University of Kent

Kent Academic Repository

Seyd, Ben, Cichocka, Aleksandra and Panayiotou, Orestis (2022) *Decision responsiveness and the legitimacy of public agencies.* Parliamentary Affairs, 75 (2). pp. 449-467. ISSN 0031-2290.

Downloaded from

https://kar.kent.ac.uk/84732/ The University of Kent's Academic Repository KAR

The version of record is available from

https://doi.org/10.1093/pa/gsaa065

This document version

Author's Accepted Manuscript

DOI for this version

Licence for this version

UNSPECIFIED

Additional information

Versions of research works

Versions of Record

If this version is the version of record, it is the same as the published version available on the publisher's web site. Cite as the published version.

Author Accepted Manuscripts

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding. Cite as Surname, Initial. (Year) 'Title of article'. To be published in *Title of Journal* , Volume and issue numbers [peer-reviewed accepted version]. Available at: DOI or URL (Accessed: date).

Enquiries

If you have questions about this document contact ResearchSupport@kent.ac.uk. Please include the URL of the record in KAR. If you believe that your, or a third party's rights have been compromised through this document please see our Take Down policy (available from https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies).

DECISION RESPONSIVENESS AND THE LEGITIMACY OF PUBLIC AGENCIES

The procedural qualities of decisions made by public agencies are known to shape citizens' perceptions of decision legitimacy. Existing empirical studies focus on procedures such as whether citizens are consulted, and whether their preferences are taken into account. Less is known about whether decisions made by public agencies are deemed legitimate if they reflect citizens' broad interests rather than their immediate preferences. Yet many contemporary issues confront policy makers with dilemmas of whether to respond to citizens' demands or instead to act on their interests. Using an experimental approach among a sample of British citizens, we analyse the effects on perceived legitimacy of various aspects of decision responsiveness. We focus in particular on whether public agencies are rewarded if they ignore citizens' preferences while showing they are acting in their broader interests. Our results show that perceived legitimacy is indeed higher when decisions are seen to reflect citizens' collective interests. But this boost disappears if individuals disapprove of the agency's decision. We conclude that acting in citizens' broad interests is unlikely to stimulate legitimacy among individuals who do not favour a decision's outcome.

Keywords: Decision making; Legitimacy; Voice; Preferences; Interests

One of the tenets of representative democracy is that decisions made by public officials should be responsive to citizens. While public officials might enjoy some discretion over their decisions, few seriously question the principle that, in general terms, those decisions should reflect citizens' preferences.[1] Yet what does it mean for decisions to be 'responsive'? Is it sufficient that decision-makers identify citizens' preferences by consulting with them? Or must they go beyond consultation by aligning their decisions with citizens' wishes? Might officials also behave responsively if their decisions reflect citizens' general interests, if not necessarily their immediate or expressed preferences? There are thus quite distinctive meanings of responsiveness, and these distinctions entail very different approaches to decision-making on the part of public authorities.

The issue of how closely public authorities should be responsive to citizens has a long lineage (Manin, 1997). Much recent analysis on the topic has focused on whether decisions taken by political authorities do, in fact, correspond to public demands (Soroka and Wlezien, 2010). We know less, however, about how citizens themselves react to different forms of responsiveness, and about what effects these different forms have on citizens' evaluations of decision-making agencies (Esaiasson et al, 2017). This seems an oversight, particularly in an age when public agencies are gathering more data on their evaluations by citizens and clients, yet when wider public regard for many of these agencies has declined (Norris, 2011). It is therefore worth examining how far different aspects of responsiveness matter for public evaluations of official decisions and in particular for their perceived legitimacy (which is a key feature of governance, capturing as it does citizens' voluntary acceptance of an organisation's decisions; Tyler, 2006). This article extends scholarly understanding on this issue by identifying the impact of three different aspects of responsiveness on the perceived legitimacy of a public body. The first two aspects involve consulting with citizens and taking decisions that align with citizens' preferences. These aspects are often treated as central to the concept and practice of responsiveness (Esaiasson et al, 2017) and have been examined in numerous empirical studies. The third aspect involves taking decisions that reflect citizens'

[1] The assumption here is that those wishes are independently-formed and exogenous to the political process. This assumption is, of course, open to question (Disch, 2011); indeed, public opinion may follow, rather than lead, the policies adopted by political elites.

interests as opposed to their preferences. We draw a distinction between demands expressed by citizens (their 'preferences') and judgements made by others about what would be optimal for those citizens (their 'interests'). This distinction – explored in more detail below – has figured in conceptual treatments of responsiveness (e.g. Pitkin, 1967), although how citizens respond to decisions that reflect their interests if not necessarily their preferences has not, to our knowledge, been subjected to empirical analysis.

It seems timely to bring this aspect of responsiveness within our empirical scrutiny. Many contemporary policy issues entail long time horizons and trade-offs between goods, which potentially open up a distinction between what people desire and what is in their wider interests. Examples include climate change and pensions provision, where citizens' stated preferences or desires (as reflected in their lifestyle choices) may not accord with their interests (represented by their welfare over the longer term). Public agencies tasked with making decisions on such issues thus face dilemmas over whether to act on citizens' expressed preferences or on their broader interests. The usual assumption is that electoral incentives induce public officials to act on the former rather than on the latter (Canes-Wrone et al, 2001). Yet might officials be rewarded by citizens if they can publicly show that their decisions were taken in line with people's interests, even if not with their preferences?

This article takes up this question, by testing the effects of different aspect of responsiveness – (i) identifying people's preferences through consultation, (ii) taking those preferences into account in making a decision, and (iii) subordinating those preferences to people's interests – on decision legitimacy. To do this, we employ an experimental approach, drawing on a wider population than the oft-used samples of college students. We expose participants in our experiment to scenarios involving different forms of organisational responsiveness in the context of a policy decision made by a local tier of government (a local council). Our analysis identifies which forms of responsiveness affect legitimacy assessments, and in particular whether the local council's decisions are deemed legitimate if they reflect citizens' broad interests rather than their expressed preferences. We find that when the council's decision reflects citizens' interests, the legitimacy of that decision increases even if the council has gone against citizens' expressed preferences. However, this effect disappears

among individuals whose own policy preferences are not reflected in the council's decision. Thus, any claim to be acting in citizens' broad interests only generates higher legitimacy among individuals who favour a decision; among individuals who do not favour a decision, the procedural virtues of acting on people's interests have no effect on perceived decision legitimacy. At a time when public bodies are tasked with making decisions on complex and multi-faceted policy issues, yet appear short on popular legitimacy, our results provide new insights into the potential payoffs of different forms of responsiveness.

Decision responsiveness and public legitimacy

In representative democracies, elected officials are expected to be responsive to the wishes of their constituents. Politicians are supposed to rule with citizens' wishes in mind, and political institutions are designed to ensure that this principle is followed. Yet what does it mean for a public agency to be 'responsive'? At minimum, responsiveness involves paying attention to another person's wishes and needs. In addition, it involves taking decisions that further those needs. The twin elements of responsiveness are thus to consult or listen to another person's wishes, and then to act on those wishes (Esaiasson et al, 2016, 2017).[2]

Yet responsiveness may go beyond a mechanical obedience to citizens' wishes. An actor or institution may 'act for' other people (in Pitkin's [1967] conceptualisation of representation) if their decisions accord with a person's objectives or *interests* rather than their expressed demands or *preferences*. This distinction arises in the course of longstanding debates – dating back to Edmund Burke – over the proper focus of political representatives, in particular the distinction between 'mandate' and 'trustee' forms of representation. The former involves representatives acting on constituents' expressed preferences, while the latter grants autonomy to representatives to take decisions they deem optimal, or welfare-enhancing, for their constituents (Pitkin, 1967: ch7). Pressing a little harder on interests, these may be

[2] This simplifies a rather more complex reality. Large-scale public agencies will have numerous clients and constituents. How many of these does an agency need to consult? Assuming these constituents hold divergent preferences, to which group's preferences should the agency cleave in reaching a decision? These are important conceptual and practical questions, yet given the different analytical focus in this article, cannot be pursued here.

defined as a person's overall or long-term utility, or the nature of their fully-informed preferences (Harsanyi, 1996; Mansbridge, 2003; see also Korolev, 2015). Preferences may not align with interests among individuals who suffer from imperfect information, for example by failing to appreciate the trade-offs, hidden costs, or long-term consequences involved in a choice. Yet such conditions frequently occur on policy issues such as environmental protection and pension reform, where individuals are asked to incur short term costs – in the form of lifestyle or financial sacrifices – to procure long-term benefits. On such issues, individuals lacking perfect information may not be able to accurately compute the costs and benefits among different policy options, opening up a distinction between what an individual desires or prefers and what represents their best interests.[3] Public officials may possess, or at least have access to, such information, enabling them to adjudicate which choices or options would best enhance citizens' welfare (Pitkin, 1967: 128-143).[4] Thus, in theory at least, a policy-maker may be responsive to another person even when ignoring that person's preferences as long as decisions are taken with their interests in mind (Esaiasson et al, 2016: 22-25; Eulau and Karps, 1977; Pitkin, 1967: 155-67, 209-14).

It is usually assumed, however, that policy-makers are unlikely to act on people's interests over their preferences. Elected officials in particular face incentives to deliver on people's immediate preferences, not on their broader interests; focusing on the latter at the expense of the former is assumed likely to incur damaging electoral penalties (Canes-Wrone et al, 2001). In spite of this, however, policy-makers may care about people's interests and about pursuing 'sound' policy decisions over those that merely 'pander' to public demands (Rodrik and Zeckhauser, 1988).[5] The obvious solution in such cases is to insulate policy-makers from electoral incentives by delegating decisions to unelected agencies (Maskin and

[3] An individual's preferences may differ from their interests; sometimes they may even pull in the opposite direction. In the case of environmental protection, for example, individual preferences (for continued consumption of fossil fuels, say) are often inconsistent with longer-term or collective interests.

[4] For Edmund Burke, the superior wisdom and judgement of political representatives enabled them to act on individual and national interests in a way that would not be possible if they were beholden to their constituents (Pitkin, 1967: ch8).

[5] For evidence of the damaging policy decisions that can result when public officials focus on voters' immediate preferences, see Healy and Malhotra (2009).

Tirole, 2004).[6] Yet the normative principle of electoral accountability means this step is only feasible for a limited set of policy issues. The majority of policy issues remain in the hands of elected officials. Given this, what scope is there for these officials to bolster the legitimacy of their decisions on potentially complex policy questions by appealing to citizens' broad interests rather than to their immediate preferences?

To date, we know rather little about whether such appeals are likely to deliver popular approval and legitimacy. This is in contrast to the effects of the other aspects of decision responsiveness, which have been extensively explored. Scores of studies have shown that decision-makers are generally rewarded for consulting with, or seeking the views of, people affected by their rulings. These studies point to the beneficial effect of individual or group 'voice' on decision acceptance and legitimacy (for reviews of these studies, see Lind and Kulik, 2009 and McCoun, 2005). Decisions have also been found to be more readily accepted by individuals when these adapt to, or reflect, their preferences (Arnesen, 2017; Esaiasson et al, 2017, Christensen et al, 2019), particularly on salient issues (Skitka, 2002). How far legitimacy is compromised when decision-makers fail to adapt to citizens' preferences is less clear. Various studies suggest that voice serves to stimulate higher rates of decision legitimacy irrespective of whether citizens have any control over the substance of a decision (Hildreth et al, 2014). However, other studies suggest that listening to public concerns is, in itself, insufficient and that legitimacy requires any final decision to align with citizens' preferences (Lind and Tyler, 1988). Indeed, some studies have suggested that, where an actor seeks other people's preferences yet ignores these views in making a decision, legitimacy can be depressed beyond the point obtained if no consultation takes place, an outcome termed a 'frustration effect' (Folger, 1977).

Yet compared with the wealth of studies on the effects that procedural voice and outcome favourability exert on decision legitimacy, we have less to go on in evaluating the effects of pursuing citizens' interests. However, there is at least some suggestion in the empirical literature that policy-makers may be favourably evaluated even if they reach decisions that are contrary to citizens' expressed preferences. Studies have found that people may respond

[6] Although even unelected bodies often face pressures to respond to public demands.

positively to a decision they disagree with as long as the decision-maker either provides a suitable explanation or justification for their action or is seen as acting in the national interest (Bies and Shapiro, 1988; McGraw et al, 1995; Grose et al, 2015; Esaiasson et al, 2017; although Peterson and Simonovits [2017] and Christensen et al [2019] are more sceptical about the payoff of decision-makers' justifications). Thus, policy actors who deviate from public preferences may not necessarily be punished, as long as they can point to some wider benefit of their actions. This suggests some potential for decision-making organisations to be deemed legitimate if their decisions are seen to reflect citizens' broad interests. However, to our knowledge, no existing study has explicitly explored such an effect.

The purpose of this study is to conduct such a test, via an experimental treatment. We examine the impact of three responsiveness conditions – consulting with citizens, adapting decisions to meet citizen preferences and acting on citizens' interests – both separately and jointly. Separate treatment allows us to identify the individual effect of each form of responsive behaviour. Drawing on previous studies, we expect that an agency's decisions will be deemed more legitimate if they arise from consultation with citizens, accord with citizens' preferences and reflect citizens' interests. Joint treatment allows us to identify the combined effects of these conditions. We are particularly interested in cases where an agency's decision goes against citizens' preferences but is justified by reference to their interests. Since no previous study has pitted preferences against interests in this way, we have no prior expectation of the net impact on perceived decision legitimacy.

People may deem an agency to be legitimate if its decision is seen to be responsive to citizens. Yet the impact of decision responsiveness may be moderated by individuals' own views on the substance of that decision. Prior studies have suggested that, where an individual approves the substance of a decision, the procedures used to reach that decision have a minor impact on assessed legitimacy. Yet where outcome favourability is lower, the nature of those procedures assumes greater importance for legitimacy (Brockner and Wiesenfeld, 1996; Esaiasson, 2010). In other words, if a decision yields an outcome of which an individual approves, they appear to feel it unnecessary to consider how that decision was reached. Where an outcome is less favourable to the individual, however, they pay greater

attention to the procedures underlying the decision. In our analysis of how far different aspects of decision responsiveness affect legitimacy, we therefore need to pay attention to the potentially moderating role of individuals' own policy preferences.

Experimental design

To test the impact on decision legitimacy of the three responsiveness conditions, we employ an experimental design, in which different research participants are exposed to different forms of decision-making. Since we are interested in three aspects of responsiveness, our experiment adopts a 2 (public agency consults vs. does not consult) x 2 (public agency adapts to citizens' preferences vs. does not adapt) x 2 (public agency takes into account citizens' general interests vs. does not take into account their interests) between-subjects factorial design. As noted, this design enables us to identify both the individual and combined contributions made by each aspect of decision responsiveness.

The organisation chosen for the decision-making scenarios was a local council (a municipal tier of government). This tier was preferred over the national level since, for reasons of scale and proximity, we felt it easier to provide convincing accounts in our experimental scenarios of a local agency acting responsively towards citizens. For the substance of the council decision, we selected a policy issue that was subject to some controversy – so that experimental participants would themselves hold substantive preferences, and would also care about the responsiveness of the council's decision – but also one on which people's immediate preferences might be distinguished from their more general interests. These criteria are arguably met by policy issues that involve an element of social risk, and we selected the construction of a mobile phone mast (or base station) as the topic for the council decision. Mobile phone technology is a source of concern for citizens, since base stations are associated with risks to personal health (Siegrist et al, 2005). However, these risks are often seen as imprecisely quantified and open to doubt (McLean and Patterson, 2012). It is therefore unlikely that ordinary citizens will hold perfect information about the risks of mobile phone masts. As a result, the issue is ideally suited to the task of distinguishing

between people's immediate preferences and their more general interests, the latter reflecting a condition of more complete information.

Our experiment took the form of a short internet-based survey hosted by Prolific Academic, an online participant recruitment platform located in the United Kingdom.[7] Based on recommendations by Simmons et al (2013), we aimed to recruit at least 50 participants per experimental condition. We recruited 438 participants during the period March-April 2015, to each of whom we paid a nominal fee of £0.55 ($0.71).[8] Removing cases where there were problems in viewing the experimental treatment, inaccurate recall of the treatment (indicating low participant attention) and participation by non-British nationals left us with 401 cases. Of these, 56% were female, with 60% holding a university-level qualification or above; the age range was 18 to 60 years (mean=27.6; std deviation=9.64).

The experimental treatment consisted of a fictitious newspaper-style account (set out in Appendix 2) of a council's decision on the construction of a new mobile phone mast in the local area. The account identified the conflictual nature of the policy issue, by noting that some local residents favoured construction of the mobile phone mast, while others opposed it. There was thus no popular consensus to which the council could straightforwardly defer. Participants were then randomly allocated to one of eight groups, each of which was exposed to a decision process involving a different combination of the three responsiveness conditions.[9] The first condition involved the council consulting or not with local people. Where consultation occurred, participants were told that this took the form of council-convened meetings. Where consultation did not occur, participants were told that a local radio station had organised a phone-in to gauge people's views. The second condition corresponded to whether the council's decision – to accept or reject the mobile phone mast –

[7] Around the time of our experiment, Prolific Academic reported just over 6000 participants, over three quarters of whom resided in the UK and US.

[8] Details of ethical approval for this study are provided in Appendix 1. [Note: If the article is accepted, data will be made publicly available via the host university's data repository.]

[9] The randomisation process should ensure the essential similarity of the individuals in different experimental groups, aside from the experimental treatment. Given this, we follow the counsel of Mutz et al (2019) and refrain from assessing the composition of different experimental groups through randomisation checks or balance tests. Note also that to provide sufficient statistical power to analyse the effects of the three responsiveness conditions, we pool the data across the eight groups.

either followed or deviated from majority local opinion (which was consistently set to oppose the mast). The third condition corresponded to whether people's interests were followed. Interests were operationalised through the council seeking the advice of 'independent scientists' on whether to approve or reject the phone mast. Given the difficulty faced by citizens in quantifying the risks involved in technologies such as mobile phone telephony, the use of such experts seemed an appropriate way of simulating informed or evidence-based procedures and thus capturing the idea of interest-based policy decisions.[10] We took the council to be acting on people's interests if it followed the scientists' advice.[11]

Our outcome variable is the perceived legitimacy of the council's decision. We measured this directly through an indicator that asked participants "how legitimate would you say the council's decision was?" Alongside this indicator, we also fielded indicators tapping other aspects of the way citizens might evaluate a decision-making agency. These aspects covered trust ("How much trust in general would you have in the council?") and decision acceptance ("How far do you think that local people should accept the decision made by the council?"). Separate empirical analyses were conducted on each of these indicators. Since these analyses identified essentially similar results across the three indicators (full details are provided in Appendix 5), and since each indicator arguably captures a particular aspect of the way citizens evaluate public agencies, we chose to combine the indicators in a single additive scale which we term 'legitimacy' (1=low legitimacy, 10=high legitimacy; α=0.89, mean=5.85, std deviation=2.19).

In order to assess whether assessments of council legitimacy were driven by the procedural qualities of its decisions or by their substantive content, we also measured our research

[10] In representing interests in this way, we cannot discount the possibility that the results might simply reflect the mention of "independent scientists". However, we tried to reinforce the idea of the council acting on people's interests by explicitly referencing this in the text of our vignette ("In order that their decision reflected the best interests of local people, the council sought advice from a panel of independent scientists"; see Appendix 2).

[11] The council decision was consistently set to follow the scientists' recommendation (ie. to act on people's interests) since we were only interested in the effects of decisions where people's interests were taken into account (there was thus no condition in which the council went against people's interests; the 'no interests' condition simply contained no mention of the council taking scientists' advice). The advice of the scientists was varied to either favour the mast's construction or to oppose it.

participants' opinions towards mobile phone technology. These opinions were gathered prior to participants' exposure to the newspaper article through a survey question that we embedded among questions tapping respondents' attitudes towards various other environmental risks (crop pesticides, nuclear power and genetically modified food), so as not to prime participants. Participants responded on a four-point scale (1=strongly oppose mobile phone masts, 4=strongly support mobile phone masts; mean=2.98, std deviation=0.62).

Results

We begin by assessing how far our experimental manipulations succeeded in conveying information about the procedural qualities of the council's decision.[12] One-way analyses of variance (ANOVA) showed that participants in the consultation condition perceived the council to have consulted with local people more (mean=7.61) than did participants in the non-consultation condition (mean=2.86; $F(1,147)=154.88$, $p<0.001$). Participants in the adaptation condition were more likely to perceive the council taking local people's views into account (mean=6.41) than participants in the non-adaptation condition (mean=3.92; $F(1,147)=35.78$, $p<0.001$). Participants in the scientists' advice condition thought the council took local people's general interests into account somewhat more (mean=6.10) than did participants in the non-advice condition (mean=5.09; $F(1,147)=5.82$, $p=0.02$). Thus, while there was a fairly modest impact of the manipulation when it came to acting on interests, the experimental treatments appear to have been largely successful.

We next explore how far the different forms of decision-making responsiveness affected our participants' assessments of council legitimacy. A comparison of means within and across

[12] Due to a technical fault in the experiment (which meant that the manipulation check questions did not appear on participants' computer screens) our manipulation checks had to be run through a separate survey. Our sample – again drawing on Prolific Academic participants but excluding people who had taken part in the original experiment – comprised 160 people. Removing participants who experienced survey display problems or failed the attention check question yielded 149 cases (51% female; age range 18-60 years, mean=30.1, std deviation=9.76). The manipulation check questions used ten-point response scales (1=council decision did not reflect condition, 10=council decision did reflect condition).

the three conditions (Figure 1) showed that legitimacy was higher when the council consulted with local people, when it adapted to public preferences and when it acted in people's interests, relative to it doing none of these. Granted, the effects of the council acting responsively are not substantial; the largest boost came from adapting to local people's preferences, which increased mean legitimacy by just over one point on the ten-point scale. The effect of acting on people's interests increased legitimacy by 0.7 points on the same scale.

FIGURE 1 HERE

Alongside the unique effect of each responsiveness condition on decision legitimacy, we also examined their joint effects. In particular we examined the effects on legitimacy where the council's decision did not align with local citizens' preferences. First, where the council consulted with local people but then did not act on majority wishes, did legitimacy take a particular hit? Recall that previous studies have identified a 'frustration effect', where the legitimacy of a decision is depressed if an actor engages in consultation but then does not act on identified preferences. Second, where the council did not follow local people's preferences, was its decision deemed legitimate if it showed it acted on people's interests?

To explore these questions, the joint effects of adapting, consulting and acting on interests were analysed via a two-way ANOVA. The results of this exercise are shown in Appendix 3, but laid out in more interpretable graphic form in Figures 2(a) and 2(b). Figure 2(a) shows that legitimacy was particularly high where the council consulted with local people and acted on their preferences. However, where the council consulted but did not act on preferences there was no evidence of a backlash or 'frustration effect'. A decision that involved consulting with local citizens but then not acting on their preferences conferred no less legitimacy than a decision involving no consultation at all.[13]

[13] It may be that frustration effects arise particularly in situations involving individual costs, either because the substance of a decision is personally salient or because the decision imposes financial gains and losses, as in payoffs from a monetary allocation game (Folger, 1977; Hibbing and Theiss-Morse, 2002). Unfulfilled voice may be less damaging to an authority's legitimacy when decisions are not salient and/or do not involve direct personal benefit or loss. The latter condition applies to our

FIGURE 2 HERE

The impact on legitimacy of taking into account people's interests is rather different. Figure 2(b) shows that where the council decision reflected local people's preferences ('adapt'), it mattered little to legitimacy if interests were also taken into account. Thus, and not surprisingly, there is no additional effect on legitimacy of acting on people's interests over their preferences. However, where the council did not act on preferences ('not adapt'), there was a significant increase in legitimacy where the decision reflected people's interests. This suggests that public agencies that do not wish to – or feel they cannot – take decisions that reflect their constituents' immediate preferences may nonetheless gain some credit, as long as they can demonstrate that those decisions reflect constituents' general interests.

Before proceeding further, we pause to consider whether there might be any bias in these results arising from the composition of our sample. As shown in the descriptive details of our sample, above, the population on Prolific Academic tends to be more educated and younger than the wider population. To check whether these features might induce any bias into our results, we divided our sample by education (distinguishing between those educated to degree level and above and those holding a lower-level educational qualification) and age (distinguishing between those aged 18-30 and those aged 31 upwards) and re-ran the previous exercises. The results using the stratified samples were substantially similar to those obtained from the full samples. In addition, we tested the moderating effects of education and age by running ANOVA models with each of the three responsiveness conditions interacted separately with the education and age terms. In neither case did the interaction terms have a statistically significant association with decision legitimacy (the results are contained in Appendix 4). There is therefore no evidence that the two features on which our sample is unrepresentative of the wider population – education and age – significantly moderate the influence of decision responsiveness on legitimacy and might thus serve to bias the results.

---

experimental design, since the decision over the siting of the mobile phone mast did not directly affect our research participants.

We now move on to consider how far the impact of decision responsiveness on legitimacy is moderated by whether individuals favour or reject the substance of the decision. Individual attitudes were measured by our research participants' views towards mobile phone masts. Overall, a large majority among our participants were favourably disposed towards mobile phone masts, with 84% supporting the technology against 16% opposing it. However, since we set the council to approve the phone mast in half the experimental groups and to reject the phone mast in the other half, random allocation to treatment groups ensured roughly equal proportions of participants whose personal opinions matched (49%) or did not match (51%) the council's decision.[14] We created a variable to show whether the outcome of the council's decision was favourable or unfavourable to participants' own preferences, and included this variable in an ANOVA model.

Full results from this model are presented in Table 1. These highlight the significant main effects on legitimacy of each of the three responsiveness conditions along with the outcome favourability of the council's decision. The terms capturing the interaction of each responsiveness condition with outcome favourability are also statistically significant, showing that the impact of responsiveness on legitimacy is moderated by individual agreement with the decision's outcome. These moderation effects are laid out graphically in Figure 3, which shows predicted levels of legitimacy by each responsiveness interaction. In cases when the council consulted with local people (Figure 3a) and adapted to their demands (Figure 3b), the impact of responsiveness on legitimacy is limited to participants whose preferences were not reflected in the council's decision. Thus, when participants did not favour the outcome, the responsiveness of the decision-making procedure had a significant effect on their legitimacy assessments. Yet when participants did favour the council's decision, its procedural qualities were inconsequential for perceived legitimacy. These results fit with those identified in existing studies (e.g., Brockner and Wiesenfeld,

[14] We cannot tell whether opinions for and against mobile phone masts were held equally strongly by participants. The limited number of mast opponents in our sample precludes us from evaluating the effects of decision responsiveness among this group compared to mast supporters.

1996), which show the impact of procedural fairness on decision acceptance to be greater in cases where an individual disapproves of a decision than where he or she approves of it.

TABLE 1 HERE

FIGURE 3 HERE

Yet note the difference in effect in the case of the council acting on people's interests (Figure 3c). Here, legitimacy held up when the council acted on local people's interests, but only when its decision aligned with individuals' preferences; where its decision ran counter to those preferences, acting on people's interests had no effect on legitimacy. Thus, when the council attended to local people's interests, this appeared to affect the legitimacy of its decision, but only among individuals who favoured that decision. For individuals who did not favour the decision, the fact the council acted on citizens' broad interests appeared to do nothing to bolster the perceived legitimacy of its decision. Thus, while consulting with citizens and adapting its decisions to reflect citizens' preferences served to bolster the perceived legitimacy of the council even among individuals disapproving of its decision, basing that decision on citizens' broad interests had no such stimulative effect. When individuals do not get the outcome they want, only some aspects of decision responsiveness increase their acceptance of that decision. These aspects do not appear to include whether the decision was based on citizens' broad interests.

Conclusion

Faced with increasingly demanding and assertive citizens, public agencies in advanced democracies have to confront dilemmas of how to respond to their populations' demands. Their task is complicated by the fact that some of those demands – particularly on complex issues with long-term horizons – may be poorly informed or even misinformed (Hochschild and Einstein, 2014). In such cases, simply pandering to people's preferences may lead to sub-optimal policy choices (Rodrik and Zeckhauser, 1988). In these circumstances, officials may be tempted to look beyond those preferences and to base their decisions on citizens' broader interests. This impetus lies behind moves – now common across advanced democracies – to

delegate authority to unelected officials, in the hope that weaker electoral incentives will enable more 'objective' or interest-based decisions to be made (Maskin and Tirole, 2004).

This study has provided a timely and original analysis of whether policy decisions taken in the name of citizens' broader interests rather than their immediate preferences are likely to gain public approval. Our results suggest that only in certain circumstances are interest-based decisions likely to attract public legitimacy. Where an agency does not follow citizens' preferences, its decision can still be deemed legitimate if it can show that it acted in citizens' broader interests. Yet if that agency's decision goes against an individual's personal preferences, the boost to legitimacy of acting on interests largely disappears. Thus, although an agency may seek public approval for a decision justified on the basis of serving citizens' interests, any such appeal is unlikely to be effective among individuals who disapprove of that decision. For elected and unelected public agencies grappling with tricky policy choices and how these might be justified to voters or citizens, this is a potentially significant finding. It suggests that on contentious issues, and/or issues on which public opinion is divided, any appeal to interest-based decisions may sway people who are comfortable with the decision, yet be unlikely to convince those who do not favour the outcome.

We acknowledge that these results are provisional. For a start, the task of empirically capturing people's interests is a tricky one. While we took care in operationalising a treatment for this aspect of responsiveness, the results of the manipulation check suggest our efforts might not have been wholly successful. It is difficult to operationalise decision-making focused on people's interests, which may require a more detailed description than we provided in our experimental vignette. Yet it is not obvious what a clear and valid description of acting in people's interests would look like. We chose to capture the idea of interests as represented by informed choices, and employed the role of independent scientists to present this condition. However, while this formulation was carefully chosen, we also acknowledge that it makes it difficult to separate out the potential effects of interest-based decisions from the role of independent scientific expertise.[15] Alternative ways of

[15] Previous studies have shown that people deem decisions made by experts to be more legitimate than decisions made by partisan actors (Bertsou and Pastorella, 2017). Less is known, however, about

measuring people's interests, and distinguishing them from their preferences, would help advance our understanding of the contribution acting on interests might make to decision legitimacy.

Such additional tests would also shine further light on what might explain the limited effects of acting on interests identified here. When individuals do not favour the substance of a decision, why does its status as providing for citizens' wider interests not encourage them to view it as legitimate? Do people who do not get what they want simply see interests as too nebulous a justification for a public agency? More specifically, do they baulk at the idea of external bodies or experts determining what constitute people's interests? Further studies are needed to help identify why acting on interests does not appear to overcome individual's aversion to a decision and boost its perceived legitimacy.

In addition, it would be helpful to test our findings on different agencies, at the national level as well as at the local level. Although we see no reason to believe that the findings obtained from studying decisions made by a local agency would not also apply to a national agency, this assumption would benefit from explicit testing. After all, responsiveness may be a quality sought from, and rewarded in, some public agencies – at different geographical levels – more than others. Finally, our results arise from a decision on a particular policy issue. The siting of a mobile phone mast is an appropriate issue in this context, since it presents complexity and degrees of risk, conditions in which people's interests might be distinguished from their preferences. However, different policy issues may be more or less important or salient for individuals, which in turn will affect how far their own preferences are likely to moderate the impact of decision responsiveness on perceived legitimacy. Responsiveness may affect legitimacy more strongly on policy issues that are not personally salient and which lack significant moral values. By contrast, highly salient and/or morally charged decisions may be evaluated primarily on their substance rather than on their procedural qualities (Skitka, 2002). It would be valuable to replicate our approach across

---

whether these effects arise because experts are seen as impartial or because they are seen as knowledgeable. Both judgements may be involved, and both may also be factors in citizens' assessments of whether policy decisions reflect their interests or not.

different types of policy issue to see whether the effects of decision responsiveness on perceived legitimacy – and in particular the effects of acting on people's interests – are consistent or varied.[16]

It is important that we develop a greater understanding on these issues since, in today's policy world, acting on people's interests is a potentially important aspect of what it means for public agencies to be responsive. Citizens and consumers often privilege their (immediate) preferences over their (longer-term) interests, particularly when the latter involve costs. This tendency may stymie governments' attempts to introduce potentially unpopular policies designed to meet wider or longer-term social goals, of which climate change is merely the most pressing contemporary example. Public resistance to 'interest-based' policies largely explains the popularity of 'nudge' initiatives, in which socially optimal behaviours are stimulated surreptitiously (John, 2018). What if governments were more overt about decisions made in the name of citizens' interests? This study has demonstrated that such decisions may be deemed legitimate, yet only if people concur with their substance. Where citizens demur from that substance, we suggest that appealing to citizens' interests over their preferences may not be an effective way for public agencies to build legitimacy for their decisions.

[16] As noted previously (footnote 13), the substance of a policy decision may be particularly important for legitimacy assessments in situations where individuals are directly affected. This was not the case in our experimental design, which therefore presented quite favourable conditions in which to identify the impact of interest-based decisions on legitimacy assessments. In conditions where decisions impose personal costs and benefits, we would expect the substance of the decision to supersede the effects of acting on interests to an even greater degree than found here.

Arnesen, S. (2017) 'Legitimacy from decision-making influence and outcome favourability: Results from general population survey experiments', *Political Studies* 65, 146-161

Bertsou, E., and Pastorella, G. (2017) 'Technocratic attitudes: a citizens' perspective of expert decision-making', *West European Politics*, 40, 430-458

Bies, R. and Shapiro, D. (1988) 'Voice and justification: Their influence on procedural fairness judgments', *Academy of Management Journal* 31, 676-685

Brockner, J. and Wiesenfeld, B. (1996) 'An integrative framework for explaining reactions to decisions: Interactive effects of outcomes and procedures', *Psychological Bulletin* 120, 189-208

Canes-Wrone, B. et al (2001) 'Leadership and pandering: A theory of executive policymaking', *American Journal of Political Science* 45, 532-550

Christensen, H.S. et al (2019) 'A matter of life of death: A survey experiment on the perceived legitimacy of political decision-making on euthanasia', *Parliamentary Affairs*, Advance Access published on 10 April 2019, DOI: 10.1093/pa/gsz014

Disch, L. (2011) 'Toward a mobilization conception of democratic representation', *American Political Science Review* 105, 100-114

Esaiasson, P. (2010) 'Will citizens take no for an answer? What government officials can do to enhance decision acceptance', *European Political Science Review*, 2, 351-71

Esaiasson, P. et al (2016) 'Communicative responsiveness and other central concepts in between-election democracy'. In: Esaiasson P and Narud H (eds.) *Between-election democracy: The representative relationship after election day*. Colchester: ECPR Press, pp.15-33

Esaiasson, P. et al (2017) 'Responsiveness beyond policy satisfaction. Does it matter to citizens?' *Comparative Political Studies* 50, 739-765

Eulau, H. and Karps, P. (1977) 'The puzzle of representation: Specifying components of responsiveness', *Legislative Studies Quarterly* 2, 233-254

Folger, R. (1977) 'Distributive and procedural justice: Combined impact of voice and improvement on experienced inequity', *Journal of Personality and Social Psychology*, 35, 108-119

Grose, C. et al (2015) 'Explaining explanations: How legislators explain their policy positions and how citizens react', *American Journal of Political Science*, 59, 724-743

Harsanyi, J. (1996) 'Utilities, preferences, and substantive goods', *Social Choice and Welfare*, 14, 129-145

Healy, A. and Malhotra, N. (2009) 'Myopic voters and natural disaster policy', *American Political Science Review,* 103: 387–406

Hibbing, J. and Theiss-Morse, E. (2002) 'Voice, validation and legitimacy'. In: Sullivan, B., Snyder, M. and Sullivan, J. (eds) *Cooperation: The political psychology of effective human interaction*, Maldon, MA: Blackwell, pp. 123-142

Hildreth, J. et al (2014) 'Revisiting the instrumentality of voice: Having voice in the process makes people think they will get what they want', *Social Justice Research*, 27, 209-230

Hochschild, J. and Einstein, K.L. (2014) '"It isn't what we don't know that gives us trouble, it's what we know that ain't so": Misinformation and democratic politics', *British Journal of Political Science*, 45, 467-75

John, P. (2018) *How far to nudge? Assessing behavioural public policy*, Cheltenham: Edward Elgar

Korolev, A. (2015) 'Needs/wants dichotomy and regime responsiveness', *Critical Review* 27, 23-48

Lind, E. and Tyler, T. (1988) *The social psychology of procedural justice*. New York: Plenum Press

Lind, E. and Kulik, C. (2009) 'Hear me out: Voice and justice'. In: Greenber,g, J. and Edwards, M. (eds) *Voice and silence in organizations*, Emerald Group, pp.135-156

Manin, B. (1997) *The principles of representative government*. Cambridge: Cambridge University Press

Mansbridge, J. (2003) 'Rethinking representation', *American Political Science Review* 97, 515-528

Maskin, E. and Tirole, J. (2004) 'The politician and the judge: Accountability in government', *American Economic Review*, 94, 1034-1054

MacCoun, R. (2005) 'Voice, control, and belonging: The double-edged sword of procedural fairness', *Annual Review of Law and Social Science*, 1: 171-201

McGraw, K. et al (1995) '"What they say or what they do?" The impact of elite explanation and policy outcomes on public opinion', *American Journal of Political Science*, 39, 53-74

McLean, C. and Patterson, A. (2012) 'The regulation of risk: Mobile phones and the siting of phone masts - the UK experience', *Science and Public Policy*, 39, 827-836

Mutz, D. et al (2019) 'The perils of balance testing in experimental design: Messy analyses of clean data', *The American Statistician*, 73, 32-42

Norris, P. (2011) *Democratic deficit: Critical citizens revisited*. New York: Cambridge University Press

Peterson, E. and Simonovits, G. (2017) 'Costly values: The limited benefits and potential costs of targeted policy justifications', *Journal of Experimental Political Science*, 4, 95-106

Pitkin, H. (1967) *The concept of representation*. Berkeley: University of California Press

Rodrik, D. and Zeckhauser, R. (1988) 'The dilemma of government responsiveness', *Journal of Policy Analysis and Management*, 7, 601-620

Siegrist, M. et al (2005) 'Perception of mobile phone and base station risks', *Risk Analysis*, 25, 1253-1264

Simmons J, et al (2013) *Life after p-hacking*. Paper presented at the Fourteenth Annual Meeting of the Society for Personality and Social Psychology, New Orleans: LA, 17-19 January. Retrieved from: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2205186

Skitka, L. (2002) 'Do the means always justify the ends, or do the ends sometimes justify the means? A value model of justice reasoning', *Personality and Social Psychology Bulletin*, 28, 588-597

Soroka, S. and Wlezien, C. (2010) *Degrees of democracy: Politics, public opinion, and policy.* Cambridge: Cambridge University Press

Tyler, Tom R. (2006) 'Psychological perspectives on legitimacy and legitimation', *Annual Review of Psychology*, 57, 375-400

DECISION RESPONSIVENESS AND THE LEGITIMACY OF PUBLIC AGENCIES

Appendices

Appendix 1: **Ethical approval**

Approval was granted by the School of Psychology Research Ethics Committee at the University of Kent on 17th March 2015. The experiment was not pre-registered.

Appendix 2: **Experimental treatment**

Participants were given the following fictitious newspaper reports to read and respond to.

After months of debate, the local council reached a decision on Monday night on the construction of a new mobile phone mast in the locality. The issue had proved controversial among local people. Many residents supported the new mast on the grounds it would improve the quality of telephone reception. But many others opposed the mast since they feared it would emit radiation and pose a risk to people's health.

Consultation: Faced with such disagreement, the council convened a series of open meetings across the locality to find out what residents felt. The meetings were well attended, and votes held at the end of each showed a clear majority of local people opposed to the mast.
No consultation: A phone-in programme on the local radio station showed that most residents opposed the mast.

Adaptation: At its meeting last night, the council decided to reject construction of the new mobile phone mast.
No adaptation: At its meeting last night, the council decided to approve construction of the new mobile phone mast.

Interests: In order that its decision reflected the best interests of local people, the council sought advice from a panel of independent scientists. Most of the scientists indicated that the health risks of the mast were small and outweighed by the mast's benefits/the health risks of the mast were great and outweighed the mast's benefits.
Not interests: (No treatment was provided to capture this condition; 'not interests' is thus the absence of acting on the scientists' advice [ie. 'interests']).

At the end of the survey, respondents were asked to identify the subject of the experimental vignette (options: use of pesticides on crops, nuclear power stations, mobile phone masts or genetically modified food). Those who nominated the wrong subject were removed from the sample.

Appendix 3: **Joint effects of adapting, consulting and acting on interests (ANOVA models)**

(a) Adapting and consulting

Factor	*F*(1,397)	*p*
Consult	16.37	<.01
Adapt	27.25	<.01
Consult*Adapt	9.35	<.01
Adjusted R^2=0.11; N=401		

(b) Adapting and acting on interests

Factor	*F*(1,397)	*p*
Interests	9.57	<.01
Adapt	26.20	<.01
Interests*Adapt	8.42	<.01
Adjusted R^2=0.09; N=401		

Appendix 4: **Tests for moderating effects of respondent education and age (ANOVA models)**

(a) Education

Factor	*F*(1,385)	*p*
Consult	16.74	<.01
Adapt	24.83	<.01
Interests	9.72	<.01
Education (degree)	1.74	>.05
Consult*Education	0.08	>.05
Adapt* Education	0.58	>.05
Interests*Education	2.69	>.05
Adjusted R2=0.11; N=393		

(b) Age

Factor	*F*(1,385)	*p*
Consult	13.42	<.01
Adapt	23.35	<.01
Interests	6.95	<.01
Age (>31 years)	0.68	>.05
Consult*Age	0.28	>.05
Adapt*Age	1.18	>.05
Interests*Age	0.00	>.05
Adjusted R^2=0.11; N=393		

Appendix 5: **Replication of analyses by individual outcome measures (trust, decision acceptance and legitimacy)**

(a) Means (Figure 1)

	Legitimacy (composite)	Trust	Acceptance	Legitimacy (individual)
Consult (N/Y)	5.43-6.28	4.87-5.98	5.62-6.20	5.80-6.65
Adapt (N/Y)	5.30-6.38	4.80-6.12	5.36-6.43	5.74-6.69
Interests (N/Y)	5.52-6.18	5.14-5.71	5.58-6.24	5.86-6.59

Figures represent mean levels of outcome variable by whether condition was/was not present.

(b) Joint responsiveness effects (Figure 2)

		Legitimacy (composite)	Trust	Acceptance	Legitimacy (individual)
	Consult (N/Y)				
Adapt (N)		5.20-5.40	4.65-4.94	5.28-5.45	5.66-5.82
(Y)		5.64-7.11	4.07-6.96	5.94-6.92	5.92-7.45
	Interests (N/Y)				
Adapt (N)		4.69-5.94	4.30-5.30	4.64-6.11	5.12-6.39
(Y)		6.36-6.40	5.97-6.07	6.51-6.36	6.60-6.77

Figures represent mean levels of outcome variable by whether condition was/was not present.

(c) Joint responsiveness by congruence (Figure 3)

		Legitimacy (composite)	Trust	Acceptance	Legitimacy (individual)
	Consult (N/Y)				
Congruent (N)		5.31-6.79	4.73-6.59	5.66-6.59	5.53-7.17
(Y)		5.54-5.74	5.00-5.32	5.57-5.80	6.06-6.10
	Adapt (N/Y)				
Congruent (N)		3.91-6.44	3.71-6.02	3.87-6.54	4.16-6.76
(Y)		5.56-6.06	5.00-6.00	5.64-5.88	6.04-6.31
	Interests (N/Y)				
Congruent (N)		6.00-6.11	5.63-5.71	6.13-6.13	6.23-6.49
(Y)		5.06-6.25	4.65-5.70	5.03-6.36	5.50-6.70

Figures represent mean levels of outcome variable by whether condition was/was not present.