

# Trust in the Justice System: A Comparative View Across Europe

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**The justice system is not one of the most trusted institutions in the UK. While most citizens consider it fair, they also think it is out of touch in specific cases, and many consider it relatively inefficient. The UK is not alone. Many governments throughout Europe and the wider world are worried about low levels of public trust in the justice system. These worries are reignited with every (minor) scandal or heavily mediated case.**

Monitoring levels of trust in the justice system is important. The justice system is a generator of meta-trust: it makes trust in other public institutions possible, because it provides some guarantee against possible misbehaviour by such other institutions<sup>2</sup>. In this article, we will explore levels of citizen trust in the justice system in the UK and in other -mainly European- countries, and changes in this trust. We first look at different dimensions in citizens' attitudes towards the justice system. We then look at a number of international surveys to see how levels of trust in the UK relate to those in other countries. Subsequently, we look at potential explanations for the measured levels of citizen trust, and in particular the question of whether the justice system's performance actually affects how citizens evaluate it. We end by formulating a number of recommendations for practitioners who want to measure public opinion towards the justice system, or who use such survey data.

## The justice system under pressure

In recent years we have seen a growth of polls and studies analysing levels of trust, and, more importantly, determinants of this trust. Many of these studies have focused on generic levels of trust, while others have

developed detailed measurements of attitudes towards very specific aspects of justice delivery<sup>3</sup>. In the Netherlands, a comprehensive study of citizens' confidence in the delivery of justice was published in 2004<sup>4</sup>, and the government developed a *Justitie Issue Monitor* — justice issues monitor. In Belgium, the Ministry of Justice is using a Justice Barometer to measure evolutions in citizens' trust in the justice system<sup>5</sup>. France organised a number of justice satisfaction surveys. Specific court satisfaction surveys exist in many countries, including France, Switzerland, Spain and the US, and the topic is receiving increasing attention in academia as well<sup>6</sup>. There are many similarities between these national debates, but each national debate also has its own focus. In the UK, for instance, judges are sometimes criticized for being out of touch with community values, while in the US, worries focus on political interference in the judicial system<sup>7</sup>. In countries such as Belgium, Spain and France the most common complaint is about the inefficiency and slowness of justice.

The UK has been particularly active in research on trust in the justice system. The existence of the very elaborate British Crime Survey has been instrumental in this respect. This survey shows that public opinion on certain aspects of the Criminal Justice System (CJS) is quite poor<sup>8</sup>. However, when we look at the most recent statistics for 2007-08, we see that a clear majority of the public thinks that the CJS respects rights of people accused of committing a crime and treats them fairly, and that it treats people who come forward as witnesses well (resp. 80 and 69 per cent)<sup>9</sup>. At the same time, only just 4 out of 10 think that the CJS is effective and that it deals with cases promptly and efficiently (resp. 44 and 42 per cent). Only 38 per cent thinks that the CJS is effective

1. This article borrows from the 2008 report "Explaining attitudes towards the justice system in the UK and Europe", Ministry of Justice Research Series 9/08. London: Ministry of Justice, written by Steven Van de Walle and John W. Raine. This research was funded by the Ministry of Justice (DCA 2006 Research Programme, grant no. P-06-02, 'Drivers of satisfaction with the justice system').
2. Tyler, T. R., & Huo, Y. J. (2002). *Trust in the law: encouraging public cooperation with the police and the courts*. New York: Russell Sage Foundation.
3. armentier, S., Vervaeke, G., Doutrelepon, R., & Kellens, G. (2005). *Public opinion and the administration of justice: Popular perceptions and their implications for policy-making in Western countries*. Brussels: Politeia.
4. Dekker, P., Maas - de Waal, C., & van der Meer, T. (2004). *Vertrouwen in de rechtspraak. Theoretische en empirische verkenningen voor een monitor*. Den Haag: Sociaal en Cultureel Planbureau.
5. Cloet, B., et al. (2005). *Justice in the spotlight. The results of the first Belgian "Justice barometer"*. S. Parmentier, G. Vervaeke, R. Doutrelepon, & G. Kellens (eds.), *Public opinion and the administration of justice: Popular perceptions and their implications for policy-making in Western countries* (pp. 53-75). Brussels: Politeia.
6. Roberts, J. V., & Hough, M. J. (2004). *Confidence in justice: an international review*. ICPR Research paper no.3; Roberts, J. V., & Hough, M. J. (2005). *Understanding Public Attitudes to Criminal Justice*. Buckingham: Open University Press.
7. *Ibid.*
8. Chapman, B., Mirrlees-Black, C., & Brawn, C. (2002). *Improving public attitudes to the Criminal Justice System: the impact of information*. Home Office Research Study 245.
9. Moley, S. (2008). *Public perceptions*. In: C. Kershaw, S. Nicholas & A. Walker (eds.), *Crime in England and Wales 2007/08: Findings from the British Crime Survey and police recorded crime* (pp. 117-142). London: Home Office.

at reducing crime; 36 per cent says it meets the needs of the victim.

There is no such thing as a monolithic attitude in the general population. Previous research has found that ethnic groups evaluate the justice system in different ways<sup>10</sup>, and that factors such as education also have an impact. Mirrlees-Black<sup>11</sup> found that the higher educated have less confidence in the justice system, but Genn found that the higher educated were more likely to disagree with the proposition that courts are an important way for ordinary people to enforce their rights<sup>12</sup>. This leads her to conclude that there is not so much alienation from the courts, but rather scepticism of their effectiveness. While the international findings are mixed, confidence in the criminal justice system in the UK is lower among those who have had direct contact with it (victims, jurors, witnesses, suspects)<sup>13</sup>.

### **Dimensions of trust in the justice system in the UK and elsewhere**

Overall, public opinion on the CJS is quite poor<sup>14</sup>. When we look at past studies and surveys, a number of grievances with the justice system recur. Judges are often seen as being out of touch with ordinary people's lives, and there appears to be a perception that the justice system works better for the rich than for the poor<sup>15</sup>. Citizens' trust in the justice system, however, is multidimensional. Their overall attitude is a combination of several factors. People may trust or distrust the justice system for different reasons. They may think it is inefficient, or unfair, or slow, or out-of-touch, or a combination of these. Negative evaluations of certain aspects may coincide with more positive ones of others. Indeed, when we look at the British Crime Survey, we see that people are very confident that the criminal justice system (CJS) respects the rights of people accused of committing a crime. At the same time, they are not confident that the CJS deals with cases promptly and efficiently, or that it meets the needs of victims of crimes. The justice system is often seen as slow and inefficient, but confidence in the fairness of the system generally remains relatively strong.

Particular conditions and events have an impact on citizen attitudes towards the justice system. Directly comparing countries is therefore not straightforward. Some countries have known major scandals that are visible in public opinion statistics. Belgium had its Dutroux

paedophilia case in the late 1990s and the associated plummeting of public confidence. France experienced a massive miscarriage of justice in its Outreau case in 2001-06 in which a group of parents was suspected of child abuse. In both countries, massive public outrage followed. Despite these national differences, some elements resurface in almost all national debates. The inefficiency and slowness of the justice system is a common complaint. While being a judge continues to be seen as a respectable profession, in many countries there is a debate about the distance between citizens and judges. In some countries, the political leanings of judges are a contentious issue.

### **Changes and international trends**

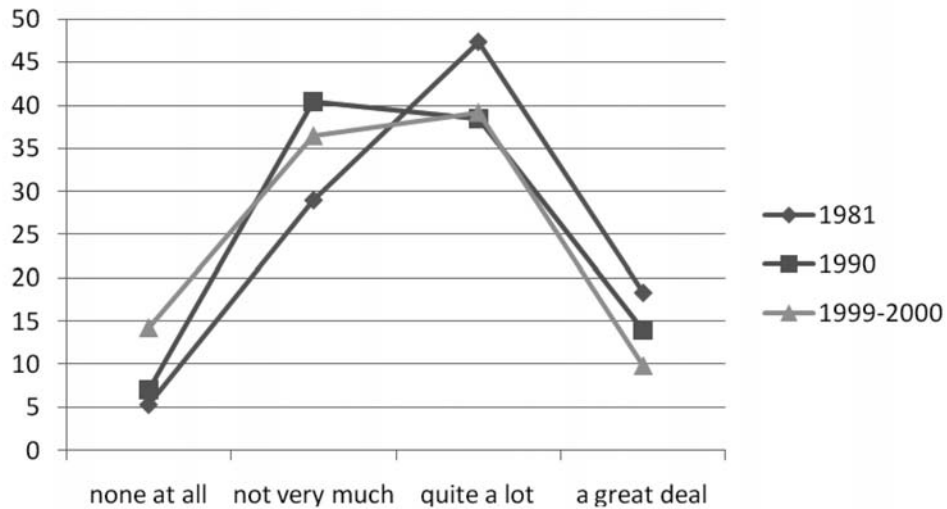
It is true that confidence in the justice system has been declining steadily since most internationally comparable measurements started. When we look at data from the academic World Values Survey for Great Britain (thus excluding Northern Ireland), we see a decline in confidence from 65.7 per cent who say they have a great deal or quite a lot of confidence in the justice system in 1981, to 49.1 per cent in 1999-2000 (see figure 1). Most notable is the decrease of people saying they have a great deal of confidence in the justice system, while the number of people in the most negative category (no confidence at all) has increased sharply.

There has been a long-term decline in confidence in the justice system in many countries. When we compare levels of confidence in 1981 with those in 1999-2000 — again using the World Values Survey — there has been a decline in Belgium (-23.4 percentage points), Finland (-17.9), France (-10.6), Italy (-10.9), the Netherlands (-16.2), Spain (-6.6), Sweden (-12.2), and Hungary (-43.4). In Great Britain and Northern Ireland, confidence has declined from 65.7 per cent and 67.5 per cent to 49.1 per cent and 47.9 per cent respectively. There are some exceptions though. In Austria, Latvia and Iceland, confidence actually increased between 1990 and 1999 (with 10.5, 11.0, and 7 percentage points respectively). Moreover, in some other countries, levels of confidence have remained fairly stable.

Several reasons have been quoted for such a decline. Declining performance of the justice system is one of the most commonly cited reasons. Yet, we see that justice systems throughout the world have

10. Brown, D. (2005). How does England incorporate the results of public opinion surveys on the administration of justice? In: S. Parmentier, G. Vervaeke, R. Doutrelepon, & G. Kellens (eds.), *Public opinion and the administration of justice: Popular perceptions and their implications for policy-making in Western countries* (pp. 169-186). Brussels: Politeia; Reza, B., & Magill, C. (2006). *Race and the Criminal Justice System: An overview to the complete statistics 2004-2005*. London: Criminal Justice System Race Unit.
11. Mirrlees-Black, C. (2001). *Confidence in the criminal justice system: findings from the 2000 British Crime Survey*. Home Office Research, Development and Statistics Directorate: Research Findings, (no. 137)
12. Genn, 1999.
13. Brown, 2005; Van de Walle, S. (2008). *Confidence in the criminal justice system: does experience count?* Mimeo.
14. Chapman et al., 2002.
15. Genn, 1999.

**Figure 1: Confidence in the justice system in Great Britain: detailed trends from the World Values Study**



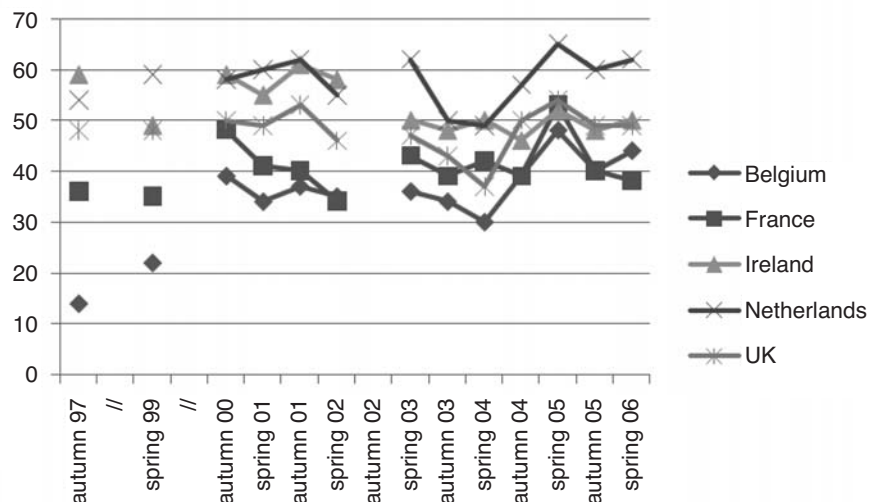
Source: World Values Survey — numbers for Great-Britain only.

undergone major modernisations, making the claim of declining performance difficult to uphold. The justice system is not alone in suffering from a decline in confidence. Most 'authority' institutions such as the police and churches, as well as the justice system have experienced a decline in confidence. Sociologists have attributed this to declining deference to authority<sup>16</sup>. Another observation is that levels of confidence in different institutions tend to be relatively similar within a given country. Low confidence in the parliament of a certain country, for example, often coincides with low confidence in the justice system. Likewise, high confidence in a number of core institutions often means there will be high confidence in most institutions. All this suggests that explanations for levels

of confidence in the justice system do not only have to be looked for within the justice system itself, but also in the wider society within which it operates.

Whereas the World Values Survey paints a picture of long-term change between 1981 and 1999-2000, the European Commission's Eurobarometer data allow for a quite detailed mapping of international trends over the last decade. This poll is repeated every 6 months (approximately 1,000 respondents per country), and contains a question on trust in justice/the legal system. This detailed time series for the last 10 years shows a number of fluctuations in the UK, but no real clear trends. The data also show that levels of trust in the justice system in the UK are quite similar to those in its neighbouring countries (see figure 2).

**Figure 2: Trust in the legal system, UK and neighbouring countries, 1997-2006**



Source: Eurobarometer, per cent tend to trust.

16. Inglehart, R. (1997). *Modernization and postmodernization: cultural, economic and political change in 43 societies*. Princeton: Princeton University Press.

These Eurobarometer data show the UK trend in a comparative perspective. Other established international surveys and reports also allow us to make comparisons between the relative standing of the justice system in different countries<sup>17</sup>.

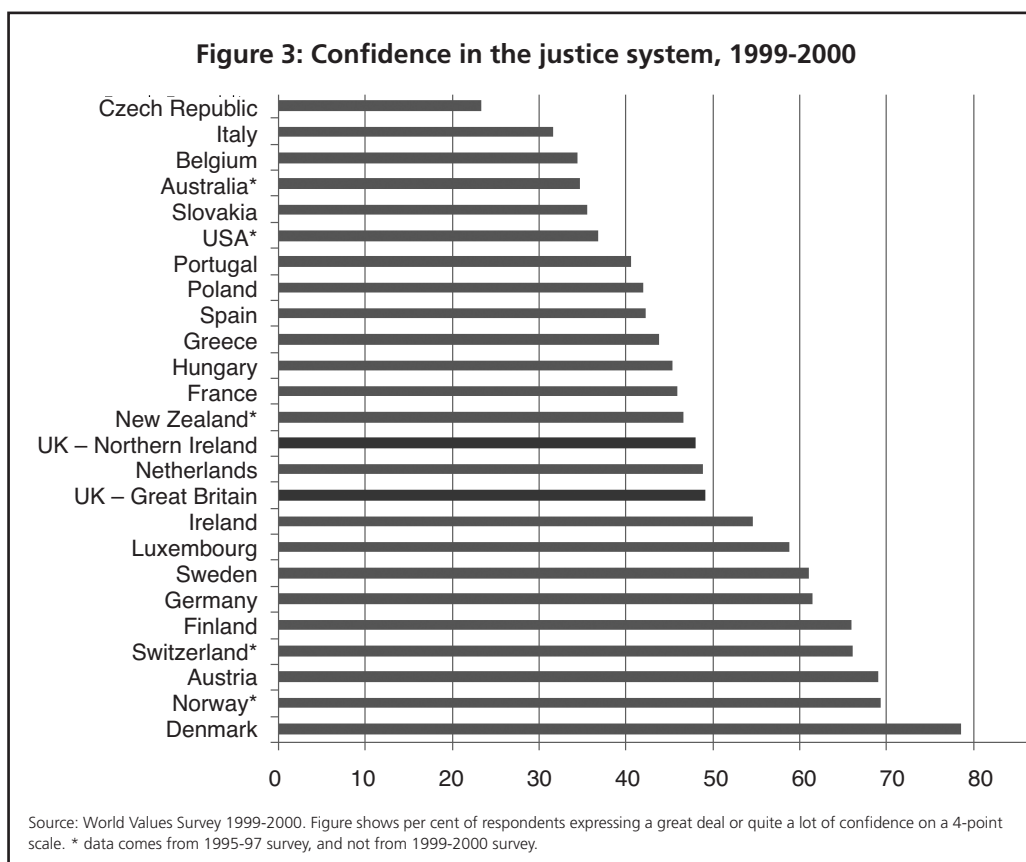
One such survey is the World Values Study, which we have mentioned before. This social survey was designed to measure value change in societies. Started in 1981, the survey is repeated every 10 years in most countries, and is one of the most extensive sources of data on citizen attitudes towards a range of social and political issues. It now covers over 80 countries and societies, and in the last wave, over 100,000 people were interviewed. The survey gives a good idea of where the UK stands internationally in terms of confidence in the justice system. Both Great Britain and Northern Ireland are found in the middle of the figure 3. Several Southern-and Eastern-European countries top the list of countries where confidence in the justice system is low. In Nordic countries there generally is high confidence.

Still another international survey, the European Social Survey, contains a question on trust in the legal system, scored on a 0-10 scale. When we look at the most recent findings for 2006, we see that little more than four out of ten UK citizens say they trust the legal system, and that the level of trust in the UK is around the European average. In 2004, the UK is found on the 12th place out

of 23 countries, which is slightly worse than Spain and Belgium, but better than Ireland and France. The Nordic countries take the first three places. Most Southern and Central- and Eastern European countries do worse than the UK. Results are shown in figure 4

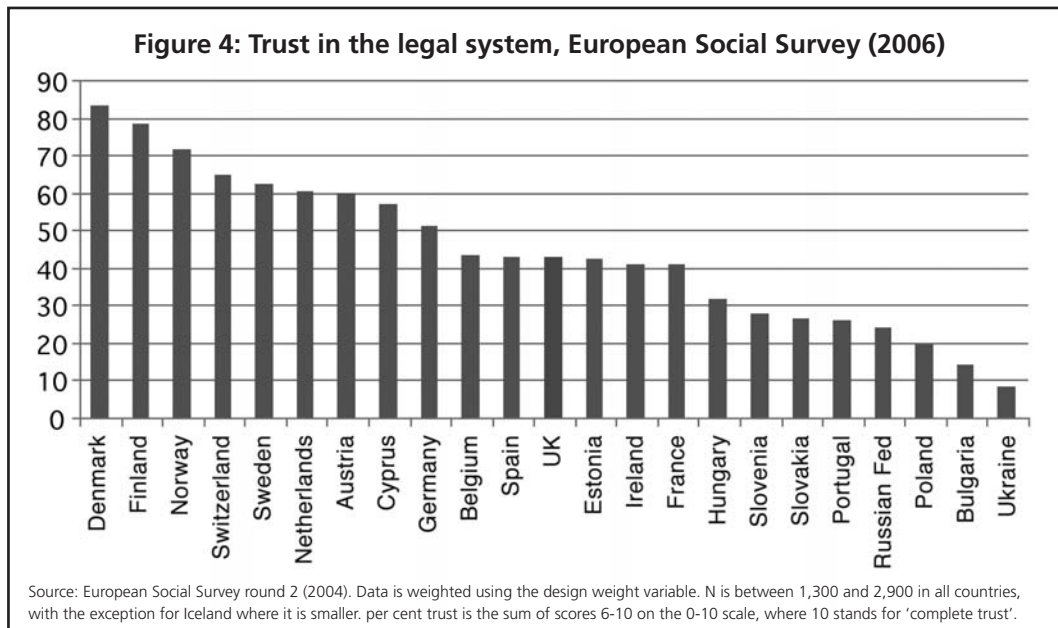
### Where do the attitudes come from?

It seems logical to attribute confidence, or a lack thereof, in the fairness, efficiency, or effectiveness of the justice system to deficiencies in the justice system itself. And this is partly true, as is demonstrated by the differentiation in attitudes about fairness (generally fairly high) and efficiency (generally fairly low). But where, then, do those general attitudes towards the justice system, as presented in earlier sections, come from? Are they just a summary of specific attitudes on fairness, efficiency etc., or is more at play? A detailed analysis of drivers of confidence in the justice system shows there is more at play<sup>18</sup>. Where specific attitudes still largely reflect direct or indirect experience, more general opinions, such as 'Would you say you trust the justice system' are influenced by a number of other factors. One important observation is the high degree of similarity between attitudes towards a range of public institutions. Citizens expressing distrust in one institution (let's say, the Parliament), are likely to express similar distrust in a range



17. Parmentier et al., 2005; Roberts & Hough, 2004.

18. Van de Walle, S. & Raine, J. W. (2008). Explaining attitudes towards the justice system in the UK and Europe. Ministry of Justice Research Series 9/08. London: Ministry of Justice.



of other institutions. Likewise, high trust in one public institution often means high trust in many. This somehow challenges the idea as would the justice system alone be at the origin of trust or distrust in the justice system. When we look across Europe, we see that trust in the justice system is often lower than that in other institutions. In some countries, we even find the justice system near the bottom of trust in institutions rankings<sup>19</sup>. The picture in the UK seems less pessimistic than might be suggested from some international findings, and the justice system generally appears somewhere near the middle of such rankings.

A second observation is that seemingly unrelated elements are related to expressions of trust or distrust in the justice system. Our analysis of drivers of trust in 20 European countries<sup>20</sup> shows that citizens' satisfaction with their own life, and trust in other people is related to levels of expressed trust in the justice system. In other words, wider predispositions determine expressed attitudes towards the justice system. This is by no means a new finding, but it does complicate the interpretation of public opinion statistics.

### Implications

When we report that levels of trust in the justice system are not just influenced by the functioning of the justice system itself, but also by other factors (e.g. life satisfaction), this should not be interpreted by policymakers and practitioners within the justice system as a reason to give up responsibility. While the reasons for distrust are hard to grasp, its consequences are very real. Where confidence and satisfaction are low, citizens will be less likely to report crimes and to use the courts to seek redress. They may also become

less willing to serve as jurors or act as witnesses<sup>21</sup>. On top of this, a bad reputation may damage the justice system's ability to attract the best and the brightest as its staff, which may in turn have an effect on its efficiency and effectiveness.

Citizens' attitudes based on their own direct experiences with the justice system can be entirely different from their attitudes towards the justice system in general. Even a series of positive experiences with the justice system does not necessarily ensure a positive perception of the justice system as a whole. Previously held attitudes may lead citizens to interpret their own experience as being exceptional, and not sufficiently significant to alter any previously held general opinions. The implication of this is that citizens can, at the same time, be quite satisfied about their own experience, yet also retain little confidence in the justice system more broadly. Likewise, dissatisfaction with a partial aspect of the justice system does not necessarily lead to denial of the legitimacy of the system as a whole. We therefore need to distinguish in the analysis between general attitudes towards the justice system and attitudes towards specific elements. Attitudes towards the justice system consists of many related, and sometimes contradictory elements. Relying on a single poll to jump to conclusions about declining trust in the justice system therefore makes no sense.

This article has shown that, internationally, trust in the justice system in the UK is not particularly high or low. It has also shown that trust in the justice system has declined in recent decades. But it is not at all clear whether this is due to changes in the functioning of the justice system. Reforms of the justice system have to take citizens' opinions into account, but these opinions have to be interpreted with care.

19. Deffigier, C., Gaboriau, S., Marshall, D., Pauliat, H., & Plazy, J.-M. (2003). *L'administration de la justice et l'évaluation de sa qualité en France*. Strasbourg: Conseil de l'Europe.

20. Van de Walle, S., & Raine, J.W. (2008). o.c.

21. Roberts & Hough 2004.