all Black people hold the same views toward law enforcement (e.g., Christiani and Shoub 2022), it is particularly important to carefully investigate the extent to which African Americans are willing to extend legitimacy to the forces that police them. As established by Gibson and Nelson (2018) and many others (see, for instance, Ramirez 2015; Philpot 2017; Bunyasi and Smith 2019; Rengifo and Slocum 2020), African Americans are far from homogeneous when it comes to experiences with and attitudes toward legal authorities. For example, not all Black people have been the victims of unfair treatment by the police; similarly, not all Black people express the same level of ingroup attachments that might condition how they respond to police brutality and protests of that brutality (e.g., Gibson and Nelson 2018). It is not even clear that all Black Americans hold the same judgments of the Black Lives Matter movement (e.g., Bunyasi and Smith 2019; see also Horowitz 2021; Azevedo et al. 2022).

Consequently, this paper's primary purpose is to investigate the correlates of variability in willingness to extend legitimacy to the police among Black Americans. Relying upon a reasonably large and representative 2021 sample of African Americans (see [Online Appendix A](#)), this analysis employs a validated scale of willingness to extend legitimacy to the police and asks whether variability among the Black respondents in police legitimacy is associated with (a) prior experiences with unfair treatment by the police, (b) variability in ingroup consciousness and ingroup attachments (including "linked fate"), (c) attitudes about systemic racial bias, and (d) engagement with the Black Lives Matter movement. In addition, my analysis controls for a variety of demographic factors. I acknowledge up front that my

research does not allow perfect causal certainty on some of the relationships it uncovers. On the other hand, it does rely on a well-developed theory of institutional legitimacy, uses valid and reliable measures of legitimacy, and is firmly grounded in earlier research on the consequences of experiences and identities for attitudes toward legal authorities.

The importance of institutional legitimacy

Legitimacy Theory posits that those willing to grant legitimacy to the police tend to be more willing to cooperate with the police, resulting in reduced crime and happier people (for examples of statements of this theory, see Tyler et al. 2014; Epp et al. 2014), and, therefore, legitimacy is an invaluable form of political capital for law enforcement. Fortunately, theories of institutional legitimacy are particularly well-developed.

Legitimacy is the willingness of constituents to cede authority to an institution to make binding policy for a community; those without legitimacy often find their authority contested.¹ When an institution acts within this authority, an obligation to obey or accept policy, even disagreeable policy, is generated. Because citizens accept the actions of legitimate institutions, legitimacy is often contrasted to quid-pro-quo instrumentalism (Tyler 2006a, 375), in which constituents only grant institutions authority when they are profiting from the actions of the institution. Because I, and most scholars studying legitimacy, focus on what *people actually believe* and accept, this form of legitimacy is typically known as “sociological legitimacy,” which stands in contrast to “normative legitimacy,” with the latter focusing on what people *ought to believe* and accept. Legitimacy is important for all institutions, and it is therefore not surprising that Legitimacy Theory has become embraced across a variety of social science fields and subfields.²

Legitimacy is particularly relevant when individuals are dissatisfied with policies or actions. When an institution makes a decision of which all of its constituents approve, discussions of legitimacy are rarely relevant or necessary. As Gibson (2015) has noted, “legitimacy is for losers”; in other words, legitimacy takes on its primary significance in the presence of an *objection precondition*. When an institution’s constituents disagree over the actions of an institution, some of those people may ask whether the institution has the authority –the “right” – to behave as it does. Legitimate institutions are those recognized as appropriate decision-making bodies *even when* one disagrees with the outputs of the institution; their decisions are respected, enforced, and implemented even in the face of displeasure. To be effective, institutions need legitimacy – the leeway to go against public opinion (for instance, in order to protect unpopular political minorities). Legitimacy is particularly important for the police because, to put it mildly, not all interactions between citizens and the

¹For useful reviews of Legitimacy Theory, see Gibson and Nelson 2014; Nelson and Gibson 2018; and Smyth 2021. For reviews of the police legitimacy literature, see Mazerolle et al. 2013 and Donner et al. 2015. For an invaluable collection of essays mostly focused on police legitimacy, see Oberwittler and Roché 2018, and especially the literature review offered by the editors in Chapter 1 (Roché and Oberwittler 2018).

²For example, the theory has been used to try to understand everything from the role of central banks (e.g., Dietsch 2020) to legitimacy in international affairs (e.g., Chapman 2007) to the legitimacy of the police (e.g., Tankebe 2013), and even to the legitimacy of algorithms (e.g., Waldman and Martin 2022) (many additional citations and subject matters could be listed). Indeed, perhaps no theory has captured the imagination of so many different social science subfields as Legitimacy Theory.

police are favorable as to both processes and outcomes. Consequently, institutional legitimacy is an invaluable and irreplaceable form of political capital.

To the extent the police are seen as legitimate, citizens are more likely to be more law-abiding (e.g., Sunshine and Tyler 2003; Murphy et al. 2016; Trinkner et al. 2018), are more likely to acquiesce to the orders of the police (e.g., Tyler 2006a, 2006b; Trinkner 2019), and are more likely to cooperate with the police in solving crimes (e.g., Reisig and Lloyd 2009; Wolfe et al. 2016; Hagan et al. 2018; cf. Jackson et al. 2020) – with cooperation being essential to crime control. Without legitimacy, institutions must rely upon quite costly coercion (the “sword”) or payments (“the purse”) to induce compliance with the law. And because the police are front-line agents of the state, more general attitudes toward other political institutions may, under some circumstances, be affected (e.g., Soss and Weaver 2017; Gibson and Nelson 2018; Weaver et al. 2019).

It is conventional in research on institutional legitimacy to distinguish between “diffuse support” and “specific support” for an institution (e.g., Haglin et al. 2021). The former is a type of institutional “loyalty” and is sometimes described as a “reservoir of goodwill.” The latter concerns performance evaluations, which, of course, are often shaped by the experiences one has with an institution. While not all research on police legitimacy adheres strictly to this distinction (see below), if diffuse support were nothing more than satisfaction with the performance of an institution, its value would be highly circumscribed. Still, extant research posits that one source of diffuse support is specific support – satisfaction with one’s experiences with an institution.

The importance of examining Black views of the police

While, in general, only limited scholarly attention has been devoted to analyzing Black public opinion, there are many specific reasons why a study of the legitimacy of the police would focus on the attitudes of Black people. First, the relationship between the Black community and law enforcement has long been strained. Historically, “Police pursued run-away slaves, enforced Jim Crow laws, and used their powers to suppress minority communities advocating for social change during the Civil Rights Movement, playing a significant role in legally sanctioned discrimination and segregation” (Saunders and Kilmer 2021, 49; see also President’s Task Force on 21st Century Policing 2015). Second, earlier research has uncovered an enormous chasm between Black and White people’s perceptions of various controversies involving the police (e.g., Peffley and Hurwitz 2010); indeed, perhaps no area of public opinion research has identified such a yawning gap in opinions between or among groups. Third, at the same time, it is also important not to assume that Black people as a group hold homogeneous police attitudes (or any other set of political attitudes; Dupree and Hibbing 2023). Unfortunately, however, analyses of intra-Black variability in political attitudes are few and far between. Fourth, the murder of George Floyd – and the numerous other recent instances in which police officers have taken the lives of Black people – has cast a new spotlight and urgency on the need to understand how Black people judge the police. Of course, a central motivation for proclaiming that “Black Lives Matter” is the number of Black people who have been killed by legal authorities. Fifth, and more generally, at the time of the survey (June 2021), the United States has just emerged from a rancorous presidential election, an assault on the US Capitol, and the second impeachment of the president, all with very significant racial overtones (e.g., the Confederate flag at the

Capitol riot) – all of which may have weakened support for American political institutions among Black people, perhaps even creating a “new normal.” Finally, as I will argue below, many of the measures of “police legitimacy” used in many earlier studies of Black (and White) public opinion are poorly conceptualized and deeply flawed. As a summary, Rengifo and Slocum (2020, 590, citations omitted) put it well:

It is difficult to reflect on the association between the police and the public in the United States without talking about race and ethnicity; persons of color are disproportionately crime victims and suspects, and their police-related attitudes and experiences with law enforcement often diverge from those of other groups across dimensions of underpolicing and overpolicing. Less explicitly, race also influences the discourse and practice of law enforcement tactics.

Not surprisingly, therefore, important prior efforts to understand the causes and consequences of political legitimacy have been conducted, and we have some ideas about why some extend legitimacy to the police while others do not – especially in the post-George Floyd era.

Hypotheses regarding the variability in willingness to extend legitimacy to the police

My research pursues several well-established hypotheses about how Black Americans regard the police (e.g., Rengifo and Slocum 2020; Pryce and Chenane 2021). The first hypothesis pertains to experiences with unfair treatment by legal authorities (specific support).

H_{1a}: *Personal experiences* with legal authorities are associated with a willingness to extend legitimacy to the police. Those who have directly experienced unfair treatment by legal authorities – a form of specific support – are less likely to grant the police legitimacy (diffuse support).

H_{1b}: *Personal experiences* with legal authorities are associated with a willingness to extend legitimacy to the police. Those who perceive Black people as a group to have been treated unfairly by the criminal justice system are less likely to grant the police legitimacy.

These hypotheses are based on the long-established finding that, while there is certainly more to diffuse support than specific support, diffuse and specific support are interrelated. Considerable prior research has established that somewhere around one-half of Black people rate their personal contacts with the police as unfair (e.g., Gibson and Nelson 2018; Horowitz et al. 2019), which is one reason why vicarious evaluations must also be taken into consideration.³

The consequences of perceived vicarious experiences with unfair treatment are virtually, by definition, contingent upon the meaning of the group and the degree to

³“A vicarious experience is one that is indirect and internalized by the actor, including (1) observations of how the police treat others either in public settings, (2) media reporting of incidents involving police officers (for example, Rodney King, Abner Louima, Sean Bell), and (3) communications from others about their personal experiences” (Brunson and Weitzer 2011, 428–429).

which the individual identifies with the group. Therefore, guided by the research of McClain et al. (2009), I first hypothesize that:

H_{2a}: Those who identify more with Black people as a group are less likely to extend legitimacy to the police.

H_{2b}: As a separate component of identities, Black people expressing a greater sense of “linked fate” with Black people as a group are also expected to support the police less.

But following Lee et al. (2010), Gibson and Nelson (2018), and Rengifo and Slocum (2020, 607), I also consider the interactive hypothesis that:

H₃: Identities are expected to interact with perceptions of vicarious unfair treatment. Specifically, the association of vicarious experiences with police legitimacy should be enhanced among those with the strongest ingroup consciousness and the strongest sense of linked fate.

Rengifo and Slocum (2020, 590–591, citations omitted) explain the logic of this hypothesis well:

For those whose race/ethnicity is a central part of their identity, the larger historical and social context of the group’s experience with the state may influence their interpretation of specific encounters as well as the configuration of more general opinions about the police. For other individuals, race or ethnicity may be a more tangential part of their social identity, making interactions with law enforcement narrowly framed in terms of individual trade-offs or viewed as less contextualized discrete events and, as such, devoid of a collective “resonance” mechanism.

The next hypothesis addresses whether how Black people feel about systemic racism is connected to their willingness to extend legitimacy to the police. Those who blame institutions rather than (or in addition to) individuals for unfair treatment of Black people are expected to be unwilling to extend legitimacy to the police. Although, typically, a hypothesis about what structures White policy attitudes (e.g., Bartels 2020; see also Kalmoe and Mason 2022; Crabtree and Yadon 2022; Davis and Wilson 2022), here, I expect that:

H₄: Those African Americans who perceive more prevalent systemic racism in the United States are less likely to be willing to extend legitimacy to legal authorities.

Finally, and in a similar vein, I also investigate elite leadership of public opinion (on the influence of elite signals on the public, see Bullock 2011); in particular, the connection between evaluations of the BLM movement and police legitimacy (e.g., Curtis 2021):

H₅: How one feels about BLM is associated with attitudes toward the police. More specifically, positive evaluations of BLM are expected to be directly connected to an unwillingness to extend legitimacy to the police.

In addition, as a cross-sectional study, my analysis also controls for a variety of demographic attributes.

Research design

This research is based on a survey of a representative sample of 579 African Americans conducted by National Opinion Research Center (NORC) in June 2021. The respondents were members of NORC's AmeriSpeak® panel and had been interviewed earlier (February/March 2021) as part of an oversample of 680 Black respondents for that survey. Thus, 85.3% of the original respondents were reinterviewed (for additional details, including an encouraging analyses of panel attrition, see [Online Appendix A](#)). This research was approved by the Washington University in St. Louis Institutional Review Board (IRB). [Online Appendix A](#) also reports a comparison of the sample attributes with population attributes of Black people; generally, the sample does not perfectly mirror the population (e.g., very high-income Black people are under-represented in the NORC sample, while middle-aged Black people (ages 45–64) are over-represented), although deviations from the population are few in number, not particularly substantively significant, and are corrected by weighting the dataset. The variables analyzed in this paper are all drawn from the t_2 interview.

Measuring police legitimacy

Earlier research on police legitimacy has employed a wide variety of both conceptualizations and operationalizations of the legitimacy concept. Unfortunately, many papers make only the most cursory connection to any form of legitimacy theory, and most papers use measures of legitimacy that are poorly conceptualized and highly suspect in terms of validity and reliability.⁴ Some research focuses on general favorability toward the police (e.g., Curtis 2021), while other work uses a multidimensional conceptualization.⁵ Dupree and Hibbing (2023) focus on “trust in local police.” In a study that comes closest to the theoretical and operational approaches of this research, Rengifo and Slocum (2020) use a three-item index of police legitimacy.⁶ So far as I am aware, no research has attempted to assess whether and how the approach to measuring police legitimacy affects the substantive conclusions drawn.

Voluminous research has shown that legitimacy is not the same thing as performance evaluations (e.g., Nelson and Gibson 2020). For example, Rengifo and Slocum (2020) strongly argue for recognizing a difference between legitimacy and judgments about police “effectiveness,” a distinction approximating that between “diffuse” and

⁴No better example of this critique can be found than in Karim (2020). Despite frequent references to the concept, Karim's measures of police legitimacy are certainly not at all measures of legitimacy (and she makes no effort to conduct psychometric analyses of the measures).

⁵See, for example, Karim (2020), who uses a three-dimensional approach: “Prefer Police,” “Abusive,” and “Effectiveness.”

⁶The items read: “The police are honest.” “The police have too much power around here.” And “The police around here bother kids for no good reason.”

Table 1. Willingness to Extend Legitimacy to the Police

| Item | Percentages (total to 100%) | | | Mean | s.d. |
|--------------------------------------|-----------------------------|-----------|-----------------|------|------|
| | Extend legitimacy | Uncertain | Deny legitimacy | | |
| Make fair decisions | 25.3 | 26.5 | 48.2 | 2.6 | 1.1 |
| Have reasons for arrests | 31.4 | 24.9 | 43.7 | 2.8 | 1.2 |
| Treat people with respect | 21.3 | 38.1 | 40.5 | 2.7 | 1.0 |
| Not afraid to call police | 62.9 | 11.2 | 26.0 | 3.5 | 1.3 |
| Police listen to me | 38.7 | 31.3 | 30.0 | 3.1 | 1.2 |
| Relieved to see police | 40.9 | 29.8 | 29.3 | 3.1 | 1.1 |
| Police share my values | 33.0 | 22.4 | 44.6 | 2.8 | 1.2 |
| Legitimacy index | | | | 2.9 | 0.9 |
| Percent all pro-legitimacy responses | 5.8 | | | | |
| Percent no pro-legitimacy responses | | | 24.1 | | |
| Number of pro-legitimacy responses | | | | 2.5 | 2.2 |

Note: For the wording of the items, see [Online Appendix B](#). “Extend legitimacy” is my characterization of responses agreeing with the pro-legitimacy statements; “Deny legitimacy” is disagreement with the statements. Responses were collected via a 5-point Likert response set that included a “neither agree nor disagree” option. The percentages are calculated by collapsing the 5-point Likert response set (e.g., “agree strongly” and “agree” responses are combined) and sum to 100% across the three percentage columns (except for rounding errors). The means and standard deviations are calculated on the uncollapsed distributions (range: 1 → 5). Higher mean scores indicate more institutional legitimacy. s.d. = distribution’s standard deviation

“specific” support for an institution.⁷ Their empirical results decidedly support the necessity of making a distinction between these two concepts.

Included in my survey were indicators of the legitimacy of the local police that are derived from Reynolds et al. 2018 (for a discussion of my measures and other approaches, see [Online Appendix B](#)). Defining “police legitimacy” as “approving of the authority of police because of who they are and how they act” (2018, 121), both their conceptualization and operationalization of the concept are entirely compatible with those of this research.⁸ Moreover, they report strong empirical evidence on both the validity and reliability of their scale. [Table 1](#) reports the items I used to measure police legitimacy among Black Americans.

Some of the survey results suggest that Black attitudes toward the police are far from uniformly negative and confrontational.⁹ For instance, 40.9% of the Black

⁷As an example, Rengifo and Slocum (2020, 591, citations omitted) recognize this distinction in their hypothesis about how performance evaluations might differ from legitimacy in terms of their connections to social identities:

Assessments of police legitimacy may be particularly sensitive given that they convey an opinion not only about the police as a key representative of the state but also about their more general role as moral enforcer and the type of order that they uphold. Conversely, racial and ethnic identification may be less relevant for assessments of police effectiveness, which reflect more narrow, uniform concerns tied to “bottom-line” functions of crime control and prevention and, therefore, are less likely to vary across group identities.

⁸The authors present a most useful and thorough explication of Legitimacy Theory on pages 119–121 under the heading: “What is Legitimacy?”

⁹Like me, Christiani and Shoub (2022, 396) find “significant within-race variation, especially among Black respondents, in evaluations of the police.” See also Dupree and Hibbing (2023).

respondents agreed (or agreed strongly) with the statement: “I feel relieved to see police officers when I am out in my community.” On the other hand, on only a single item – not being afraid to call the police when necessary to do so – does a majority of the respondents give a pro-legitimacy response. The average number of pro-legitimacy replies is only 2.5 (of 7); a puny 5.8% of the respondents gave 7 replies endorsing police legitimacy. One would be hard pressed (but perhaps not surprised) to conclude from these data that the police have an abundant supply of legitimacy within the Black community.

As hypothesized, I find these items to be both valid and reliable measures of the latent construct of “willingness to extend legitimacy to the police” (see the analysis reported in [Online Appendix B](#)). I created an index that serves as the dependent variable for the analysis reported in this paper as the average response to these items.

The major predictors of police legitimacy

Because an important contribution of this paper has to do with experiences, identities, perceptions of systemic racism, and Black Lives Matter attitudes, I pay particular attention here to explicating these concepts and their operationalizations.

Ingroup attachments and attitudes

Scholars have paid a great deal of attention to investigating the ingroup attachments of African Americans. However, these feelings are conceptually complicated. For example, McClain et al. (2009) divide group attachments into two basic subgroups: group identification and group consciousness. Group identification refers generally to the awareness individuals have of their group membership, as well as the level of psychological connection they have with that group. In this way, group identification fits neatly with social identity theory (e.g., Tajfel 1981).

Group consciousness, on the other hand, refers to “ingroup identification *politicized* by a set of ideological beliefs about one’s group’s social standing, as well as a view that collective action is the best means by which one can improve its stance and realize its interests” (McClain et al. 2009, 476). The authors explain that “as a sophisticated and parsimonious alternative, racial group consciousness may best be operationalized through the measure of linked fate” (477, see also Dawson 1994). Having a sense that one’s personal fate is linked to that of one’s group is a concept widely used in studies of political attitudes and behavior (e.g., Bunyasi and Smith 2019).

Importantly, group identification and group consciousness are not synonymous – neither theoretically nor empirically. Some people may identify strongly as African American, for example, but believe that their fate is not necessarily tied to the fates of other Black people. For other people, identification as African American may not be personally important, but they may believe that societal structures bind their fate tightly to that of other Black people (Gibson and Nelson 2018). In light of this variability, I examine both concepts in this paper.

As a measure of *group consciousness*, the respondents were asked to respond to the conventional “linked fate” measure (for the wording of all items, see [Online Appendix B](#)). As I have noted, linked fate is the belief that, owing to common experiences with discrimination, one’s individual circumstances are connected to the

status of one's group. The modal response to this question is "affects my life a lot" (37.8%), although 14.3% of the respondents say that their group has nothing to do with what happens in their lives, and another 16.6% say their lives are affected by their group "very little."

My measure of *group identification* is an index based on responses to three items (see [Online Appendix B](#)). On each of these, Black people exhibit a fairly distinct lack of unanimity. For example, while 64.6% of the respondents assert that it is important for Black people to stand together, 24.8% disagree with the statement (and another 10.5% are uncertain about their views on this issue). At the same time, a quite sizable majority of Black Americans express at least some degree of psychological attachment to Black people as a group.

I created an index of African American ingroup identity from these items (on the validity and reliability of the measure, see [Online Appendix B](#)). The index was scored to range from 0 to 1, with high scores indicating stronger group attachments (mean = .74; standard deviation = .21). Only 20.4% of the respondents scored at the midpoint on the index (.50) or lower.

Experiences with the legal system

A second major hypothesized predictor of attitudes toward the police is reported experiences with the legal system. Following Peffley and Hurwitz (2010, 41) and Gibson and Nelson (2018), I used a single item to measure personal experience with legal discrimination (see [Online Appendix B](#)). Perhaps some will be surprised by the finding that over one-half of the respondents (54.2%) report *not* having been treated unfairly by the police at any point in the past five years.¹⁰ So, most Black people surveyed do not directly experience the kind of unequal treatment by the police that is so often reported in the news nowadays. Still, that four in ten Black people claim an unfair encounter with the police is highly significant – both for them and for the legal system. At the other extreme, 10.5% claim to have been treated unfairly more than three times within the last 5 years.

But personal experience with unfair legal treatment is not the same thing as understanding that Black people as a group are often treated unfairly by the legal system. Again, following Peffley and Hurwitz (2010) and Gibson and Nelson (2018), *vicarious experiences* with unfair treatment from legal authorities were measured in this survey by asking two questions about the treatment of African Americans by the justice system (see [Online Appendix B](#)). The responses to these items measure perceptions of what other co-ethnics experience. For both perceptions, *more than a majority* of the respondents rated unfair treatment as a "serious problem," the highest score on the response set (58.0% and 64.2%, respectively, for the two statements). Put slightly differently, only a minority of African Americans rate discrimination by the legal system as something less than a "serious problem." Also, only tiny numbers of respondents said these issues were "not a problem." Clearly, African Americans tend to view their group as being unfairly targeted by criminal

¹⁰According to a Pew survey in 2019, 44% of Black people in the United States have been "unfairly stopped by the police," while this is true of only 9% of Whites, 16% of Asian or Asian Americans, and 19% of Hispanics. See Horowitz et al. 2019. And, of course, policies such as "stop and frisk" have had vastly disproportionate consequences for African Americans. See Tyler et al. 2014.

justice authorities. Following Gibson and Nelson (2018) and Peffley and Hurwitz (2010), I created a measure of vicarious experiences with unfair treatment by taking the mean of the responses to these two items (the responses to the two items are correlated at .67), under the presumption that a latent construct underlies the responses to these two items.

Perceptions of systemic racial bias

In this research, I used two of the Bartels (2020) statements as indicators of Black attitudes toward systemic or institutional racism in America (see [Online Appendix B](#)). Nearly one in five (19.7%) of the Black respondents agreed that discrimination against Whites is a big problem, and another 10.7% is uncertain as to their views. Only 4.5% percent of African Americans disagreed with the statement that White people benefit from advantages in society, along with another 7.8% who were uncertain of their views. The responses to these two propositions are correlated at .44. I created an index of latent beliefs in systemic racism in the United States as the mean of the answers to these items.¹¹

African American attitudes toward the Black Lives Matter movement

As the last step in considering how and why Black people evaluate the police, I investigate African American attitudes toward the Black Lives Matter movement. Using the Pew versions of the questions, the respondents were first asked about their level of attentiveness to the BLM movement (see [Online Appendix B](#)). Less than one-half said they “paid a great deal of attention” to BLM (46.9%), although practically no respondents (1.9%) said they “paid no attention at all” to the movement. These results indicate that Black people were engaged with BLM, although within-group variability certainly exists.

The sample was then asked how they felt about BLM. An overwhelming majority (92.1%) support the movement. Practically no respondents (3.3%) strongly oppose BLM. At the same time, however, when asked how much confidence they have in the leaders of BLM, less than a majority (40.7%) said “a great deal of confidence,” with 12.5% expressing “hardly any confidence.”

These data support the conclusion that African Americans do not extend uniform support for and confidence in BLM. With this much variability in BLM attitudes, an independent variable in my analysis, it is reasonable to hypothesize that how people feel about the movement might connect to an unwillingness to extend legitimacy to the police.

Analysis

The strongest bivariate correlation between police legitimacy and its predictors is with personal experiences with unfair treatment by the police. Before turning to

¹¹Note that perceived systemic racism is only moderately correlated with vicarious experiences with unfair treatment ($r = .29$) and linked fate ($r = .44$).

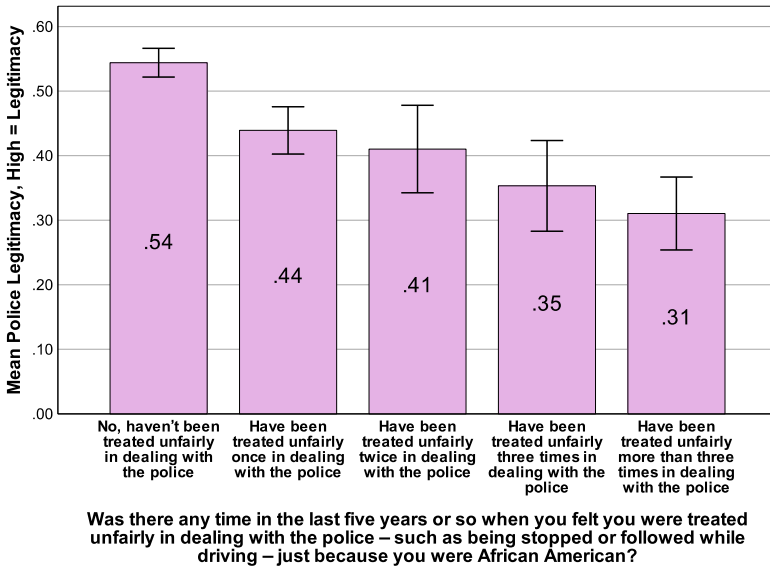


Figure 1. Personal Experiences with Unfair Treatment by the Police and Willingness to Extend Legitimacy to the Police.

Note: The police legitimacy index ranges from 0 to 1.0. $p < .001$; $r = -.37$. $N = 543$. 95% confidence intervals around each mean are shown.

the multivariate analysis, I highlight this benchmark relationship, shown in Figure 1.¹²

Figure 1 depicts a moderately strong relationship between these two variables; those African Americans reporting more experiences of unfair treatment by the police in the past are less likely to extend legitimacy to the police, just as expected. Nevertheless, it is notable that the mean legitimacy score of those reporting *no* experiences of unfair treatment is only .54 (on an index that ranges from 0 to 1) and that the mean for those with multiple such experiences is considerably greater than zero (.31). Obviously, there is more to variation in legitimacy attitudes than personal experiences, even if such encounters clearly seem to matter.

Table 2 reports the multivariate results for testing this research's various hypotheses. I first note that a considerable proportion of the variance in willingness to extend legitimacy to the police is accounted for. Second, despite the inclusion of a wide range of theoretically relevant predictors, only four variables are mainly responsible for the predictive strength of the equation. Both personal and vicarious experiences of unfair treatment are significantly and substantively related to reduced police legitimacy. So, too, is ideological conservatism (a finding that fits with that of Reny and Newman 2021), even if it is perhaps notable that, in a fairly comprehensive equation, ideological self-identifications are associated with a willingness to extend legitimacy to the police – and that partisan self-identifications are

¹²As a guideline, it is perhaps worth noting that a Pearson correlation coefficient as low as .06 (shared variance of only .0036) is still statistically significant at $p < .05$, given 543 observations.

Table 2. Associates of Willingness to Extend Legitimacy to the Police, African Americans

| Predictor | b | s.e. | p | r |
|--|-------------|------------|-----------------|-------------|
| Personal experience with unfair treatment | -.20 | .03 | <.001 | -.37 |
| Vicarious experience with unfair treatment | -.16 | .05 | .001 | -.27 |
| Group identification | -.06 | .04 | >.05 | -.16 |
| Linked fate | .06 | .03 | .023 | -.10 |
| Knowledge of Black Lives Matter | -.00 | .04 | >.05 | -.07 |
| Support Black Lives Matter | .01 | .05 | >.05 | -.07 |
| Confidence in Black Lives Matter leaders | .06 | .03 | .034 | .07 |
| Perceived systemic racism | -.24 | .04 | <.001 | -.28 |
| Party identification (whether strong republican) | -.04 | .04 | >.05 | -.00 |
| Ideological identification (whether extreme conservative) | .20 | .04 | <.001 | .22 |
| Gender (whether male) | .04 | .02 | .026 | .04 |
| Age | .08 | .04 | .025 | .19 |
| Level of education | .05 | .04 | >.05 | -.04 |
| Household income | -.04 | .04 | >.05 | .03 |
| Live in the South | .02 | .02 | >.05 | .11 |
| Live in a metropolitan area | .00 | .03 | >.05 | -.09 |
| Internet access | .00 | .02 | >.05 | .03 |
| Home ownership | .02 | .02 | >.05 | .15 |
| Church attendance | -.01 | .03 | >.05 | .10 |
| Whether born again | -.01 | .02 | >.05 | .04 |
| Religiosity | .05 | .05 | >.05 | .14 |
| Whether opinion leader | .00 | .02 | >.05 | -.02 |
| <i>Equation</i> | | | | |
| Intercept | .61 | .07 | <.001 | |
| R ² | .31 | | <.001 | |
| Standard Error of Estimate | .18 | | | |
| Standard Deviation – dependent variable | .22 | | | |
| N | 543 | | | |

Note: All variables are scored to range between 0 and 1.0. Coefficients significant at $p \leq .001$ are shown in bold. b = unstandardized regression coefficient; s.e. = standard error of the unstandardized regression coefficient; p = probability; r = Pearson correlation coefficient. See [Online Appendix C](#) for details on the distribution of each variable.

not.¹³ The predictor with the largest coefficient is the index of perceived systemic racism (although the coefficient is not significantly larger than the .20 coefficients). Indeed, these four variables *alone* can account for 25% of the variance in police legitimacy. With these relatively strong relationships, it is not surprising that the demographic variables are generally of not much substantive utility as predictors, although the respondents' age and gender are marginally related to police legitimacy (see Brunson 2007).

It is noteworthy that rejection of the legitimacy of the police does not necessarily require personal experience with unfair treatment by legal authorities. Furthermore, personal and vicarious experiences are not strongly related; [Table 2](#) reveals that each type of experience seems to undermine police legitimacy independently and with roughly equal force. Perhaps it is not surprising that this form of utilitarianism – perceived poor performance translates into reduced legitimacy – is so prominent in Black attitudes toward the police. The finding suggests that one way to improve the

¹³For an extended analysis of the connections (and lack thereof) of ideological and partisan identifications and police legitimacy, see [Online Appendix D](#).

legitimacy of the police in the eyes of Black people might be simply to treat them – individually and as a group – more fairly.

None of the predictors has a variance inflation factor (VIF) of ≥ 5.0 . Indeed, the largest VIF coefficient observed is 1.99 for the variable “Support Black Lives Matter.”

The measure of perceived systemic racism may be, in some limited sense, also an indicator of the perceived unfair vicarious experiences of Black people in that both measures refer to perceptions of how Black people are treated by the “system” (even if the correlation of these attitudes with the vicarious measure is only .28).¹⁴ Those Black people who perceive more institutional racism extend considerably less legitimacy to the police. Once more, these findings indicate that the unwillingness of Black people to grant legitimacy to the police reflects, to a considerable degree, how Black people perceive they have been treated, individually and as a group, by the legal and political systems in the United States. In this sense, diffuse support for the police is grounded in experiences and specific support.

Of particular interest for this research is the failure of the three BLM variables to predict variability in police legitimacy.¹⁵ Because the three indicators are interconnected to some degree, I include in this analysis a discussion of the bivariate relationships.

At the bivariate level, awareness of, support for, and confidence in the leaders of BLM are not substantially related to police legitimacy – each of the correlation coefficients is a mere .07. In the multivariate case, only the indicator of confidence in the leaders of BLM is significantly related to legitimacy, although the magnitude of the relationship is certainly only marginal at best.¹⁶ One might suspect that these findings are a function of the interconnections of the *independent* variables, but the weak bivariate correlations of the three BLM variables with police legitimacy lead me to dismiss that speculation.¹⁷ Although confirmation goes beyond the limits of my empirical evidence, these findings may indicate that, at best, the BLM movement mobilized people more than changed their views of the police. It is also clear from the data that approval of the BLM movement was not necessary for Black people to withhold legitimacy from the police and that those who were little engaged with BLM were also alienated from the police. For some, BLM may well have been a consequence, not a cause, of police attitudes.

¹⁴Of course, the referent for the vicarious experiences measure is the criminal justice system, while the referent for the systemic racism items is the more general political and social system. Personal experience with unfair treatment is correlated with perceived systemic racism at only .04, so perceived systemic racism should not be necessarily understood as reflecting personal experiences.

¹⁵Like me, Boudreau et al. (2022) use cross-sectional survey data to examine the relationship between attitudes toward BLM and support for the police. For a similar analytical strategy, see Jefferson 2023.

¹⁶Across the three levels of confidence in the BLM leaders, the mean legitimacy scores are: .46, .48, and .49, for hardly any confidence, only some confidence, and a great deal of confidence, respectively. Contrast these to the means reported in Figure 1. Note as well that the relationship is opposite to that predicted: those with more confidence in BLM leaders extend slightly more legitimacy to law enforcement. Although, as I have noted, the relationship is quite weak, this may reflect some sort of generalized propensity to express trust for institutions.

¹⁷Another way to consider these relationships is to enter all three Black Lives Matter variables into the equation first, as a group, in a hierarchical regression using the variables reported in Table 2 (above). The three variables can account for only 2% of the variance in the police legitimacy index. Note as well that none of the variance inflation factor coefficients for the BLM variables exceed even 2.0.

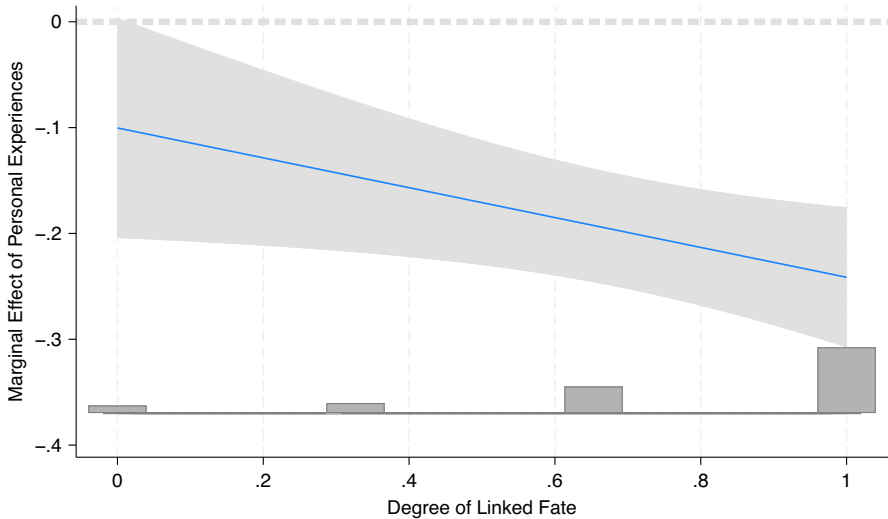


Figure 2. The Marginal Effect of Personal Experiences on the Extension of Legitimacy to the Police, African Americans.

Note: This graph shows the interactive relationship between linked fate and personal experiences and willingness to extend legitimacy to the police. The “rug” at the bottom of the graph depicts the frequency distribution of the linked fate measure and reveals an adequate number of respondents at the high end of the group identification measure but fewer respondents at the low end. All variables are scored to range between 0 and 1. Weighted N = 543.

The story is not too different for the measures of ingroup attachments. While strong ingroup identification is associated with less police legitimacy at the bivariate level, the relationship is reduced to insignificance in the multivariate equation. The results for a sense of linked fate are similar, although the multivariate coefficient for linked fate is marginally significant ($p = .024$).¹⁸ The direct effects of these identity variables pale in comparison to the major predictors shown in Table 2. What these findings indicate is that those Black people who do not identify closely with Black people as a group differ little in their police legitimacy attitudes from those who identify closely with Black people as a group.

This conclusion can be better tested, however, by considering the interactive relationships between identities and experiences. As noted, hypothesis 3 pertains to an expected interaction between ingroup attachments and perceptions of vicarious experiences of Black people with unfair treatment by legal authorities.

No matter how the equation is specified (i.e., no matter how the four experiences/identities interaction terms are entered or excluded), only a single interactive relationship achieves statistical significance: When the linked fate measure is at its maximum score (1.0), the effect on police legitimacy of personal experiences with unfair treatment more than doubles compared to its minimum score, from $-.10$ to $-.24$. Figure 2 describes this interactive relationship.

Gibson and Nelson (2018) have earlier argued that having a sense of linked fate to a group is not necessarily a psychological attachment but may be instead little more

¹⁸Additionally, it is revealing that the mean legitimacy score for those with the strongest sense of linked fate is .43; for all others, it is .51.

than the recognition of an external reality.¹⁹ For instance, in the context of “stop and frisk” policies, the “fate” of an individual Black person (i.e., whether he or she is frisked) is, in fact, linked to the person’s group, whatever the level of ingroup psychological attachment.²⁰ What this interaction indicates is that when an occurrence of unfair treatment takes place for a person with stronger ingroup consciousness, the systemic consequences of the event balloons. As such, the happenings are perhaps even more worrying than might otherwise be assumed.

I must note, however, that while the interaction of linked fate and personal experiences is statistically significant, the other three interactions are not. For example, the effect of vicarious experiences on police legitimacy does not vary with one’s strength of linked fate; nor does it vary by the degree of ingroup identification. These results run contrary to my hypothesis. The essential mechanism here seems to be that having a sense of linked fate encourages generalizing from one’s own experiences to institutions and systems, and, because ingroup attachments do not have similar effects, that this sense of fates being linked may not be grounded in the psychological processes specified by social identity theory.

In sum, these data seem to suggest the following mechanisms. The lack of police legitimacy among Black people is mainly a function of experiences and associated political beliefs. Both personal and vicarious experiences of unfair treatment are connected with lesser legitimacy, as are general ideology and, more specifically, belief in systemic racism. Perhaps many African Americans have learned from their experiences with legal authorities that the policing *system* will not treat them fairly, and, as a consequence, they have withheld legitimacy from the coercive arm of the state. Having a sense of linked fate exacerbates the connection of personal experiences and lost legitimacy, perhaps because a sense of linked fate serves to push one toward making the connection between individual incidents and systemic problems.

Discussion and concluding comments

This analysis of the variability in the willingness of Black Americans to extend legitimacy to the police has produced a number of important conclusions. First, considerable variability exists among Black people in their willingness to grant the police legitimacy. Clearly, African Americans do not uniformly hold anti-police attitudes.

Second, and perhaps most important, experiences matter. And it is not just personal encounters with unfair treatment by legal authorities that are consequential; perceptions of how Black people as a group are treated are also substantially associated with attitudes toward the police. The unsettling legacy of the exposure of seemingly countless instances of police brutality directed against African Americans is the

¹⁹See Jung 2000 for a convincing demonstration of this fact in the context of Coloured people’s identities in South Africa

²⁰Streeter (2019) concludes that the reason why Black people are more likely to be killed by the police does not have to do with the context of the encounter between the citizen and the police but is instead due to the fact that Black people are more likely to be stopped by the police in the first place (e.g., for having an air-freshener hanging from a rear-view mirror) (see also Mummolo 2018). Consequently, Black people being subject to unfair treatment by legal authorities approaches being an “as if” random assignment, which, of course, is not connected to ingroup psychological attachments.

undermining of police legitimacy in the United States – and even among those who have not themselves directly experienced the heavy hand of legal authorities.

Third, my analysis also reveals sizable variability in the strength of attachments of African Americans to Black people as a group. Moreover, that variability has an important conditional effect on attitudes toward police legitimacy. Having a sense of one's own fate being linked to that of Black people as a group “super-charges” the connection between experiences of unfair treatment and a willingness to extend legitimacy to the police. I have speculated that “linked fate” may not be the sort of ingroup identity about which Tajfel, Turner, and countless others have written; instead, it may be grounded in the empirical observation that the fates of Black people are often, in fact, linked by systemic and institutional factors. Everyone understands that Black people are not targeted by the police because they subjectively identify as Black (Streeter 2019); rather, it is because they are objectively Black. Not all of the identity/experience effects I hypothesized were confirmed, however. Nevertheless, these findings show how at least some identities may be necessary to link people to events, including in the police brutality context in contemporary America.

Perhaps the most dispiriting finding of this analysis is the close connection between attitudes toward systemic racism and police legitimacy. Recognition of systemic racism is, in some sense, a rejection of the legitimacy, or at least fairness, of the existing political and social system in the United States. Perhaps it is not surprising that people who see the “deck” stacked against them would tend to see the coercive agents of that system – the police – as not legitimate.

My research has also adduced little evidence to suggest that attitudes toward the Black Lives Matter movement are major direct predictors of attitudes toward the legitimacy of the police. The strongest connection I observe is between confidence in the leaders of the movement and police legitimacy, but that relationship is just barely distinguishable from zero. Thus, this research joins other work in documenting the relatively puny link between perceptions of “exogenous” activities and public opinion.²¹

Finally, at a more theoretical level, I note that diffuse support for the police seems to be more strongly grounded in specific support (experiences) than is typically observed for institutions such as the U.S. Supreme Court. This may be because, while the Supreme Court is a distant and opaque institution, law enforcement is not, suggesting the hypothesis that when specific support is grounded in meaningful experiences, its connection to diffuse support will be stronger. This is certainly a hypothesis worthy of additional empirical inquiry.²²

I reiterate the obvious caveat that all these findings are grounded in a relatively new measure of police legitimacy that, in this research and in its initial development and construction, has strong psychometric properties. What is not known, however, is how this measure correlates with the assortment of indicators used in earlier research and, therefore, whether my findings are dependent upon this measure. There is no doubt that there is a need for further research on measuring police

²¹Political scientists have paid a great deal of attention to the ways in which events shape public opinion (e.g., Jefferson et al. 2021). While the diversity of this research makes it difficult to extract many substantive conclusions, it seems clear that *perceptions* of events are far more influential in shaping attitudes than the simple *occurrence* of those events. Events, like “truths,” are rarely self-evident.

²²Meaningful experiences may be one reason why jury service seems to increase trust in local courts. See Pennington and Dolliver 2022.

legitimacy and especially for investigating how it relates to alternative indicators of the concept.

Undoubtedly, this research suffers from a number of limitations. Perhaps most important is its inability to make strong statements about causality. For instance, it is conceivable (but not likely, in my view²³) that the relationship between belief in systemic racism and the rejection of police legitimacy is due to illegitimacy generating beliefs about the political and social system, not (or in addition to) vice versa. While it is not necessarily crucial to understand causal flows in every research instance (and undoubtedly, many relationships are characterized by reciprocal causation),²⁴ future research should investigate the causal structure of the relationships I propose in greater detail.

Another possible shortcoming of this study is its exclusive focus on African Americans. Black people are not the only group that is frequently man-handled by the police, and, indeed, some fragmentary evidence suggests that legal alienation is greater among Hispanics than it is among Black people (e.g., Gibson and Nelson 2018). In general, greater insights are often possible through intra-group analysis that is enlightened by inter-group comparisons.

In sum, perhaps the key lesson of this paper is simply that the unfair treatment of Black Americans by legal authorities seems to have consequences; such unfairness may be a major contributor to undercutting police legitimacy in the United States. If so, the damage of unfair treatment extends beyond individuals and groups to crucial institutions of American democracy – perhaps a most unfortunate consequence.

Supplementary material. The supplementary material for this article can be found at <http://doi.org/10.1017/jlc.2023.20>.

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²³My view is based on the presumption that general views about the system are likely to inform the views of specific institutions.

²⁴Exactly the same conclusion can be drawn about Bartels’ (2020) work and the research of many others.

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