Trust, legitimacy and the effectiveness of public institutions

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Why people obey the law? Why would they accept policy changes? How to make them cooperate with state institutions in order to render policy implementation and governing smoother? These, and similar questions are of a paramount importance if we want to increase policy effectiveness, or governing capacities. The core problem is to find a motivational system that helps to solve the many collective action problems that characterize governance.

A strong paradigm in social sciences, the rational choice theory suggests that institutions and rules should be designed in such a way that makes individual self-interested motivation work. A well-designed system of sanctions and rewards as well as market mechanisms put in place can ensure that free-riding behaviour become costly for the individuals. In case of a perfect motivation system the collective character of the action disappears and becomes a function of a rational individual decision.

However, the rational choice theory has been challenged on both theoretical and empirical grounds. Theory has proven that it is not possible to design a perfect sanction and reward system in order to avoid all kinds of free riding (Miller, 1992). Moreover, human motivation is a sophisticated mechanism: more sanctions and more rewards in many situations have the paradoxical effect of actually lowering the quality of expected performance (Frey, 1997). Voiding cooperative action of all of its collective feature is thus impossible.

A different approach is based on trust. Trust in the government and in politicians is part of the concept of legitimacy and political legitimacy is a prerequisite of democratic politics and governing capacity (Beetham, 1991). Tom Tyler argues that people do not obey the law because they fear the sanctions, but because they put trust in it. More specifically, if people believe that laws serve the common good, and that the judicial system is both effective and fair, then they are more willing to obey the law (Tyler, 1990, 2001, 2010).

This approach to the problematique of legitimacy and trust is not normative in its intentions. However, it does take into account that people use normative, value-driven criteria when forming evaluative attitudes towards institutions. Those normative criteria concern the goodness of institutional functioning from the perspective of some kind of general interest, or common good.

1 The paper is partly based on research founded under the FP7 research project “FIDUCIA – New European Crimes and Trust-based Policy”.
More specifically, Tyler argues that the fairness of the procedures used by the given institution is under the close scrutiny of stakeholders. Psychologists argue that the importance of procedural fairness has been created by evolutionary pressures. There has always been a need for leadership in human groups in order to fulfil the role of organizing the community, but only a „good” leadership is valuable, the one which seeks to promote the general interest. Ethical sensitivity is needed to detect the real intentions and character of potential leaders. This sensitivity towards the quality of leadership would be transposed on politics and institutions (Smith et al. 2007).

The point is that research on trust and legitimacy has shown that constructions and perceptions of the public good play an important role in shaping legitimacy beliefs. And that legitimacy is a factor to institutional effectiveness. Therefore it is important to understand the roots of legitimacy. The paper will overview the relevant literatures, and provide an analysis of general attitudes towards the justice system in Hungary. Data show that despite the general argument on the alleged importance of materialistic values and output-legitimacy in Central and Eastern European countries, people express sensitivity towards procedural fairness norms. This has implications for both future research and policy making.

**Legitimacy, trust and institutional effectiveness**

A foundational thesis in political science is that politics needs some level of public support, acceptance, and allegiance. Democratic systems might need even more of it than non-democratic ones, because they are limited in using coercion and they are bound to build cooperative relations with citizens. More trust in and more legitimacy of the political system implies a greater likelihood of cooperation, which in turn may affect the effectiveness of political and state institutions.

Legitimacy may make people more willing to defer to the law and to the decisions of legal authorities such as the police and the courts (Tyler, 1990). Without legitimacy, people may be less likely to support government programs that redistribute economic resources (Hetherington, 2005). Legitimacy shapes citizens’ reactions to government policies (Weatherford, 1992) and provides government with grounds for eliciting citizen support other than appeals to immediate self-interest. Legitimacy can increase citizen support of war efforts (Leff, 1991; Levi, 1997) and compliance with health regulations during an epidemic (Lieberman, 2007).

What is legitimacy for the government or the political system as a whole, is trust for given institutions, like the law, the police or the municipality. Higher trust may contribute to more effective institutional performance and easier policy implementation (Tyler, 2006). For instance, many studies argue that for instance trust in police produces readiness to cooperate with the police (see the review by Hawdon, 2008). To put it differently, the effectiveness of police improves with increasing trust and so does the degree of satisfaction with its performance.

Now, the concept of legitimacy or public trust is a complex one. David Beetham argues that “legitimacy is not a single quality that systems of power possess or not, but a set of distinct criteria, or multiple dimensions, operating at different levels, each of which provides moral grounds for compliance or cooperation on the part of those subordinate to a given power relation” (Beetham, 1991:20). In this paper I will not present Beetham’s whole conceptual construction, including the criteria, dimensions and levels mentioned in this quote. However, I will follow his approach that challenges a widespread ‘value-free’ concept of legitimacy – popularized for instance by Niklas
Luhmann – which captures legitimacy in a ‘descriptive’ relationship of the subordinates to those in power. Beetham is not normative either in his intentions, but he argues that allegiance relies on moral concepts which should be taken into account. “The effectiveness of the powerful, in other words, is not just a matter of resources and organisation, as the ‘realists’ would contend, but also of their legitimacy. The realists are at this point simply not realistic enough; they do not take people seriously as moral agents, or recognise that what the powerful can get others to do depends upon normative considerations as well as upon the resources and organisational capacities at their command” (Beetham, 1991: 29).

Now, what are those normative considerations? We may think that as political cultures are different, people in different countries will use different normative criteria to formulate a more or a less supportive relation to politics. Michael Walzer has forcefully argued that moral concepts cannot be applied universally, because first, different social spheres and contexts imply different norms and values inside even of a given society⁴, and second, moral cultures are different across societies (Walzer, 1983). This may well be true. However, it still may be that beyond the differences, some commonalities also exist among societies in the way they interpret the moral background of a legitimacy claim.

At least this is the claim advanced by Levi, Sacks and Tyler (2009). They accept the approach followed also by Beetham: “Legitimacy derives from the beliefs citizens hold about the normative appropriateness of government structures, officials, and processes” (Levi, Sacks and Tyler, 2009: 354). They model legitimacy as a sense of obligation or willingness to obey authorities (value-based legitimacy) that then translates into actual compliance with governmental regulations and laws (behavioral legitimacy). Their conceptual model posits that value-based legitimacy has two antecedent conditions which: trustworthiness of government and procedural justice. Government trustworthiness has three components: leadership motivations, administrative competence, and government performance – see Figure 1 (Levi, Sacks and Tyler, 2009: 356). Now, they claim that those conditions apply across cultures: they actually tested their model in an African context.

Let us have a short look at those components.

Leadership motivation is undeniably difficult to detect – however, people are constantly monitoring leadership behaviour and the supposed underlying motives. Trustworthiness relies on two basic characteristics of leader behaviour: walking their talk even “by making sacrifices that demonstrate their willingness to put their money where their mouth is” and demonstrating their commitment to some kind of general interest, even by “submitting to limits on their power” (Levi, Sacks and Tyler, 2009: 358).

Administrative competence: “A government’s administrative competence has two attributes: honesty and the capacity to implement rules and regulations” (Levi, Sacks and Tyler, 2009: 358). Honesty is perceived in terms of procedural fairness norms, while the capacity to implement rules is what we may also call institutional effectiveness. That is, administrative competence is the condition of citizen trust in state institutions, like the tax authority, police or the courts.

Government performance is also part of the factors that lead to legitimizing beliefs. “One possible basis for legitimizing beliefs is the provision of public goods the population requires to ensure at

⁴ That is, justice does not mean the same in case of a ‘fair wage’ or an urgency when somebody’s life is in peril.
least a minimal level of social welfare, such as drinkable water, roads, post offices, electricity, piped water, and sanitation” (Levi, Sacks and Tyler, 2009: 358). The government should evidently be able to fulfil its tasks in terms of providing security, welfare etc. This is the well-known output-legitimacy.

Leadership motivations, administrative competence, and government performance thus make up the trustworthiness of government. Together with government trustworthiness the model has one more basic component: procedural justice.

The model of value-based legitimacy stresses the importance of the principles of procedural justice (note that their are implied already under administrative capacity), and relatively undervalues the importance of government performance is shaping legitimacy. This goes contrary to a well established tradition in political science which stresses the importance of output legitimacy: allegiance towards the political system and its institutions is shaped by the goods delivered to people. People “care about ends not means; they judge government by results and are . . . indifferent about the methods by which the results were obtained” (Popkin 1991: 99).

Indeed, there is empirical evidence supporting the performance-based trust hypothesis: for instance, a general observation is that trust in government is more volatile than trust in constitutional courts. Presumably the performance of governments is seen as being less stable than that of the courts, moreover, people also attribute certain social, economic and political problems to the government which they are less likely to attribute to the constitutional court (Grosskopf, 2003). Perceived institutional performance\(^3\) certainly has an effect upon trust.

However, other findings prove that sometimes trust and performance show surprisingly weak relation to each other (Smith et al. 2007: 288). Such findings lead della Porta to ask “why policy outputs . . . play such a minor role in shaping confidence in democratic institutions” (2000: 202) and Pharr to conclude that “policy performance . . . explains little when it comes to public trust” (2000: 199). Tom Tyler argues that this is indeed the case. Trust is explained rather by the procedural fairness used by the institutions.

\(^3\) Note that institutional performance is not always easy to evaluate: it is a construct, and an interesting question is how this construct is created by personal experience, public opinion, the media etc.
But how to define procedural fairness? Philosophers have devoted much less work to the concept of procedural fairness as such, although some of its elements have been extensively studied. For instance, a number of classical human rights, like right to fair trial, right to non-discriminatory treatment, etc., clearly expresses norms of fair procedures, and are extensively treated in political philosophy. Participation in decision making has become the topic of an increasing body of literature (see, e.g., Dryzek, 2000).
Communicative ethics, by Karl-Otto Apel and Jürgen Habermas (Apel, 1990, Habermas, 1990), is an influential theory that developed the procedural norms for fair communication. Although the theory was initially elaborated in order to set the circumstances which may lead to the development and acceptance of legitimate ethical norms, it can be applied to more practical situations as it provides the criteria of valid speech. That is, it provides ethical criteria to judge the validity, acceptability and legitimacy of a communication. The communicative situation must be free of coercion, and undistorted by power relations, and the communication must use rational arguments to convince the other parties. The validity of speech lies in its intelligibility (valid meaning), truthfulness (subjective authenticity), factual truth and correctness (normative justifiability). Actually, the frontiers between the lack of truth-telling and untruthfulness are not always easy to delineate, but they represent by any standards violations of the sincerity principle.

In general terms, Leventhal (1980) identified six criteria of procedural justice: representativeness (participation), suppression of bias (impartiality), consistency (equal treatment and consistency over time), accuracy (informed and high-quality decision making), correctability (of unfair or mistaken decisions), ethicality (conformity to general moral standards). It is clear that procedural fairness is a complex phenomenon. Using results of psychological research Machura (1998) argues that throughout the socialization process we all internalize some kind of “procedural justice heuristics” which is difficult to define in very precise terms, but which is used in evaluating social settings. We can add that procedural fairness does certainly have different meanings for different institutions and settings, or, more precisely, different criteria of procedural justice are used in evaluating the fairness of different institutions in distinct settings.

Tom Tyler’s oeuvre proves that normative evaluations play a very important role in shaping people’s trust or distrust in institutions, and those normative evaluations to a great extent pertain to the fairness of procedures applied by the institutions (Tyler, 1990, 2001, 2003, 2006). People trust an institution based on perceptions about how it treats them and whether it makes decisions in a fair way. This might be even more important than institutional outcomes: fair procedures provide a protective cushion for certain political institutions even in times of hard decisions (like hard reforms or austerity measures).

In a number of situations, procedural fairness was indeed found to play a crucial role in shaping people’s trust and their readiness for cooperation with institutions. Many studies argue that for instance trust in police is first and foremost affected by perceived fairness and that trust produces both a readiness to cooperate with the police and a positive attitude in evaluating its performance (see the review by Hawdon, 2008). Murphy (2005) found that in Australia tax evasion was correlated with perceived unfairness of the tax authority. This explains why strict sanctions paradoxically did not have a positive effect on the willingness to pay tax. Instead, these measures triggered more tax evasion. Gangl (2003) argues that people’s perceptions about the legitimacy of the American Congress are more influenced by considerations of procedural fairness than by the distributive effects of the decisions.

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4 Note that there is circular logic present in the theory: fair communication is needed for legitimate norms to be developed, however, the criteria of fair communication already include normative justifiability. But this is unavoidable: final foundation is possible only if we posit an axiom. Otherwise we are either caught in a circular argumentation, or in a regressio ad infinitum.
Frey and Osterloh (2005) present several cases where people are more inclined to make sacrifices or accept decisions with negative consequences to them when they are convinced that this is the right or the fair thing to do compared with those cases when they are offered a monetary compensation. Again, the procedure seems to be more important than the outcome when it comes about motivating people.

Empirical evidences indicate that openness, inclusion and communication can help also the effectiveness of the governance structures, because they provide means for coherent integration of the variety of perspectives and create the conditions for that the stakeholders accept and apply the decisions. Consider the two examples of the Forest Stewardship Council and the Marine Stewardship Council (for a description and analysis see Bendell – Murphy, 2000 and Fowler – Heap, 2000). The FSC is about institutionalizing sustainable forestry practices, while the MSC promotes sustainable fishing. Both the FSC and the MSC has developed standards and norms to be followed by the industry, and also a labeling scheme. Both of them were initiated by the World Wide Fund for Nature (WWF), but represent quite different approaches. The FSC is based on a “bottom up” approach, and inclusion: the most important stakeholders have been invited to join the FSC and its activity has been based on the deliberation and cooperation of the parties. The MSC was designed as a joint project of the WWF and Unilever, the market leader company in fish products. Other companies were invited to join, but after that the WWF and Unilever have already developed the MSC scheme, so the other potential parties could only “take it or leave it”. Now, analysts say FSC seems to be more effective, just because the members consider the initiative as their own (Fowler – Heap, 2000).

Breitmeier, Young and Zürn (2006) arrive to a similar result in their analysis about international environmental regimes. They made an extensive and quantitative analysis of 172 „regime elements” of 23 international regimes, and they have been primarily interested in whether there are some institutional features (regime design) which increase the effectiveness of international governance structures. In fact, they have not been able to identify such features. But from our point of view, an interesting result of their analysis is that there is no decision making rule which would have proven to be more effective than the others: regimes using the consensus or the unanimity rule are just as effectives as regimes built around the majority vote. Now, a general faith (and a general argument against discourse ethics) is that reaching a consensus is long and difficult, therefore not a very effective, process. However, consensus creates a feeling of identification among the parties which increases the effectiveness of the regime in question. In other words, the perceived legitimacy (normative rightness and acceptability) of a regulatory framework indeed contributes to its effectiveness.

The above examples provide evidence that (1) legitimacy of, or trust in, institutions is a function of the perceived fairness of the procedures the institutions use; and (2) fair procedures may enhance the effectiveness of the given institutions (police, tax authority, company etc.).

But how can we explain the significance of procedural fairness in shaping trust and legitimacy?

As Smith et al. (2007: 288) put it, “Much of the procedural justice literature offers no greater theoretical basis for the empirical results than the assertion that people simply desire procedural justice, and saying ‘that is just the way people are’ does not constitute a theory”. The importance of procedural fairness thus has been observed, but not explained. They intend to fill this lacune and propose an approach based on evolutionary theory. They argue that evolutionary theory offers a theoretical account of people’s sensitivity to strictly procedural, and other „nonoutcome” variables
They relate the sensitivity to “nonoutcome” evaluative criteria to an evolutionary explanation of leadership. “Evolutionary pressures may have led to the predisposition of some human beings to be sensitive to nonoutcome factors because groups in which no one cares about group health are likely to find themselves at a disadvantage. In this sense, evolutionary theory helps to explain findings in the procedural justice literature as well as our findings on people’s aversion to decision makers who desire power or who use power to benefit themselves at others’ expense” (Smith et al., 2007: 296). That is, evolutionary pressures create a need for leadership in human groups in order to fulfil the role of organizing the community, but only a “good” leadership is valuable, the one which seeks to promote the general interest. Ethical sensitivity is needed to detect the real intentions and character of potential leaders.

This also implies that a mixed strategy (in game theoretical terms) of trusting and distrusting is the most useful for human communities. Although the literature on trust has a tendency to idealize it, and argue that the lack, or the decline of public confidence, is the main problem to address, some arguments challenge this view. In fact, democracy can be interpreted as a political system which institutionalizes distrust by separating the branches of power and establishing a sophisticated system of checks and balances (Cleary – Stokes, 2006). In this respect, exaggerated trust in one element of the system, either in the government or in the ruling party, can be interpreted as a potentially dangerous development that might lead to the decline of democratic culture and the erosion of the rule of law.

The above argument advanced by Smith et al (2007) traces back the importance of procedural justice to the evolutionary pressure to scrutinize the “goodness” of potential leaders. That is, they suggest that the significance of procedural justice in relation to institutions is a phenomenon derived from the necessity of good leadership. Leadership in this context is defined as the main means to secure the collective good, or solve collective action problems. Procedural fairness acts as a proof that the collective good will indeed be promoted. The fairness expectations towards political institutions, per analogiam, also express the wish that the collective good be taken into account.

However, besides this theoretical approach, other, more practical, links also exist between trust and leadership. On one hand, leadership certainly presupposes some trust from the followers, otherwise, it simply cannot work. Beyond the need for a minimum trust, it was demonstrated that a more trusted leader can expect more compliance, allegiance, cooperation from the members. For instance, experiments prove that high trust leads employees to believe the accuracy of information provided by the managers and accept the decisions of managers (Kramer, 1999). Establishing trust may help reduce the likelihood of employee retaliation following bad news (Holtz – Harold, 2008: 794).

On the other hand, a leader is not a passive receiver of trusting attitudes: she can actively contribute to the creation or destruction of confidence. In their empirical study Holtz and Harold (2008) demonstrate that indeed, perceptions of fairness influence trust in leaders and also the readiness to accept their explanations. That is, the relationship among fairness, trust and cooperation/allegiance is proven one more time. Moreover, Holtz and Harold (2008) show that leadership style has a direct effect on trust. They hold, in conformity with other studies, that transformational leadership style is the one which is more likely to create trust among organizational members. Today, transformational and transactional leadership are among the most dominant perspectives of leadership behaviour.
Transformational leaders increase subordinates’ understanding of the importance of organizational outcomes and help transform followers’ personal values to be congruent with the collective goals or mission of their organization. Transactional leadership, on the other hand, involves a negotiated exchange relationship between a leader and a subordinate. Some authors suggest that transactional leadership is based on economic exchange and transformational leadership is grounded in social exchange principles, and that only social exchange tends to engender feelings of personal obligation, gratitude, and trust; purely economic exchange as such does not (Holtz – Harold, 2008: 783).

The results of Holtz and Harold seem to support the thesis of Smith et al. (2007): a leader is more trusted if she is able to prove her commitment to the common good. For this, she should act in conformity with legitimate procedural fairness norms, under the scrutiny of sceptical subordinates.

Note that the above quoted studies on leadership focus in a business context. In political science no similar studies were conducted, to my knowledge. More generally, the whole leadership problematique is more deeply embedded into the field of management and organizational studies than in political science. The conditions, prerequisites, and roots of trust in political leaders have not been studied empirically. The reasons for this phenomenon might be numerous, but one is that political scientists tend to focus on institutions and the political system. Although in political marketing and communication studies the phenomenon of personalisation has been extensively treated (see, e.g., Karvonen, 2010), the approach is generally very instrumental: how to make campaigns more effective, how to use the tools of political communication in the service of personalization of party leaders. Neither the normative roots of political leadership, nor their relation to the political system are analysed, assuming that political choices are more deeply rooted in ideological partisanship, interests etc. Although in the very practical level, in the election campaigns, the role of political leadership is acknowledged, the analysis of its relationship to creating or destroying allegiance towards the political system (that is, legitimacy) and of its embeddedness into political theory is lacking.

Trust in the justice system in Hungary: a preliminary analysis

If the above hold true, it has a very important implication for both politics and politics. Political leaders, governments and state institutions should prove their commitments to the public interest by behaving in conformity with procedural fairness norms. If so, public trust increases and this will improve the effectiveness of governance, which, in turn, contributes to maintain and further increase trust.

The model implies a circular logic between trust and effectiveness. This circular logic may explain why institutional trust is so closely related to per capita GDP of the countries (see Figure 2).
However, let us come back to the argument of Walzer. If political and moral cultures are different, than it may be that procedural justice is less important in some societies to underpin political and institutional trust. Indeed, some analysis on Central and Eastern Europe (CEE) suggest that patterns of public trust are somehow different from those of Western Europe. For instance, some studies stress the significance of economic factors for Central and Eastern European (CEE) countries. Both Campbell (2004) and Mishler and Rose (2001) argue that in the CEE region income is a strong predictor of trust in political institutions both at the individual and the aggregate levels. In another study, Mishler and Rose (1997) argue that people in CEE countries evaluate political institutions according to a general frame which is strongly determined by the economic situation of a given country. They also formulate a provocative argument by claiming that people in new democracies are actually not capable of distinguishing between specific institutions as they do not make judgements about them on the basis of their individual performance or properties.

We started to study the patterns of institutional trust in CEE countries and Hungary, and our first results seem to suggest that they are not very different from patterns of trust in old democracies – except, of course, their level (Boda – Medve-Bálint, 2010). In the following I present the preliminary results of our first analysis which aimed at controlling the role of procedural fairness in evaluating courts and the police in Hungary.
In April 2011 the Institute for Political Science at the Hungarian Academy of Sciences contracted Median Polling Agency to conduct a survey on the Hungarian population. The representative sample drawn by Median included 1200 respondents. The survey attempted to measure the respondents’ interpersonal and institutional trust and their views and attitudes towards political, social and economic issues. The questionnaire put particular emphasis on the different aspects of trust placed in the police and courts. One of the primary goals of the data collection and the subsequent analysis has been to identify whether the perception of procedural fairness or the perception of efficiency or both of them determine the individuals’ level of trust placed in specific public institutions, in this case the police and the court. In other words, the research question driving this study is how do perceptions about the procedural fairness and efficiency of an institution affect the level of trust towards them?

**Descriptive statistics**

The questionnaire was divided into four separate blocks of questions. The first block contained several statements to which the respondents had to indicate their level of agreement (responses could range from 1, which stood for “does not agree at all” to 10, which meant full agreement). These questions aimed at measuring the respondents’ attitudes and expectations regarding social, political and economic issues and institutions, and also how they evaluated the current economic and political situation in Hungary. The mean values of these indicators reveal that in general, the respondents were highly concerned about procedural fairness in public institutions (variables intbiz_0112 and intbiz_0117) and relatively concerned about crime (intbiz_0106 and intbiz_0114), the functioning of democracy and market economy in Hungary (intbiz_0102 and intbiz_0110) and about the direction to which the country was heading (intbiz_0104), which they were also anticipating to generate a rather detrimental effect on their households’ financial situation in the near future (intbiz_0115). On average, respondents also demonstrated fairly strong punitive attitudes (intbiz_0108) and an inclination to respect authority and traditions (intbiz_0104, intbiz_0116 and intbiz_0107). While respondents predominantly agreed that Hungary needed a firm, determined government (intbiz_0109) that should generate economic growth at all costs (intbiz_0111), at the same time they also shared the view that the government would be more efficient if it was more cooperative and listened to societal actors as well (intbiz_0113).

The second block of questions inquired about the level of trust the respondents placed in various institutions of public relevance. The answers could range on a 10-point scale between 1 (“does not trust at all”) and 10 (“fully trusts”). The mean values of these indicators reveal that the respondents trust political parties (intbiz_0202) and foreign-owned enterprises (intbiz_0210) the least, followed by the media (intbiz_0208), the church (intbiz_0209), the parliament (intbiz_0201) and the government (intbiz_0203). Respondents considered local governments (intbiz_0205), companies in Hungarian ownership (intbiz_0211), hospitals (intbiz_0212) and civil organizations (intbiz_0213) rather trustworthy, while they demonstrated the highest overall level of trust towards the Constitutional Court (intbiz_0204), the courts (intbiz_0206), the police (intbiz_0107) and the schools (intbiz_0214).

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5 The questionnaire was developed by Zsolt Boda and Gergő Medve-Bálint. Data analysis was done by Gergő Medve-Bálint.
The next set of questions was entirely dedicated to the respondents’ opinion about and expectations towards the police. On average, respondents considered the efficiency of the police rather good (intbiz_0701 and intbiz_0703) and those who had recent personal experience with the police were to a great extent also fairly satisfied with the way they were treated (intbiz_04). While respondents demonstrated high concern for procedural fairness as they predominantly agreed with the statement that the police under all circumstances should obey the rules that correspond to them (intbiz_0702), when it came to the issue of efficiency, they were rather split whether procedural fairness should be sacrificed for the sake of performance or not (intbiz_0704 and intbiz_0705). Finally, respondents were also divided over the question about how often policemen accept bribes (intbiz_08).

The last section of the questionnaire inquired about the respondents’ opinion about and attitude towards the courts. Even though the overall level of trust in courts was among the highest of those institutions included in the survey, respondents seemed to take a slightly critical stance both in terms of evaluating the courts’ procedural fairness (intbiz_10, intbiz_14 and intbiz_16) and their performance (intbiz_11 and intbiz_15).

In terms of procedural fairness, the questionnaire also asked whether the respondents think that the police and the courts discriminate against the poor and against the Roma people. In this comparison, the perception of the procedural fairness of the police was slightly better than that of the courts (although the responses cannot be evaluated by ethnicity and in this sense it is possible that Roma people, who probably represent a low share in the sample, would express a much worse opinion about both institutions than non-Roma respondents). While more than half of the respondents (51.5%) claimed that the police were more generous with rich people, almost two-third of them (65.7%) also thought that poor people who did not commit any crime have greater chance to be falsely condemned by courts than those who are also innocent but rich. A bit more than one third of the respondents (36.1%) expressed their view that the police treats non-Roma people more generously. In the same vein, almost half of the respondents (44.1%) thought that innocent but Roma people falsely accused of crime have a greater chance to be punished by courts than innocent but non-Roma people.

Regression results – depending variable: trust in police

The goal of this analysis was to identify the factors that may determine the level of trust in police (ujkod_0207). In particular, the question was whether the perception of the procedural fairness of the police and/or its perceived performance has an impact on the individual’s level of trust in this institution. The variables of the original dataset were rescaled from the range of 1 to 10 to a scale from 0 to 9. The following variables were included in the model:

- concerning the perception of and expectations about the procedural fairness of the police: their inclination to accept bribes (ujkod_08), the expectation about whether they should obey all the rules that correspond to them (ujkod_0702) and whether they should break the law to keep order, if necessary (ujkod_0705). A dummy variable indicating whether the respondent thinks that the police either positively or negatively discriminate Roma people was also included (rendorseg_diszkr).

- concerning the performance of the police: their capability of catching criminals (ujkod_0701), and their responsiveness to calls in case of a street fight (ujkod_0703).

- Another dummy indicating whether the respondent had personal contact with the police in the last two years was also included (rendor_tapasztalat).
- the remaining variables in the model were the following: the level of concern about domestic criminal activity (ujkod_0114), institutional trust index (the arithmetic mean of all institutional trust indicators in the dataset excluding the police) (inbiz_index_1), the level of agreement with the statement that things are going in the good direction in Hungary (ujkod_0105), indicator of interpersonal trust (ujkod_0101), household income (LN_jovfo), age (kor_log), male respondent dummy (ferfi), Budapest inhabitant dummy (Budapest).

The model produced high adjusted R-square (.513) and the following indicators turned to have a statistically significant (p < 0.05) effect on trust in police: all things being equal (holding all other variables constant) personal experience with the police is negatively associated with trust in police (on average, respondents having personal experience with the police gave 0.381 point lower score to the police than those who did not have such contact); the institutional trust index is also strongly and positively associated with trust in police as 1 point increase in the index involves on average 0.86 point increase in the dependent variable. As for the indicators of the perception of procedural fairness, those who think that the police more frequently accepts bribes (ujkod_08) also place lower trust in them (1 point increase in the indicator is associated with 0.145 decrease in trust in police, ceteris paribus). Concerning the indicators on the performance of the police (ujkod_0701 and ujkod_0703), a better perception is associated with higher trust, although their effects are small on the depending variable. Interestingly, greater agreement with the statement that things are going in the good direction in Hungary (ujkod_0105) involves lower trust in the police: one unit increase in the value of the variable is associated with an average 0.12 point decrease in trust in police, all things being equal. The other variables of the model did not come out as significant.

**Regression analysis – depending variable: trust in courts**

The goal of this analysis was to identify the factors that may determine the level of trust in courts (ujkod_0206). In particular, the question was whether the perception of the procedural fairness of the courts and/or their perceived performance has an impact on the individual’s level of trust in this institution. The variables of the original dataset were rescaled from the range of 1 to 10 to a scale from 0 to 9. The following variables were included in the model:

- concerning the **perception of the procedural fairness of the courts**: the opinion whether the courts make fair judgments based on the evidence provided for them (ujkod_10) and whether their decisions are influenced by political parties or politics (ujkod_16). A dummy variable indicating whether the respondent thinks that the courts either positively or negatively discriminate Roma people was also included (ujkod_13).

- concerning the **performance of the courts**: how frequently they commit a mistake by not punishing criminals (ujkod_11).

- Another dummy indicating whether the respondent had personal contact with the courts in the last two years was also included (birosag_tapasztalat).

- the remaining variables in the model were the following: the level of concern about domestic criminal activity (ujkod_0114), institutional trust index (the arithmetic mean of all institutional trust indicators in the dataset excluding the courts) (inbiz_index_2), punitive attitude with regard to the strictness of the courts’ decisions (ujkod_0108), the level of agreement with the statement that things are going in the good direction in Hungary (ujkod_0105), indicator of interpersonal trust
(ujkod_0101), household income (LN_jovfo), age (kor_log), male respondent dummy (ferfi), Budapest inhabitant dummy (Budapest).

The model produced high adjusted R-square (.577) and the following indicators turned to have a statistically significant (p < 0.05) effect on trust in courts: all things being equal (holding all other variables constant) personal experience with the courts is negatively associated with trust in them (on average, respondents having personal experience with the courts gave 0.388 point lower trust score to the courts than those who did not have such contact); the institutional trust index is also strongly and positively associated with trust in courts as 1 point increase in the index involves 1.041 point average increase in the dependent variable (this also suggests that the variance of the institutional trust index is lower than that of trust in courts). As for the indicators of the perception of procedural fairness, those who agreed more with the statement that the courts make fair judgments (ujkod_10) also placed greater trust in them (1 point increase in the indicator is associated with 0.072 increase in trust in courts, ceteris paribus). Similarly, those who thought that the decisions of the courts were more often influenced by politics (ujkod_16) had lower trust in courts (0.096 point decrease with a 1 point increase in the indicator, all things being equal). Concerning the indicator on the performance of the courts (ujkod_11), the perception that they more often fail to punish criminals is associated with lower trust level (0.064 point average decrease in trust with 1 point increase in the indicator, holding all other variables constant). Those who were more concerned with crime (ujkod_0114) also had less trust in courts (0.069 point decrease with a unit increase in the indicator). Interestingly, those who tended to think that criminals did not get strict enough punishments (ujkod_0108) trusted the courts more, although this effect is very small (0.05 point increase with a unit increase in the variable, ceteris paribus) while those, who tended to agree more with the statement that things were going in the good direction in Hungary (ujkod_0105) had lower trust in courts (0.055 point decrease with 1 point increase in the indicator, all things being equal), although this effect is, again, rather marginal.

The other variables did not turn to have a significant effect on the dependent variable, with the exception of the income indicator. However, using White’s heteroscedasticity consistent standard errors, this relationship lost significance (compared to the original OLS model), therefore it is not interpreted here.

Summary

The regression results suggest that both the perception of procedural fairness and efficiency of the police and the courts have an effect on public trust placed in them. At the same time, the strongest effect is demonstrated by the general level of institutional trust: those individuals, who are inclined to trust public institutions more are also more likely to trust a specific one, be it the police or the courts. At the same time, the second most substantial effect on trust towards these institutions follows from personal experience. In both cases personal experience with the police or the courts is negatively associated with trust levels, which can also be considered the critique of these institutions. Further (preferably comparative) research is necessary to better explore those mechanisms underlying trust in public institutions that this analysis has addressed.
Conclusion

Researching institutional trust may have practical relevance because confidence in the political system is part of its legitimacy. Legitimacy is not necessary for its own sake but because it is a condition of effective governance.

Research on trust and legitimacy stresses the significance of procedural justice in shaping people attitudes towards the government and institutions. A possible explanation is that abiding to the principles of procedural fairness by those in power is taken to be a sign of their commitment to some kind of common good, or public interest. If so, further research should study people’s political motivation based on some conceptions of public interest.

An intriguing question is whether procedural fairness plays the same significant role in building legitimacy across political cultures. In our previous study (Boda – Medve-Bálnint, 2010) we already analysed patterns of institutional trust in the CEE countries in a comparative perspective, and we found no substantive differences – except in levels – between institutional trust in old and new democracies. Here the results of another analysis were presented which focuses on the role of some procedural fairness norms in creating trust towards the courts and the police. Our finding is that procedural fairness seems to be important for Hungarian respondents as well when it comes to evaluate the justice system. For instance even those who express considerable worries about crime, do not agree that police can break the law if necessary.

References


Annexes

Regression results: trust in police

Variables Entered/Removed\(^a\)

<table>
<thead>
<tr>
<th>Model</th>
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| 1     | 1) Male respondent (ferfi) - dummy  
2) Budapest inhabitant (Budapest) - dummy  
3) Logarithm of the age of the respondent (kor_log)  
4) Personal contact with the police in the last 2 years (rendor_tapasztalat) - dummy  
5) The police either positively or negatively discriminates Roma people (rendorseg_diszkr) - dummy  
6) People usually have goodwill and are trustworthy (ujkod_0101) – scale 0-9  
7) All things considered things are going in the good direction in Hungary. (ujkod_0105) – scale 0-9  
8) Crime is one of the biggest problems in Hungary (ujkod_0114) – scale 0-9  
9) The police is generally capable to catch criminals (ujkod_0701) – scale 0-9  
10) The police should obey the rules that correspond to them in all circumstances (ujkod_0702) – scale 0-9  
11) If there was a street fight in our neighbourhood, and we called the police, they would come very quickly (ujkod_0703) – scale 0-9  
12) The most important task of the police is to keep order at all cost. Therefore they can break the law if necessary. (ujkod_0705) – scale 0-9  
13) How often do you think policemen accept bribes in Hungary? (ujkod_08) – scale 0-9  
14) Institutional trust index (arithmetic mean of all institutional trust indicators excluding trust in police) (intbiz_index_1) – scale 0-9  
15) Logarithm of household income per capita (LN_jovfo)\(^b\) | Enter |

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\(^a\) All requested variables entered.  
\(^b\) Dependent Variable: How much do you trust in police? (ujkod_0207)  
\(^c\) Outlier cases excluded (case no. 745 and 904)
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a. Dependent Variable: ujkod_0207- How much do you trust the police?

Breusch-Pagan-Godfrey test statistic of heteroscedasticity: $\theta = 39.485 > \chi^2 = 24.996$ (df = 15, p = 0.05)

The Chi-square test suggests that the residuals are slightly heteroscedastic, however, the results remain the same if White’s heteroscedasticity consistent standard errors are used (values indicated in the table above). This implies that the slightly heteroscedastic errors do not make the coefficients biased.

Residuals are normally distributed according to the Kolmogorov-Smirnov test (p = 0.200).
# Regression results: trust in courts

**Variables Entered/Removed**

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|       | 2) Budapest inhabitant (Budapest) - dummy  
|       | 3) Logarithm of the age of the respondent (kor_log)  
|       | 4) Logarithm of household income per capita (LN_jovfo)  
|       | 5) Institutional trust index (arithmetic mean of all institutional trust indicators excluding trust in courts) (intbiz_indx_2) – scale 0-9  
|       | 6) People usually have goodwill and are trustworthy (ujkod_0101) – scale 0-9  
|       | 7) All things considered things are going in the good direction in Hungary (ujkod_0105) – scale 0-9  
|       | 8) Criminals do not get strict enough punishments from the courts in Hungary (ujkod_0108) – scale 0-9  
|       | 9) Crime is one of the biggest problems in Hungary (ujkod_0114) – scale 0-9  
|       | 10) Personal contact with courts in the last 2 years (birosag_tapasztalat) – dummy  
|       | 11) Do you think that courts make fair, equitable judgments based on the evidence provided for them? (ujkod_10) – scale 0-9  
|       | 12) Do you think that it occurs that courts make a mistake by not condemning criminals? (ujkod_11) – scale 0-9  
|       | 13) The courts either positively or negatively discriminate Roma people (ujkod_13) – dummy  
|       | 14) How often do you think political parties and politics influences the work of the courts? (ujkod_16) – scale 0-9 | Enter |

a. All requested variables entered.  
b. Dependent Variable: How much do you trust in courts? (ujkod_0206)

c. Outlier cases excluded (case no. 41, 81 and 738)

## Model Summary

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c. Outlier cases excluded (case no. 41, 81 and 738)
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a. Dependent Variable: How much do you trust in courts? (ujkod_0206)

Breusch-Pagan-Godfrey test statistic of heteroscedasticity: $\theta = 38.703 > \chi^2 = 23.685$ (df = 14, p = 0.05)

The Chi-square test suggests that the residuals are slightly heteroscedastic, however, the results remain the same (with the exception of the income variable of which significance level falls out of the pre-defined p = 0.05) if White’s heteroscedasticity consistent standard errors are used (values indicated in the table above). This implies that the slightly heteroscedastic errors do not make the coefficients biased.

Residuals are normally distributed according to the Kolmogorov-Smirnov test (p = 0.165).