

Procedural fairness and the legitimacy of laws in Hungary: an empirical analysis¹

Zsolt BODA
Centre for Social Sciences
Hungarian Academy of Sciences
E-mail: boda.zsolt@tk.mta.hu

Gergő MEDVE-BÁLINT
Centre for Social Sciences
Hungarian Academy of Sciences

In the 2010 general elections in Hungary, the socialist-liberal government was ousted and Fidesz, a conservative party, secured a constitutional (two-third) majority in the Parliament. Using its comfortable majority, Fidesz started a series of large-scale institutional reforms, including the adoption of a new constitution. Several policy and institutional areas were also fundamentally reformed, such as the system of social benefits, the rules and institutions of local governance, the educational system, the media authority, and the electoral system – just to name a few.

However, the legitimacy of these hasty reforms is far from being obvious. The paper follows the approach of Tom Tyler and others who argue that perceptions of procedural fairness are crucial in the formation of legitimacy beliefs. Tyler also argues that people do not obey the law and assist in implementing policies because they fear the sanctions or hope for rewards. Rather, they put trust in these mechanisms and institutions, because people think that they are legitimate. That is, legitimacy spurs law-abiding behaviour and makes policy implementation easier, which is a requirement for effective policy making.

Our assumption is that the way reforms have been adopted in Hungary has violated a number of basic procedural fairness norms, like those of voice and participation. We also assume that Hungarians are just as sensitive to procedural fairness as Americans or Western Europeans are. Therefore, we would expect discontent among the Hungarian population in terms of procedural fairness, and, as a consequence, falling trust in, and legitimacy of, state policies and institutions. Survey data seems to confirm our hypotheses. Through our own survey research, we demonstrate that the perception of procedural unfairness is related to uncooperative attitudes towards policies and institutions, which decrease their effectiveness. The paper, therefore, aims at establishing

¹ The paper is partly based on research founded under the FP7 research project “FIDUCIA – New European Crimes and Trust-based Policy”.

conceptual and empirical links between procedural fairness, legitimacy and institutional effectiveness.

Legitimacy, trust and institutional effectiveness

A foundational thesis in political science is that effective governance needs some level of public support, acceptance, and allegiance. Democratic systems might need even more than their non-democratic counterparts, because they are limited in their use of coercion and bound to building 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, for example (Hetherington 2005). Legitimacy shapes citizens' reactions to government policies (Weatherford 1992) and provides a government with a way of eliciting citizen support without appeals to the individual's immediate self-interest. In this way, legitimacy can increase citizen support for war efforts (Leff 1991; Levi 1997), for instance, and compliance with health regulations during an epidemic (Lieberman 2007).

Talking about specific institutions, like the law, the police or the municipality, one should rather use the term trust instead of legitimacy, as since Max Weber, legitimacy is taken to be linked to the political system as such. In this vein, we can argue that higher trust may contribute to more effective institutional performance and easier policy implementation (Tyler 2006). For instance, many studies argue that trust in police produces readiness to cooperate with the police (see the review by Hawdon 2008). To put it differently, the effectiveness of police may improve as trust increases and so does the degree of satisfaction with their performance. A similar mechanism was demonstrated in terms of taxation: trust in the tax authority increases not only the willingness to pay taxes, but also the actual amount of collected taxes (Murphy 2005, Kahan 2002, Scholz 1998).

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, we will not present Beetham's whole conceptual construction, such as the criteria, dimensions and levels mentioned in this quote. However, we will follow his approach which 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).

But what are these normative considerations? We may think that as political cultures are different from each other, people in different countries will use different normative criteria to formulate a supportive relation to politics. Michael Walzer has convincingly argued that moral concepts cannot be applied universally, because, first, different social spheres and contexts imply different norms and values even within a society², and, second, moral cultures are different across societies (Walzer, 1983). Even if this argument holds, however, it still may be the case that beyond the differences some commonalities also exist among societies, especially regarding how 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: *trustworthiness of government* and *procedural justice*. Government trustworthiness breaks into three further components: *leadership motivations*, *administrative competence*, and *government performance* (Levi, Sacks and Tyler, 2009: 356). The authors claim that these conditions apply across cultures: they actually tested their model in an African context. We believe that their empirical results make the model especially convincing, therefore it deserves a more detailed presentation here.

Let us have a short look at the component parts of their model.

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”, so to speak, “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 “... 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.

Government performance is also one of the factors that lead to legitimizing beliefs about the governance. “One possible basis for legitimating beliefs is the provision of public goods the population requires to ensure at 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). In other words, the government should evidently be able to fulfil its tasks in terms of providing things like security and welfare. This refers to the well-known concept of output legitimacy.

² In other words, justice does not necessarily have the same meaning in a case of ‘fair wages’ as it does when somebody’s life is in peril.

Leadership motivations, administrative competence, and government performance thus constitute the trustworthiness of government. Together with government trustworthiness, Levi, Sacks and Tyler's (2009) model has one more crucial component: procedural justice.

This model of value-based legitimacy stresses the importance of the principles of procedural justice (note that they are implied already under administrative capacity), and relatively undervalues the importance of government performance in shaping legitimacy. This runs contrary to a well-established tradition in political science which stresses the importance of output legitimacy and states that allegiance towards the political system and its institutions is shaped by the goods delivered to people. Under this latter tradition, 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 output- or performance-based trust hypothesis: for instance, a general observation is that trust in government is more volatile than trust in constitutional courts (Grosskopf, 2003). Presumably the performance of governments is seen as being less stable than that of the courts; moreover, people are also more likely to attribute certain social, economic and political problems to the government than the constitutional court. Perceived institutional performance³ certainly has an effect upon trust.

However, other findings suggest that sometimes trust and performance show surprisingly weak relation to each other (Smith et al. 2007: 288). Such findings lead della Porta, for example, 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, suggesting that trust is rather explained by the procedural fairness used by these institutions.

Procedural fairness

The model of value-based legitimacy, as advanced by Tom Tyler, David Beetham and others, 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. More specifically, Tyler argues that the fairness of the procedures used by the given institution is under the close scrutiny of stakeholders.

In fact, the importance of procedural fairness in shaping trusting and cooperative attitudes has been proven in a number of different institutional settings. Many studies argue, for instance, that trust in the police is first and foremost affected by perceptions of fairness and that trust produces both a readiness to cooperate with the police and a positive attitude in evaluating their performance (see the review by Hawdon 2008). Murphy (2005) found that in Australia, tax evasion was correlated with

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 such factors as personal experience, public opinion, and the media.

perceived unfairness of the tax authority. This explains why strict sanctions seemingly paradoxically did not have a positive effect on the willingness to pay tax. Instead, these measures triggered more tax evasion. Similarly, 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 (outcomes) of the decisions. Breitmeier, Young and Zürn (2006) analysed the effectiveness of international environmental regimes and concluded that it is largely influenced by the perceptions about the fairness of the regime's formation. The above examples provide evidence that (1) legitimacy of, or trust in, institutions is a function of the perceived procedural fairness of institutions; and (2) fair procedures may enhance the effectiveness of given institutions (e.g., police, tax authority).

How can we explain the significance of procedural fairness in shaping trust and legitimacy? Smith et al. (2007: 285) note that "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 has thus been observed, but not explained. Smith et al. 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 (which do not in any way reflect the substance of the decision outcome), such as the intention of the decision maker. 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 – that which seeks to promote the general interest – is valuable. People's ethical sensitivity has the function of detecting 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 a problem to address, some arguments challenge this view. In fact, democracy could be interpreted as a political system which institutionalizes distrust by separating the branches of power and establishing a sophisticated system of checks and balances. 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, as people may relay their sensitivity to scrutinize and hold accountable the rulers.

But how should procedural fairness be defined? Philosophers and social scientists have devoted much less attention 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, such as the right to fair trial and right to non-discriminatory treatment, clearly expresses norms of fair procedures and

are extensively treated in political philosophy. Another procedural fairness norm, participation in decision-making has become the topic of an increasing body of literature (see, e.g., Dryzek, 2000).

Communicative ethics is an influential theory by Karl-Otto Apel (1990) and Jürgen Habermas (1990) that developed procedural norms for fair communication. Although the theory was initially elaborated in order to determine the circumstances which may lead to the development and acceptance of legitimate ethical norms, it can also be applied to more practical situations, as it provides the criteria for valid, that is, normatively legitimate speech. That is, it provides ethical criteria by which to judge the validity, acceptability and legitimacy of a communication. The communicative situation must be free of coercion, and not distorted by power relations, and the communication must use rational arguments to convince the other parties. According to Apel and Habermas, the validity of speech lies in its intelligibility (valid meaning), truthfulness (subjective authenticity), factual truth and correctness (normative justifiability).⁴

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), and ethicality (conformity to general moral standards). This last criterion should not be interpreted to mean that procedural fairness encompasses all kinds of ethical values; it only indicates that norms other than those listed in the first five criteria may also influence the perception of procedural fairness. 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 are difficult to define in very precise terms, but which are used in evaluating social settings. We can add that procedural fairness does certainly have different meanings for different political institutions, or, more precisely, different criteria for procedural justice are used in evaluating the fairness of different institutions.

In terms of governance, respect for basic procedural fairness norms means that the government is trustworthy; offers possibilities for participation; and respects the rule of law. This also implies that leaders keep their promises, fight corruption, and respect ethical norms, among other things. If the above-mentioned models are true as to the relationships between procedural fairness and legitimacy on the one hand, and legitimacy and effectiveness, on the other hand, then we could expect that governance is more successful in those countries where governance is good in terms of fairness norms. Indeed, there is some evidence supporting this thesis, see the literature on good governance (Boda 2013).

The case of Hungary

In the 2010 general elections in Hungary, the socialist-liberal coalition was defeated and Fidesz, a conservative party, secured a constitutional (two-thirds) majority in the Parliament. This allowed the

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: an ultimate foundation for an argument is possible only if we posit an axiom. Otherwise, we are either caught in a circular argumentation or in a *regressio ad infinitum*.

party/government to initiate a number of fundamental policy reforms which required a qualified majority.

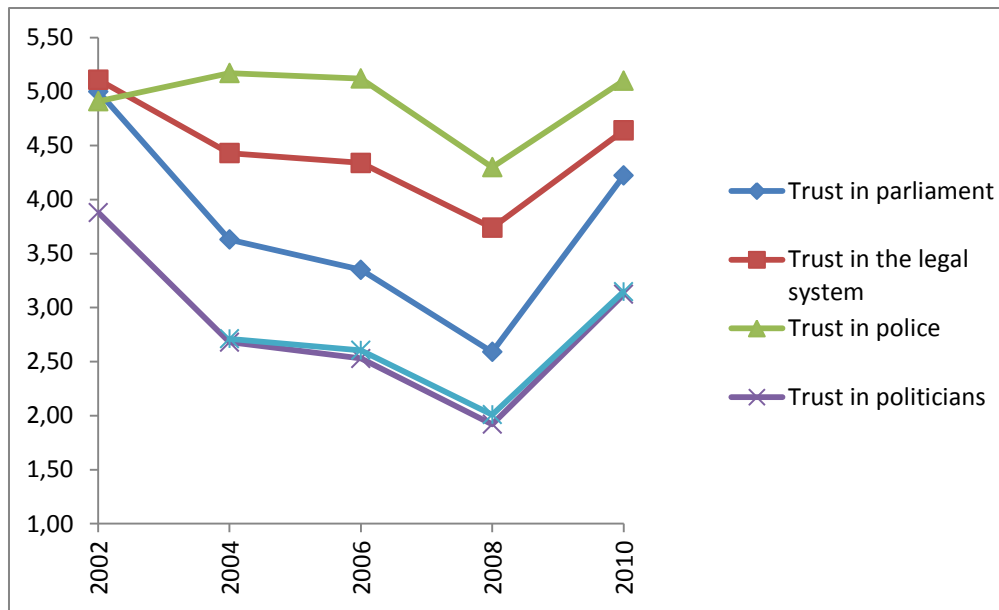
The 2010 elections were preceded by four years of political turmoil, which started in 2006 when Prime Minister Ferenc Gyurcsány (2004-2008) gave a secret speech to his fellow socialist politicians.. He admitted that during the Spring 2006 election campaign he had been lying about the economic prospects of the country and that the reality was much bleaker. The speech was leaked to the media in September 2006 and it immediately triggered violent reactions. Street demonstrations began which lasted for several months. Polls indicated that the majority of the public thought that the Prime Minister had been lying to the Hungarian citizenry, as well as to the EU. The President of the Republic, László Sólyom said that Hungary was in a “moral crisis” and that the Prime Minister should have resigned.

The disclosure of this speech was of major importance both for Gyurcsány’s career, and for the development of Hungary in the upcoming years. Despite the street demonstrations and protests throughout Fall 2006, Gyurcsány did not resign until 2008 when his own, and his party’s, popularity attained historical lows. However, during his tenure, Gyurcsány was unable to carry on with the reforms and his own political programme. All the important policy reforms he initiated, like the privatization of the social security system, failed. The case of Gyurcsány actually provides support for the thesis that it is impossible to govern effectively without public support and that public support is at least partly the function of the moral credibility of the leaders.

Hungary’s economic growth continued to be the slowest in the Central and Eastern European region throughout the late 2000s. The financial crisis hit Hungary hard, and only the rescue package of the IMF and the EU saved the economy from collapsing. As a consequence, Hungary’s external debt grew from 52% of the GDP in 2002 to 85% in 2010. Hungary, which was a leader of economic reforms in the 1990s, with relatively high economic growth, lost its strong position in the region.

The economic and political problems of the 2000s certainly explain the unprecedented victory of Fidesz in 2010, which was accompanied by great expectations among the Hungarian populace. In May 2010, for a short period, 80% of the respondents answered that they believed the country was heading in a good direction; previously, only 20% had thought so. In 2010, after a long and steady decline, trust in institutions and politicians suddenly rose (see Figure 2.).

Figure 2. Institutional trust in Hungary, 2002-2010. (Source: ESS data)



The phenomenon is what Hetherington (2005) describes as the dynamic nature of trust: While trust is based on the experience/perception of a performance by a given institution, it expresses an expectation as well, as it is concerned with the future. In 2010, Hungarian people felt a relatively high trust towards the new government, which was an expression of hope and positive expectations.

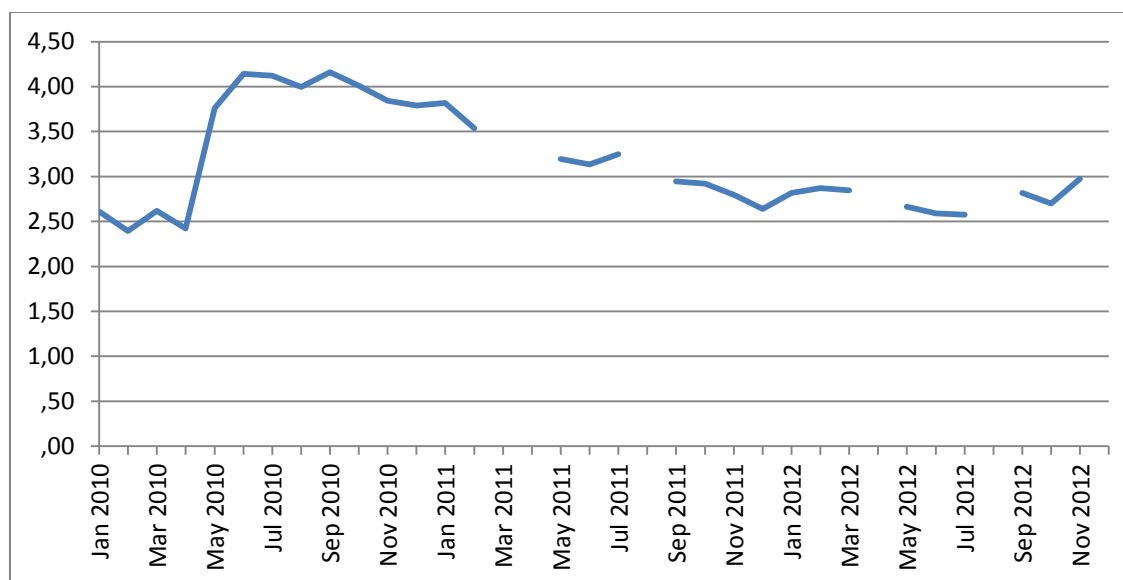
Using its comfortable constitutional (two-thirds) majority, Fidesz initiated large-scale institutional reforms, including even the adoption of a new constitution. Several policy and institutional areas were also fundamentally reformed, like the system of social benefits, the rules and institutions of local governance, the educational system, the media authority, and the electoral system – just to name a few. Again, in line with Hetherington’s argument (above) on the close association between trust and wide-scale reforms (Hetherington 2005), the new Hungarian government made use of its public support to implement substantial policy changes. However, as Boda (2012) argued, the new government had violated a number of procedural fairness norms, such as participation, voice, transparency, the rule of law, and fighting against corruption. Several new laws and policies were heavily debated by both internal and external publics (the media or even the European Parliament) on their alleged violations of the rule of law.⁵ In 2011, according to polls, the majority of respondents – including even Fidesz supporters – agreed that the new constitution should have been endorsed by a referendum.⁶ Our own survey taken in April 2011 showed that agreement with the statement that “the government would do a better job if it consulted the opinion of people and civil society” scored 7.7 points on a 10-point scale. If Tyler’s procedural fairness theory holds, then this had to lower the

⁵ A good summary of these issues is provided by the Tavares report on Hungary to the European Parliament, see at <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0229&language=EN>. See also Kim Lane Scheppele’s comment on rule of law violations in Hungary and the Tavares report: <http://hungarianspectrum.wordpress.com/2013/07/03/kim-lane-scheppele-in-praise-of-the-tavares-report/>.

⁶ Lásd <http://www.median.hu/object.d659e526-d25f-4444-b928-4551cee46d87.ivy> (downloaded on 2011 September 3).

level/perception of government legitimacy. And indeed, this seems to be the case: According to polls, trust in political institutions and in the government has been steadily declining (see Figure 3).

Figure 3. Trust in political institutions in Hungary 2010-2012 (government, parliament and political parties). (Source: Medián Polling Company.)



However, economic problems have persisted over/for the past four years. Hungary found itself in recession again in 2012 and growth was very moderate in the other years, both before and after 2012. Several hundred thousand people left the country seeking for jobs elsewhere in the EU, which is in sharp contrast with the very modest migration prior 2012. As of March 2014, some 75% of the population says that the country is heading in the wrong direction. So here, even if legitimacy problems can be detected, a basic question is whether they were caused by the violation of procedural fairness norms or the perceived poor policy outcome.

The question is especially intriguing given the lack of relevant research in the Eastern and Central European region on the role of procedural fairness in shaping trust and legitimacy. As Bradford et al. (2013) note, the priority of procedural-based trust over outcome-based trust has been mostly demonstrated by samples taken in the United States and in the United Kingdom and has rarely been tested in other contexts. The authors therefore performed a case study in South Africa and showed that while the strength of the relationship between trust and procedural fairness was far from negligible, perceptions of police effectiveness were stronger predictors of trust in the police. The probable reason for this, according to them, is that South Africa is a gravely divided society struck with high levels of crime, which causes severe concerns for citizens. Similar results were found in the case of China, where outcome-based considerations showed a significant effect on the level trust in the police as opposed to procedural-based considerations, the influence of which could hardly be detected (Sun et al. 2013). However, this result may not be too surprising because in an undemocratic regime like in China, procedural fairness may also become less relevant for trust.

Although these works were concerned with trust in police, the case can be generalized: We do not know whether normative legitimacy and procedural fairness have the same weight in social and political contexts different from Western Europe and the US.

Research questions

Our aim is to study the role of procedural fairness in shaping legitimacy beliefs in Hungary. The alternative explanation is obviously the output-legitimacy idea – that people approve political leadership because of its perceived good performance. That is not to say that the two explanations are mutually exclusive. They both may have an effect on legitimacy. But our primary concern here is to detect the presence and the effect of procedural-based legitimacy, which has not been demonstrated so far in the context of Eastern and Central European countries. We take Hungary as a typical case in the region, as Hungary shows great similarity to other ECE countries in terms of those key macro-level factors (level of development, level of inequality, regime type and years of democratic experience), which are usually reported to influence institutional trust (see Medve-Bálint and Boda 2014).

In this paper, however, we present our first findings on the effect of fairness considerations on legitimacy. Our hypotheses were the following:

H1: Perceptions of procedural fairness do have an effect on the legitimacy of laws.

H2: Perceptions of procedural fairness do have an effect on the legitimacy of the government.

We assume that laws represent legislative power, which is obviously linked to the government, but is still distinct from it. We conducted a representative survey of the Hungarian population in November 2013, where we asked people about their perceptions concerning the government, laws and some specific institutions (police and tax authority). The sample is representative for the Hungarian adult population with respect to gender, age and educational attainment.⁷

In the survey we introduced two questions that serve as dependent variables in the current analysis. The first question measured on a five-point scale the degree of agreement with the statement “The laws and the public authorities serve everyone’s interest”, while the second one measured agreement with the statement “The government works for everyone’s benefit”. The correlation coefficient between the two indicators is fairly strong ($r = .536$, $p < .001$, $N = 1181$), but this figure also suggests that the two variables capture related, yet slightly different aspects of legitimacy.

Regarding the independent variables, we selected several indicators from the survey that measure various dimensions of public perception of the state and its institutions.⁸ In this vein, we chose

⁷ The sample consists of 1200 observations (respondents). The respondents were randomly selected from 120 territorial sampling units, of which boundaries were drawn proportionally to the size of population. Within each unit, the interviewers visited 10 randomly selected households and within each household an adult respondent (above 18 years of age) was selected according to the Leslie Kish formula. In the case of non-response, the household was replaced with another, randomly selected one from the sampling unit. This process continued until the quota for the sampling unit was filled.

⁸ For a detailed description of the variables and their descriptive statistics, please consult the Appendix.

variables reflecting the individual perceptions of institutional effectiveness and procedural fairness, and social and political trust, as well as political activity and the respondents' party preferences. To obtain a proxy for institutional effectiveness, we inquired about how much the respondents agreed with the statement that democracy was functioning well in Hungary and that things were going into the right direction. With respect to procedural fairness, we proposed several statements and asked the degree of agreement with them. The statements were the following: the rule of law prevails in Hungary; every Hungarian citizen has equal rights; corruption is a serious problem in the country; and the government pays attention to the opinion of the people and professional and civic organizations. These statements refer to the procedural norms of equality, respecting the rights of each, unbiased, ethical operations and participation – in line with what was said about procedural fairness above. In each case, the degree of agreement was measured on a five-point scale, although later we recoded the corruption variable into a binary scale. Similarly, we measured social trust on a five-point scale with a question that inquired about the degree of agreement with the claim that people are generally trustworthy. We measured political trust with a composite indicator that aggregated the trust scores of the government, parliament and political parties (each question was initially measured on a 4-point scale) and then we re-coded the aggregate scores to a 10-point scale. Finally, we included some socio-demographic variables, like age, gender, education, income and place of residence of the respondents.

However, as Table 1 reveals, several potential independent variables are highly correlated with each other. The indicators of institutional effectiveness are especially strongly associated with each other and with some of the measures of procedural fairness and political trust.

We therefore calculated Cronbach's alpha for six highly correlated variables (democracy, good direction, rule of law, equal rights, political trust, and government attention) to test whether these indicators indeed measure the same background concept. The test score was high (.836) for these items, which confirmed that the variables are strongly related to one another. We also ran a principal component analysis on these indicators, which produced a single component (each factor loading was above .75) explaining 65.37 percent of the total variance with an Eigenvalue of 3.922. These statistical tests suggest that our indicators of institutional effectiveness, procedural fairness and political trust capture different aspects of the same grand concept of confidence in the state and its associated institutions. Consequently, we had to exclude some of these variables from our regression models in order to minimize the problems arising from multicollinearity.

Table 1. Correlation matrix of the independent variables

	Good	Rule of	Equal		Government	Political	Social
Democracy	direction	law	rights	Corruption	attention	trust	trust

Democracy	1	.706**	.608**	.612**	-.207**	.578**	.532**	.280**
Good direction	.706**	1	.625**	.595**	-.235**	.629**	.609**	.220**
Rule of law	.608**	.625**	1	.678**	-.175**	.522**	.477**	.234**
Equal rights	.612**	.595**	.678**	1	-.143**	.514**	.487**	.277**
Corruption	-.207**	-.235**	-.175**	-.143**	1	-.179**	-.266**	-.003
Government attention	.578**	.629**	.522**	.514**	-.179**	1	.563**	.168**
Political trust	.532**	.609**	.477**	.487**	-.266**	.563**	1	.164**
Social trust	.280**	.220**	.234**	.277**	-.003	.168**	.164**	1

** significant at 99 per cent; * significant at 95 per cent

For Model 1 we chose the dependent variable that measured agreement with the statement “The laws and public authorities serve everyone’s interest”. We introduced a single indicator of institutional effectiveness (good direction) into the model, while adding two variables representing perceptions of procedural fairness (equal rights and corruption). In addition, we included the indicators of political trust, social trust and political activity, as well as dummy variables representing party preferences. Finally, we selected a range of control variables (age, gender, place of residence, level of education and income) for inclusion. The results of the first regression model are summarized in Table 2.

The results reveal that the indicators of institutional effectiveness (good direction) and procedural fairness (equal rights) have the greatest explanatory power. Both of them show a significant positive relationship with the degree of agreement with the statement tested. In other words, those respondents who believed that the country was in a generally good condition and its public institutions ensured equal treatment of the citizens, on average, also tended to report higher confidence in the idea that in the law and public authorities serve the common good. In addition, social and political trust also demonstrate a significant positive relationship with the dependent variable, although their effects are somewhat smaller. Interestingly, perceptions of corruption show no relationship with the legitimacy of laws – that is, those who believe corruption is a serious problem in Hungary regard the laws with as much legitimacy as those who do not consider corruption to be a problem. Another surprising finding is that party preferences do not play a role here, as none of the voters with a party choice showed any significant differences from the reference group of indecisive or reluctant voters.

Table 2. Summary of Model 1 (dependent variable: The law and state authorities serve the public interest)

	B	Std. Error	Beta	VIF
--	---	------------	------	-----

(Constant)	.695***	.114		
Fidesz ^a	-.076	.088	-.033	2.480
Összefogás ^a	-.053	.082	-.020	1.735
Jobbik ^a	-.096	.106	-.026	1.416
LMP ^a	.270	.191	.036	1.115
Unrevealed party preference ^a	-.178	.130	-.036	1.232
Other party ^a	-.141	.343	-.010	1.041
Good direction	.258***	.032	.284	2.236
Equal rights	.319***	.029	.342	1.654
Corruption ^b	.084	.063	.034	1.121
Political trust	.041**	.017	.085	2.083
Political activity	-.075	.065	-.029	1.129
Social trust	.102***	.028	.094	1.131
Age (centred)	.000	.002	.002	1.249
Age centred squared	.000	.000	.022	1.095
Budapest	.233***	.077	.080	1.209
Male	-.088	.055	-.039	1.053
Secondary education ^c	.062	.066	.025	1.272
Higher education ^c	-.052	.086	-.017	1.451
Income	.000	.001	-.013	1.482
N	1026			
F-value	38.997**			
R ² (adjusted)	.413			
Robust standard errors				
** p < .05; *** p < .01				
^a reference group: respondents who do not have a party preference or would not vote in elections				
^b reference group: respondents who do not consider corruption as a serious problem in Hungary				
^c reference group: respondents with basic educational attainment				

In Model 2, we tested the effects of the above indicators on the variable measuring the respondents' agreement with the statement "The government works for everyone's benefit". This dependent variable bears greater political connotation than the previous one, because the government may be easily identified with the ruling parties. Thus, we expected that people's view on this matter would differ more along party preferences than in the previous case. The results of Model 2 are summarized in Table 3.

Similar to the first case, perceptions of institutional effectiveness and procedural fairness proved to have high explanatory power, but this time political trust also showed a comparably strong and significant positive association with the dependent variable. As expected, compared to the reference group, those who voted for Fidesz indicated greater confidence that the government's actions were beneficial for the people. In this sense, this aspect of legitimacy seems to be more politicized than the previous one.

Table 3. Summary of Model 2 (Dependent variable: The government works for the people's benefit)

	B	Std. Error	Beta	VIF
(Constant)	.359***	.107		

Fidesz ^a	.390 ^{***}	.082	.154	2.485
Összefogás ^a	.046	.077	.016	1.744
Jobbik ^a	.002	.099	.000	1.413
LMP ^a	.053	.179	.006	1.115
Unrevealed party preference ^a	.122	.120	.023	1.240
Other party ^a	-.035	.321	-.002	1.041
Good direction	.281 ^{***}	.030	.285	2.223
Equal rights	.205 ^{***}	.027	.201	1.649
Corruption ^b	-.105	.059	-.039	1.123
Political trust	.146 ^{***}	.016	.277	2.076
Political activity	.042	.061	.015	1.130
Social trust	-.018	.026	-.015	1.130
Age (centred)	-.000	.002	.000	1.249
Age centred squared	.000	.000	.021	1.095
Budapest	.106	.071	.033	1.207
Male	-.065	.052	-.027	1.054
Secondary education ^c	-.087	.062	-.033	1.270
Higher education ^c	-.193 ^{**}	.080	-.060	1.449
Income	.000	.001	-.014	1.479
N	1026			
F-value	71.653 ^{***}			
R ² (adjusted)	.567			
Robust standard errors				
** p < .05; *** p < .01				
^a reference group: respondents who do not have a party preference or would not vote in elections				
^b reference group: respondents who do not consider corruption as a serious problem in Hungary				
^c reference group: respondents with basic educational attainment				

Our results clearly indicate that Hungarian people do not share an exclusive output-oriented approach when it comes about legitimacy beliefs. The personal income of the respondents does not have an effect on legitimacy beliefs, that is, the individual economic situation does not influence people's trusting attitudes towards the law or the government. Socio-tropic evaluation, that is, the belief that the country as such is heading into the good direction (that we took for a proxy of government effectiveness) does indeed play a role in grounding legitimacy. However, other normative considerations, like the faith in individual rights, do also matter. We found that the consideration of equal rights proved to have a significant effect on the dependent variables in both of our models. We believe that the principle of the equality of rights expresses an important procedural fairness norm in the political context, therefore we conclude that – in line with the mainstream literature on trust and legitimacy – procedural fairness considerations influence people's legitimacy beliefs in Hungary as well. Actually it seems to have a similar weight than effectiveness (output-legitimacy) considerations.

Let us highlight two more details from the above results. First, that party preferences did not have an effect on the legitimacy of the law. This is important, because Hungarian political culture is believed to be extremely polarized where the opposing political camps share little about the perception of both the political problems and their desired solutions that country should face and embrace (Körösényi 2012). Party preferences play some role in grounding the legitimacy of the government, but this is understandable, as the government was set up by the ruling party. Second, corruption

perceptions did not have a significant effect in any of our models. This may suggest that some, but not all, procedural fairness norms are important for Hungarian people. However, in other studies corruption deemed to be important – for instance Boda and Medve-Bálint (2015) found that trust in the police in Hungary was largely influenced by corruption perceptions. Actually, in that study some other procedural fairness norms, like that of lack of discrimination, had no statistical effect on the dependent variable. This calls our attention to the importance of institutional contexts: procedural fairness is a complex phenomenon and it has different expressions in different social and political settings.

Conclusion

The 2010 election in Hungary resulted in the victory of Fidesz, a conservative party which acquired a comfortable majority in the parliament. As polls clearly demonstrated, the advent of Fidesz into power was accompanied by great expectations from the population in light of both the poor performance of socialist governments in previous years and the 2008 financial crisis that hit the country hard. Fidesz indeed introduced a number of reforms and policy changes through a rapid series of legislative measures. Expert opinions state that both the way these reforms were adopted and their content violated a number of procedural fairness norms, such as participation in decision making and even some aspects of the rule of law. Although no systematic research has been conducted on public opinion in this respect, some survey results suggest that people, even those who voted for Fidesz, were critical towards those norm breaching phenomena. According to David Beetham, Tom Tyler and others, legitimacy is dependent on moral evaluations concerning the ruling power, and among those evaluations, perceptions of the procedural fairness being exercised by the authorities are of a crucial importance. If the theory holds, then the legitimacy of Fidesz's rule would have eroded over the years, and indeed this is what happened. By 2012 trust in the government and in political institutions has dropped to the levels seen before the 2010 elections. But since economic problems have persisted, we cannot say whether this drop was caused by discontent with governmental performance or procedural fairness or both. Our research aims at investigating the role of procedural fairness in the formation of legitimacy beliefs.

Our preliminary analysis demonstrates that procedural fairness may indeed have a role in shaping legitimacy. In our model the statement concerning equal rights in Hungary had the strongest explanatory power predicting the belief that laws and authorities serve the common good, even stronger than party preference or the belief that the country is heading in a good direction (which expresses satisfaction with governance performance). The legitimacy of the government is more strongly explained by party preference; however, the role of procedural fairness remains significant in that model as well.

To our knowledge, our research is the first to deal with the role of procedural fairness in shaping legitimacy in the Eastern and Central European region. This is not to say that procedural fairness is the only and the most important factor shaping legitimacy. Our model reflects just one possible approach. However, we believe that it at least demonstrates that further research should seriously take into account the role of procedural fairness and its perceptions in shaping legitimacy beliefs.

APPENDIX

Description of the variables

Dependent variables

The law serves public interest	The laws and the public authorities serve everyone's interest	0: do not agree at all; 4: fully agree
The government works for people's benefit	The government works for everyone's benefit.	0: do not agree at all; 4: fully agree

Indicators of the perception of institutional effectiveness

Democracy	All things considered, democracy functions well in our country.	0: do not agree at all; 4: fully agree
Good direction	All in all, things are going to the right direction in Hungary.	0: do not agree at all; 4: fully agree

Indicators of institutional trust

Political trust	Political trust (government, parliament, political parties)	0: do not trust at all; 9: fully trust
-----------------	---	--

Indicators of the perception of institutional procedural fairness

Rule of law	The rule of law prevails in Hungary.	0: do not agree at all; 4: fully agree
Equal rights	Every Hungarian citizen has equal rights.	0: do not agree at all; 4: fully agree
Corruption	Corruption is a serious problem in Hungary.	0: do not agree at all/rather do not agree/neutral; 1: rather agree/fully agree
Government attention	The government pays attention to the opinion of the people, professional and civic organizations.	0: do not agree at all; 4: fully agree

Indicator of political activity

Political activity	In the past two years the respondent participated in an activity related to politics or public affairs.	0: no; 1: yes
--------------------	---	---------------

Indicator of interpersonal trust

Social trust	People are generally trustworthy	0: do not agree at all; 4: fully agree
--------------	----------------------------------	--

Political preferences

Fidesz	Fidesz voter	0: no; 1: yes
--------	--------------	---------------

Összefogás	Voter of the Left Alliance	0: no; 1: yes
------------	----------------------------	---------------

Jobbik	Jobbik voter	0: no; 1: yes
--------	--------------	---------------

LMP	LMP voter	0: no; 1: yes
-----	-----------	---------------

Do not vote	Do not have a party preference /would not vote	0: no; 1: yes
-------------	---	---------------

Unrevealed party preference	Do not reveal party preference	0: no; 1: yes
-----------------------------	--------------------------------	---------------

Other party	Voter of another party	0: no; 1: yes
-------------	------------------------	---------------

Control variables

Age (centred)	Age centred around the grand mean	0: respondent of average age (48.21 years)
---------------	--------------------------------------	---

Age centred squared	Age centred squared	
---------------------	---------------------	--

Budapest	Budapest inhabitant	0: no; 1: yes
----------	---------------------	---------------

Male	Male respondent	0: no; 1: yes
------	-----------------	---------------

Basic education	Maximum 8 years of completed education / vocational school	0: no; 1: yes
-----------------	---	---------------

Secondary education	Completed secondary education	0: no; 1: yes
---------------------	-------------------------------	---------------

Higher education	Higher education degree (BA or higher)	0: no; 1: yes
------------------	---	---------------

Income	Per capita household income in thousands of forints, centred around the grand mean	0 = 91,824 HUF (appr. 300 EUR)
--------	--	--------------------------------

Descriptive statistics of the variables

	N	Mean	SD	Skewness	Kurtosis
The law serves the public interest	1190	2.18	1.112	-.152	-.580
The government works for the people's benefit	1189	1.80	1.217	.070	-.865
Democracy	1179	1.91	1.111	-.006	-.619
Good direction	1181	1.79	1.240	.073	-1.002
Rule of law	1176	2.30	1.084	-.151	-.529
Equal rights	1188	2.01	1.199	-.048	-.859
Government attention	1173	1.81	1.156	-.015	-.808
Political trust	1173	3.60	2.301	.110	-.928
Social trust	1200	2.09	1.015	-.270	-.341
Income	1100	91.82	46.763	1.562	5.229

References

- Apel, K-O. (1990). Is the Ethics of the Ideal Communication Community a Utopia? On the Relationship Between Ethics, Utopia, and the Critique of Utopia. In S. Benhabib, F. Dallmayr, eds.: *The Communicative Ethics Controversy*. Cambridge, MA: The MIT Press, 23-59.
- Beetham, D. (1991). *The Legitimation of Power*. Macmillan.
- Boda, Zsolt (2013). "Some notes on fairness, trust and good governance", *Iustum Aequum Salutare*, 9 (2), 9-19.
- Boda, Zsolt (2012). "Legitimációs problémák Magyarországon. A hiteles politika és a kormányzati teljesítmény összefüggéseiről", in Boda Zsolt – Körösenyi András (ed.): *Van irány? Trendek a magyar politikában* (Budapest: MTA PTI és Új Mandátum Kiadó), 263-283.
- Boda, Zsolt & Medve-Bálint, Gergő (2015). "How perceptions and personal contact matter: The individual-level determinants of trust in police in Hungary", *Policing and Society*, on-line first, August 2015.
- Bradford, B. et al., 2013. *What price fairness when security is at stake? Police legitimacy in South Africa. Regulation & governance*. On-line.
- Breitmeier, H., Young, O. R., & Zürn, M. (2006). *Analyzing International Environmental Regimes: from Case Study to Database*. Cambridge, MA: The MIT Press.
- Cleary, M. R., & Stokes, S. C. (2006). *Democracy and the culture of Skepticism: Political Trust in Argentina and Mexico*. New York: Russell Sage Foundation.
- Della Porta, D. (2000). Social Capital, Beliefs in Government, and Political Corruption. In S. J. Pharr and R. D. Putnam (eds.), *Disaffected Democracies*, Princeton, NJ: Princeton University Press, 202–28.
- Gangl, A. (2003). Procedural Justice Theory and Evaluations of the Lawmaking Process. *Political Behavior*, 25(2), 119–149.
- Grosskopf, A. (2008). Explaining the Democratic Trust Conundrum: The Sources of Institutional Trust in the Reunited Germany. *International Social Science Review*, 83(1-2), 3-26.
- Habermas, J., (1990). Discourse Ethics: Notes on a Program of Philosophical Justification. In S. Benhabib and F. Dallmayr (eds.), *The Communicative Ethics Controversy*. Cambridge, MA: The MIT Press, 60-110.
- Hawdon, J. (2008). Legitimacy, Trust, Social Capital, and Policing Styles. *Police Quarterly*, 11(2), 182 - 201.
- Hetherington, M. J. (2005). *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism*. Princeton, NJ: Princeton University Press.
- Kahan, Dan M. (2002). "The Logic of Reciprocity: Trust, Collective Action, and Law", *John M. Olin Center for Studies in Law, Economics, and Public Policy Working Papers*. Paper 281. http://digitalcommons.law.yale.edu/lepp_papers/281
- Körösenyi, András (2012). „A politikai polarizáció és következményei a demokratikus elszámoltathatóságra” in Boda Zsolt – Körösenyi András (ed.): *Van irány? Trendek a magyar politikában* (Budapest: MTA PTI és Új Mandátum Kiadó), 284-308.

- Leventhal, G. (1980). What should be one with equity theory? New approaches to the study of fairness in social relationships. In Gergen, K.J., Greenberg, M. S. and Willis, H. J. (eds.), *Social Exchange: Advances in Theory and Research*. New York: Plenum, 61-83.
- Levi, M., Sacks, A., & Tyler, T. (2009). Conceptualizing Legitimacy, Measuring Legitimizing Beliefs, *American Behavioral Scientist*, 53, 354-375.
- Levi, M., & Stoker, L. (2000). Political Trust and Trustworthiness. *Annual Review of Political Science*, 3, 475-507.
- Lieberman, E. S. (2007). Ethnic Politics, Risk, and Policy-Making. A cross-national statistical analysis of government responses to HIV/AIDS. *Comparative Political Studies*, 40(12), 1407 -1432.
- Machura, S. (1998). Introduction: Procedural Justice, Law and Policy. *Law and Policy*, 20(1), 5-17.
- Medve-Bálint G. and Boda Z. (2014). The Poorer You Are, the More You Trust? The Effect of Inequality and Income on Institutional Trust in East-Central Europe. *Sociologický časopis / Czech Sociological Review* 50 (3): 419-454.
- Murphy, K. (2005). Regulating More Effectively: The Relationship between Procedural Justice, Legitimacy, and Tax Non-compliance. *Journal of Law and Society*, 32(4), 562-589.
- Pharr, Susan J. (2000). Officials' Misconduct and Public Distrust. In Pharr, S. J. and Putnam, R. D. (eds.), *Disaffected Democracies*. Princeton, NJ: Princeton University Press, 173–201.
- Popkin, S. L. (1991). *The Reasoning Voter*. Chicago: University of Chicago Press.
- Scholz, J. T. (1998). Trust, Taxes, and Compliance. In V. Braithwaite & M. Levi (Eds.), *Trust and Governance*. New York: Russell Sage Foundation, 135-166.
- Sun, I. Y. et al. (2013). One country, three populations: Trust in police among migrants, villagers and urbanites in China. *Social Science Research*, (42: 6), 1737-1749.
- Tyler, T. R. (1990). *Why People Obey the Law: Procedural Justice, Legitimacy, and Compliance*. New Haven: Yale University Press.
- Tyler, T. R. (2001). Public Trust and Confidence in Legal Authorities: What Do Majority and Minority Group Members Want from the Law and Legal Institutions? *Behavioral Sciences & the Law*, 19(2), 215-235.
- Tyler, T. R. (2003). Procedural Justice, Legitimacy, and the Effective Rule of Law. In M. Tonry (ed.), *Crime and Justice: A Review of the Research*, pp. 283-357. Chicago: Chicago University Press.
- Tyler, T. R. (2006). Psychological Perspectives on Legitimacy and Legitimation. *Annual Review of Psychology*, 57, 375-400.
- Walzer, M. (1983). *Spheres of Justice. A Defence of Pluralism and Equality*. Oxford: Blackwell.
- Weatherford, M. S. (1992). Measuring Political Legitimacy. *The American Political Science Review*, 86(1), 149-166.