Understanding the Mechanisms of Compliance

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Why Mechanisms?

Social scientists should focus their explanatory work on 'small and medium-sized mechanisms that apply across a wide spectrum of social situations'; that is, 'frequently observed ways in which things happen'.

Source: Elster (1989), p. viii

A Conclusion from Reviews of the Deterrence Literature

'Deterrence works best for those persons who have strong ties of attachment to familial or social groups or institutions, in a context where those groups or institutions clearly disapprove normatively of the behaviour at which the deterrent sanction is aimed.'

Source: Bottoms (2001), p. 104

Incentives and Earned Privileges Study: Aggregate Results from Five Prisons

	Change
A. BEHAVIOUR AND ORDER 1. Misbehaviour	■■■
2. Orderly Regime	■■■
B. ATTITUDE TO IEP 3. Attitude to IEP	■■■
C. FAIRNESS AND JUSTICE 4. Staff Fairness	⬇
5. Regime Fairness	⬇
6. Justice Dimension	⬇
7. Relations with Staff	⬇
D. PROGRESS AND PARTICIPATION 8. Making Progress	⬇
9. Participation	⬇

Key: ⬆/⬇: Significant change (increase or decrease) between Time 1 and Time 2.

Source: Liebling, et al. (1999)

Social Order in Two High Security Prisons

	Albany (main)	Long Lartin
Situational control	+	-
Legitimacy	- (disputed)	+ (disputed)
Mode of Social Control	restrict opps; 'rule of rules'	civility; discretion
Status of prisoner	dangerous subject	thinking agent (some dangerous)

A Revised Typology of Compliance Mechanisms

A. **Instrumental/Prudential Compliance**

    1. Response to incentives

    2. Response to disincentives

    3. "Game-playing"

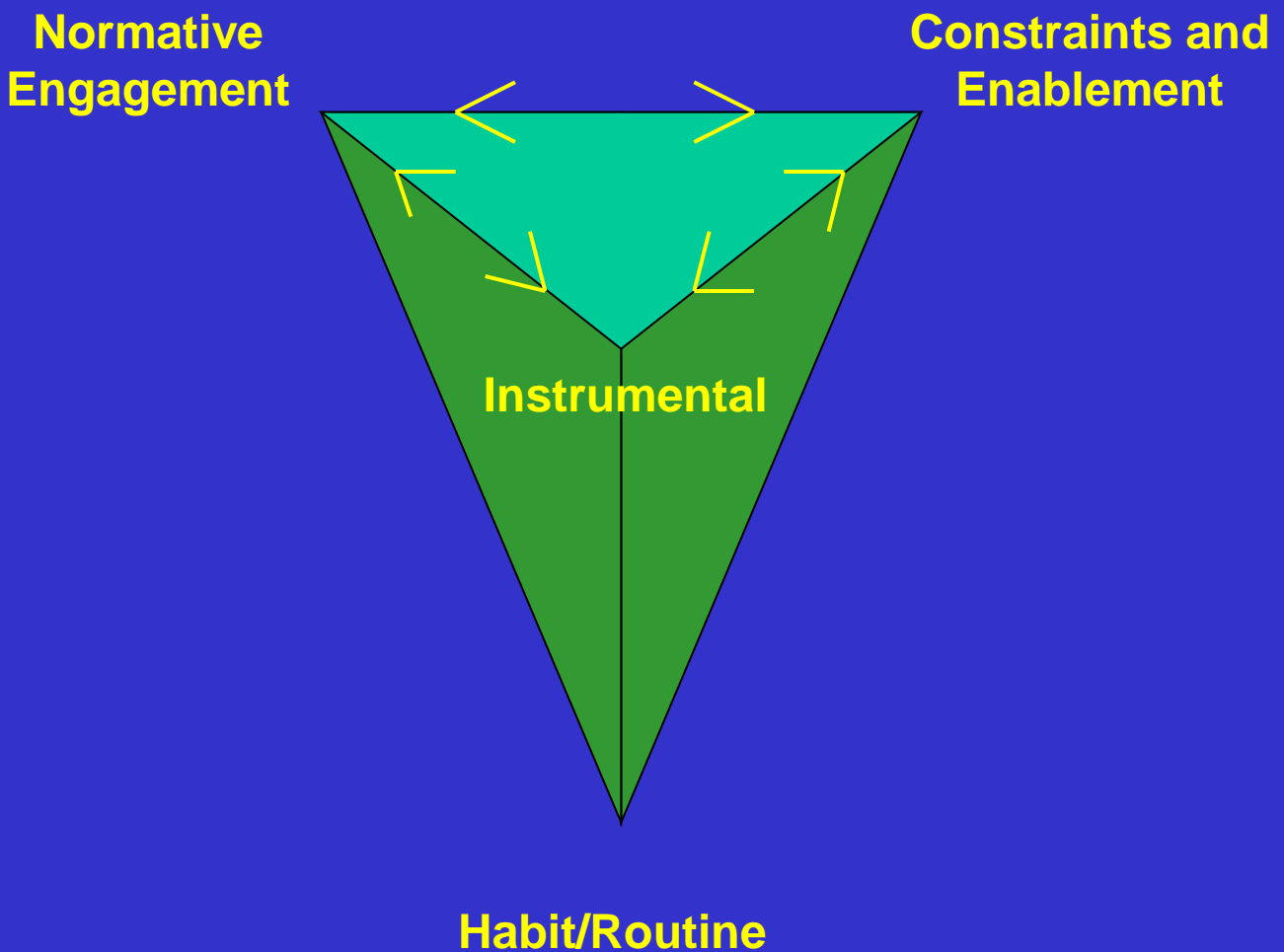B. **Compliance Based on Constraints and Enablement**

    1. Social-structural compliance

    2. Situational compliance

C. **Compliance Based on Normative Engagement**

    1. Acceptance of or belief in social norm

    2. Attachment leading to compliance

    3. Response to normative cues

    4. Legitimacy

D. **Compliance Based on Habit or Routine**

A Visualization of the Suggested Mechanisms

Normative Engagement

Constraints and Enablement

Instrumental

Habit/Routine

Instrumental/ Prudential Compliance

1. Response to incentives
2. Response to disincentives
3. "Game-playing"

Compliance Based on Constraints and Enablement

1. Social-structural compliance

2. Situational compliance (includes 'situational self-binding': see Bottoms 2013)

Compliance Based on Normative Engagement

1. Acceptance of or belief in social norm

2. Attachment leading to compliance

3. Response to normative cues

4. Legitimacy

Decoene and Beyens on 'Compliance Dynamics'

'...The difference between normative and habit-based compliance is also a difficult one. Normative compliance as defined by Bottoms implies an active thinking-through or moral reasoning. There is, however, little research in moral psychology to support the idea that most people function on this explicit moral reasoning level, or habitually make conscious norm-based decisions...'

Source: Decoene and Beyens (2013), p. 210

The Nature of Normative Mechanisms

'Normative mechanisms encourage compliance through internalised norms or internalised obligations to comply based on the perceived legitimacy of authority or through the influence of bonds with persons in authority or with others in society.'

Source: Ugwudike (2010), p. 328.

Keizer on "Spreading Disorder"

In this research, based on 23 (mostly) field experiments, we claim that whether or not you violate norms greatly depends on cues in the setting you are in. We hypothesize and find that:

1.   Signs revealing a lack of support for one norm can induce violations of another norm. For example, the presence of graffiti or litter makes stealing more likely. In other words: disorder spreads...

2.   The spreading mechanism also applies to order, in that observing someone clearly showing respect for one norm makes people more likely to conform to another norm.

Source: Keizer (2010), (slightly adapted)

Legitimacy

'Legitimacy is the recognition of the right to govern…It tries to offer a solution to a fundamental political problem, which consists in justifying simultaneously political power and obedience.'

Source: Coicaud (2002), p. 10.

Tyler's Concept of the 'Teachable Moment'

'Each…police-citizen contact is potentially a "teachable moment" about policing for both citizens and police'.

Source: T. Tyler, J. Fagan and A. Geller (2014) 'Street Stops and Police Legitimacy: Teachable Moment in Young Urban Men's Legal Socialization', Columbia Law School Working Paper 14-380.

The 'Bottoms-Tankebe Model' of the Components of Audience Legitimacy

1. Lawfulness

2. Procedural Fairness

   a) Fairness in decision-making

   b) Treating citizen as a person

3. Distributive Fairness

4. Effectiveness of the Authority

Source: Bottoms and Tankebe (2012), pp. 119-170.

Interactive Aspects of Compliance Mechanisms
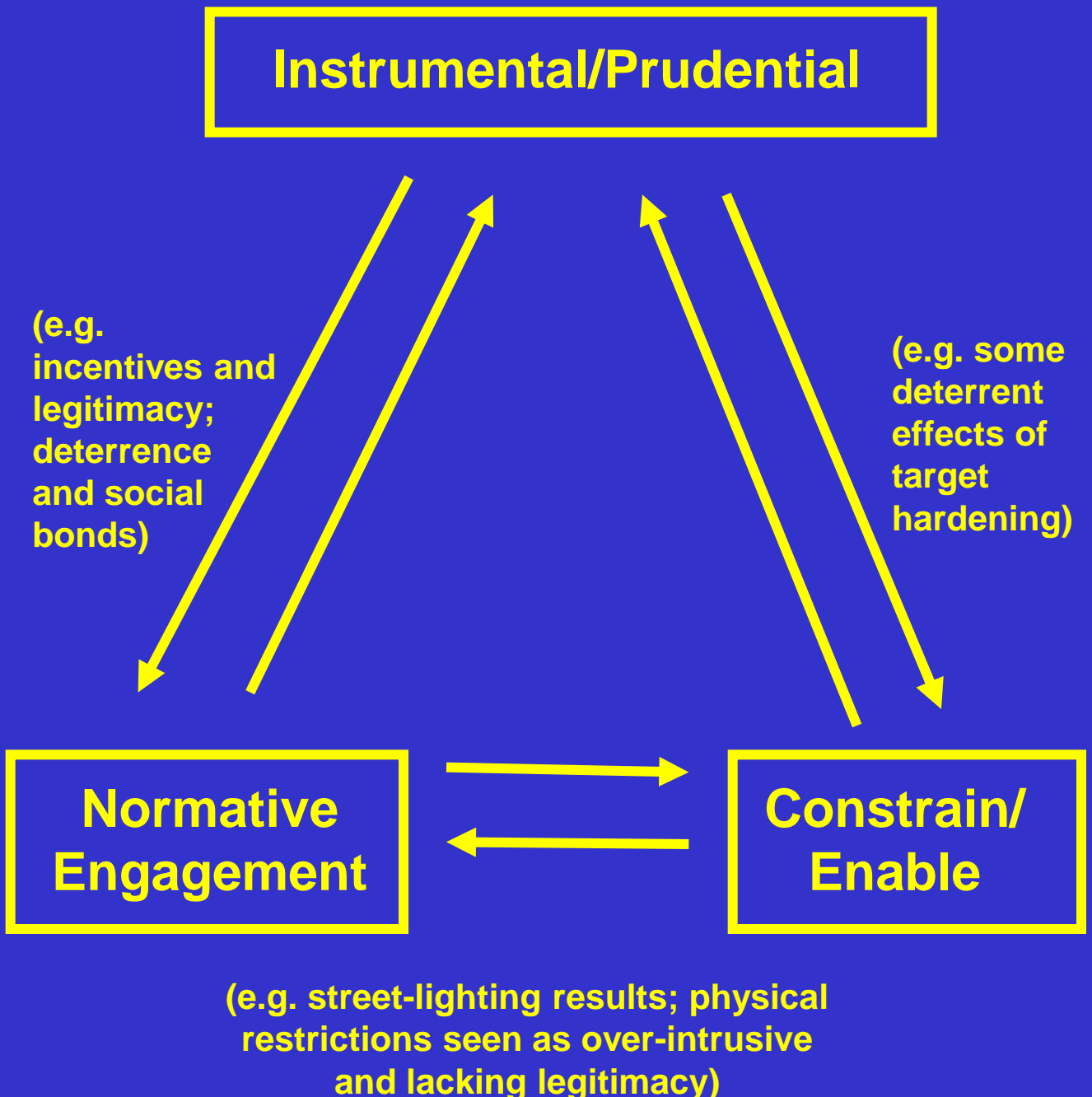
Instrumental/Prudential

(e.g. incentives and legitimacy; deterrence and social bonds)

(e.g. some deterrent effects of target hardening)

Normative Engagement

Constrain/ Enable

(e.g. street-lighting results; physical restrictions seen as over-intrusive and lacking legitimacy)

Case history – "Len": I

First interview: Len, aged 20, was on probation. He had been convicted on eight occasions, and had served one term of 12 months in a Young Offenders' Institution (YOI). He had been 'sleeping rough' (homeless), but, through the intervention of a probation officer, had been found a place in a small hostel near the city centre. He said he felt no shame or regret for his offences, because they were mostly drug-related and 'when you're on drugs you don't care'. But he claimed he **wants to stop because he is 'sick of it'**: 'waking up, trying to find money, trying to find something to eat, stuff like that, day in, day out'.

Case history – "Len": II

During the research period, Len was convicted once, for taking a car and drunk driving, with a friend; but he also self-reported several other offences. The conviction *acted as a shock*. His *relationship with his mother had been improving*, so he moved back home, to the *outskirts of the city*. During his time at the hostel, he also met (in a café) a female teacher who then acted as *an informal counsellor* for him.

By the **fourth interview**, Len said he was completely off both drugs and alcohol, and he had stopped offending. He usually stayed at home seven nights a week. He considered it important to '*think first* and *avoid my old group of friends*'. 'I'm more grown up about things, and *take more responsibility* for the things I do'.

Policy Suggestion

At least in some countries, there is 'a need to depolarise policy objectives and actual [supervisory] practice'.

Source: Ugwudike (2010), p. 339.

References

Bottoms, A.E. (2001) 'Compliance and Community Penalties' in A.E. Bottoms, S. Rex and G. Robinson (eds) *Community Penalties*, Willan.

Bottoms, A.E. (2002) 'Morality, Crime, Compliance and Public Policy' in A.E. Bottoms and M. Tonry (eds) *Ideology, Crime and Criminal Justice*, Willan.

Bottoms, A.E. (2013) 'Learning from Odysseus: Self-Applied Situational Crime Prevention as an Aid to Compliance' in P. Ugwudike and P. Raynor (eds) *What Works in Offender Compliance*, Palgrave Macmillan.

Bottoms, A.E. and Tankebe, J. (2012) 'Beyond Procedural Justice' *Jnl of Criminal Law and Criminology*, vol. 102, 119-170.

Coicaud, J-M. (2002) *Legitimacy and Politics*, Cambridge University Press.

References cont…

Decoene, S. and Beyens, K. (2013) 'Compliance Dynamics' in P. Ugwudike and P. Raynor (eds) *What Works in Offender Compliance*, Palgrave Macmillan.

Elster, J. (1989) *The Cement of Society: A Study of Social Order*, Cambridge University Press.

Keizer, K.E. (2010) *The Spreading of Disorder*, Proefschrift, University of Groningen (available online).

Liebling, A. et al. (1999) *Incentives and Earned Privileges for Prisoners: An Evaluation*, Home Office Research Findings 87.

Sparks, R. Bottoms, A.E. and Hay, W. (1996) *Prisons and the Problem of Order*, Oxford University Press.

Ugwudike, P. (2010) 'Compliance with Community Penalties' in F. McNeill, P. Raynor and C. Trotter (eds) *Offender Supervision*, Willan.