

# Re-Thinking Procedural Justice Theory Through Stop and Search: Shame, Anger, and Police Legitimacy

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**Abstract** Stop and search has been argued to have a damaging impact upon trust in police and compliance with the law. Procedural Justice Theory has sought to explain this relation through perceptions of (un)fairness leading to the production of (il)legitimacy and to dispositions to (dis)obey. The article proposes a theoretical framework to supplement an explanatory gap in this theory, namely why perceptions of unfairness might lead to anti-police dispositions or attitudes. Ethnographic research is employed to elucidate the relevance of affective, emotional, and cognitive mechanisms in relation to the practice of stop and search. The article argues that the normative representation of the suspect by police and the disempowerment or removal of the subject's agency at the hands of police contain the capacity to reveal a disparity between self-understanding and social recognition: the central affective condition for shame. Transformations of this affective experience into anger defend self-esteem by positioning the police as at fault, questioning the claim to authority, and simultaneously constructing the expressive drive to mistrust and confront the goal-obstacle to self-esteem.

## Introduction

Amongst academic circles, and increasingly in policing itself, the dominant analytical paradigm for examining interactions between authority and those subject to it is that of Procedural Justice Theory (from hereon PJT) (Tyler and Huo, 2002). The theory argues that perceptions of procedural unfairness damage the legitimacy of the police leading to disobedient behaviours. Problematically, there remains an explanatory gap between the experience of (un)fairness, the production of (il)legitimacy, and dispositions to

(dis)obey the police. Criminology has been slow to pick up on advances in the cognitive sciences, particularly regarding the centrality of affect and emotion to decision-making (Sherman, 2003; Van Gelder *et al.*, 2014). Drawing upon theories of affect and Appraisal Theory (Lerner and Keltner, 2000), the article proposes a needed, albeit supplementary, theoretical interjection to PJT by exploring the interactional and cognitive–affective mechanisms of stop and search.

Stop and search powers facilitate police-initiated interactions or procedures and has been linked to rioting (Morrell *et al.*, 2011; Newburn

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*et al.*, 2018), increases in delinquent behaviours (Bradford, 2015; Wiley and Esbensen, 2016), and mental health issues, such as Post Traumatic Stress Disorder (Meade *et al.*, 2017; Root *et al.*, 2013). While the aim is not to question on stop and search's efficacy as a crime prevention tool, the apparent connections to social disorder mean the practice provides a useful and pragmatic focus to explore the cognitive–affective mechanisms under-specified by PJT. Thus, although the article does contribute to theoretical perspectives on stop and search's relation to illegitimate behaviours, the primary aim is to utilize theory and ethnographic data to question and complicate PJT's theoretical framework.

Unpacking two forms of negative identification produced through the exercise of police powers, the article argues that the practice of stop and search holds the potential, on the one hand, to remove the suspect's agency potentially generating the experience disempowerment and humiliation; and on the other, as a form of normative judgement which relies on the police's capacity to convey 'status-relevant' information (Bradford, 2015). These may generate an affective experience that may then be appraised in such a way as to engender the experience of shame and/or anger associated with the causal object of the police (unfairness) (Lerner and Keltner, 2000). Affect may accumulate through multiple or potent experiences generating an appraisal tendency or anti-police attitude (illegitimacy), and render hostile or disobedient affordances and behaviours subjectively appropriate. The dichotomy of ill/legitimacy will further be complicated by noting the interplay of two broader cognitive schemata that emphasize structural and individualistic interpretive frameworks, with appraisals and affordances of action.

## Methodology

The research utilized here is drawn from doctoral research into the 2011 riots in London (carried

out in 2014 and 2015), focusing on the violence against the police. Primary research took the form of 12 unstructured interviews (three were followed-up with further interviews) conducted around London and recorded through note-taking during and after. Interviews were combined with 6 months participant observation at a youth project located in a socio-economically deprived estate in North London that saw rioting in 2011, and at which four rioters attended (although interviews were refused due to issues of trust and risk of prosecution). Interviews were conducted with workers at the youth project and with individuals who had experiences and/or worked in areas related to the study. All names have been changed to ensure anonymity.

Stop and search and relations with police formed one aspect of the broader research into the 2011 riots, narrowing the evidentiary base for the argument here. Nevertheless, the aim here is exploratory and probative. Amongst the broader ethnography drawn upon here, the interviewees most relevant to stop and search were Steve (youth worker, black male, late fifties), Maria (worker at youth project, mixed-race female, early twenties), and Ben (founder of a stop and search monitoring group, black male, early fifties).

To limit the biasing of data I did not frame questions around concepts of shame and anger but allowed interviewees to explain and elaborate without direction. With regard to policing, I sought both expert viewpoints and to uncover attitudes and generate descriptive accounts of experiences, which enable interviewees to 'relive' the emotional experience (deMarrais and Tisdale, 2002). In turn, these were recorded through the interviewee's construction of a discourse, as well as noting facial expressions, tone of voice, and other physiological responses (Fredrickson, 2001).

The study of affect and shame/anger is difficult, in part because shame is often not expressed explicitly or necessarily something individuals are conscious of. Scheff (1988, 2000) argues that shame is often invisible, in part because to acknowledge

shame is often, in itself, a shameful experience. Shame may also be relevant through its anticipation rather than actual experience, be denied, or bypassed and translated into another emotion, but in each case, the affective conditions for shame remain relevant (Retzinger, 1995; Scheff, 1988, 2000).

In discourse, the affective conditions of shame are revealed in instances when the self is imagined through the eyes of the other, while descriptions of the situations will potentially refer to rejection or fear of rejection, judgemental comparison, or disrespect (Retzinger, 1995). Discourse and behaviour should reveal that the individual recognizes that another has viewed them as inferior, even if this is not acknowledged/experienced as shameful.

Central to the argument here, shame may co-occur with, or be bypassed by translating negative evaluations into anger (Retzinger, 1995; Scheff, 1988). When translated into anger, the issue of self-deficiency/negative evaluation remains in focus and the relevance of the affective conditions for shame are indicated through the blaming of the others and dislike or hate, amongst others. Anger itself may be observed through a raised volume of voice, heavy stress on words, frowning of the brow, or waving of arms or clenched fists. In particular, when shame and anger co-occur, the individual may use generalizations and project the experience onto another.

## Approaches to stop and search

The negative impact of stop and search has received extensive attention in the social sciences notably around the issues of discretion and profiling (Clancy *et al.*, 2001; Gau and Brunson, 2010; Parmar, 2011; Phillips and Bowling, 2007; Quinton, 2015; Weitzer, 1999). A large body of useful qualitative and quantitative research also exists focusing on police–public interactions and/or stop and search. For instance, some have argued for the relation of police-initiated contact to

deviancy, indicating an amplification effect (Bouffard and Piquero, 2010; Bradford, 2015; Rosenfeld and Fornango, 2014; Tiratelli *et al.*, 2018).

Qualitative research that has sought to explore the subjective impact of stop and search forwards that it often negatively impacts police and community relations, as well as trust in the police (Ariza, 2014; Delsol and Shiner, 2006; Flacks, 2018; Parmar, 2011; Stone and Pettigrew, 2000). Notably, findings highlight feelings of disrespect and resentment towards officers through perceptions of being profiled, revealing indicators of anger as well as forms of shame (Blanks, 2016; Parmar, 2011; Tyler and Wakslak, 2004). Research has also repeatedly causally connected stop and search with rioting through the consequences of alienation, anger leading to violence against police (Keith, 1993; Newburn *et al.*, 2018).

Yet to different degrees, this research lacks an adequate theorization of the relation between affective experiences of stop and search and mistrust and hostility towards police (Tyler and Wakslak, 2004). A theoretical framework by which to analyse and explain this relationship would open up space for further research and to re-think police practice and training. One such theory is PJT (Tyler and Folger, 1980; Tyler and Huo 2002; Tyler and Wakslak, 2004). Emerging from psychology, this theoretical paradigm in academic policing research has formed a timely and practical influence on the larger policing debate (Aquino *et al.*, 2006; Bradford *et al.*, 2017; Brunson, 2007; Radburn *et al.*, 2018; Weitzer, 1999; Wheller *et al.*, 2013).

The central point of the theory is that experiences of police procedures (rather than outcomes) as ‘unfair’ lead to perceptions of police as ‘illegitimate’, negatively impacting the likelihood of an individual’s acceptance of the exercise of power over them and whether they feel an obligation to comply with instructions or refrain from illegal behaviours. Focusing on ‘command and control’ approaches to policing (Gau and Brunson, 2010;

Parmar, 2011; Tyler and Huo, 2002), which emphasize displays of force in order to deter crime, PJT research has demonstrated tangible correlations between experiences of fairness (neutrality) in police behaviour and motives, and the perception of police as legitimate, indicated through a sense of obligation to obey (Blanks, 2016; Bradford, 2015; Deuchar *et al.*, 2019; Gau and Brunson, 2010; Maillard *et al.*, 2018; Tyler and Wakslak, 2004).

However, PJT has its limits (for fuller critiques, see Harkin, 2015; Jackson and Bradford, 2019; Waddington *et al.*, 2015), not least that the theory does not elaborate the causal relation between experience, legitimacy, and behaviours, and thus lacks analytical precision and explanatory power. For instance, with regards to interpretation, PJT cannot adequately explain why is it possible that individuals may produce varying perceptions regarding the ‘fairness’ of the same example of police behaviour (Waddington *et al.*, 2015)? Indicating the necessity of a more complex understanding of cognitive and affective factors, research has found that manipulating social categories of identification shaped the evaluation of whether police actions were considered ‘fair’ (Bradford *et al.*, 2017; Radburn *et al.*, 2018).

In particular, the theory fails to explain the affective impact of the police’s capacity to convey ‘status-relevant’ information. This is compounded by the largely quantitative methodology, which has limitations with regards to developing new theoretical frameworks (Gau and Brunson 2010; Radburn *et al.*, 2018). For instance, ‘fairness’ is a concept of practice, not analysis (Brubaker and Cooper, 2000). It identifies the outcome of subjective evaluations in relation to experience, rather than explaining how this evaluation was produced through experience.

Moreover, how and why such perceptions lead to illegitimacy is also left under-specified. The issue here is that legitimacy ‘is an unobservable psychological construct’ (Radburn *et al.*, 2018, p. 659). Jackson and Bradford usefully note that ‘the

content of legitimation ... is an empirical question’, involving ‘the acceptance (or rejection) of the implicit and explicit claims that police make to be legitimate’ (2019, p. 4). Put another way, ‘illegitimacy’ refers to an ‘appraisal tendency’ (Lerner and Keltner, 2000), which might be described as a view of (cognitive), and feelings about (affective/emotional), police that influences perceptions, judgement, and response.

Finally, PJT recognizes that illegitimacy relates to disobedient behaviours but does not explain how subjectively understood possibilities of action become appropriate or desirable. Without unpacking these mechanisms and adequately tracing the causal processes, both understanding and the possibility of improving police practice will be inhibited. Thus, qualitative methodologies can complement and develop this body of research and theory, along with understandings of stop and search, through explaining and specifying the mechanisms that produce (il)legitimacy and related behaviours.

## Affect, cognition, emotion

While ‘affect’ is a term with disputed meaning (Leys, 2011), the basic function of the term denotes the capacity of the body to influence and to be influenced by others (Anderson, 2016). Affect, as physiological changes in the body, then functions as a form of ‘information’ emerging from and shaping how we perceive and respond to encounters. Emotion includes affects but refers specifically to a subjective recognition of this ‘information’ (Anderson, 2016; Damasio and Damasio, 2006). In turn, emotions inform us of the significance of events, direct attention, judgement, and motivate behaviours (Lerner and Keltner, 2000).

Appraisal Theory (Lerner and Keltner, 2000; Watkins, 2010) posits a dynamic process in which affect, cognition, and emotion are intertwined. An appraisal tendency is defined as ‘a cognitive

predisposition to appraise future events in line with the central-appraisal dimensions that triggered the emotion' (Lerner and Keltner, 2000, p. 477). This nonlinear process occurs both prior to and during an interaction and involves the interpretation of affective experience through learnt and learning frameworks (appraisal tendencies), producing subjective significance (emotion), which together orient the agent at a preconscious level towards certain objects and actions (propensities for specific appraisals/actions) (Clore and Ortony, 2008; Duncan and Barrett, 2007; Harmon-Jones *et al.*, 2012).

The more that particular types of appraisals and emotional experiences occur (Bates *et al.*, 2008; Watkins, 2010), or the greater the 'emotional arousal' (Kesinger and Schacter, 2008; Schwarz, 2000), the more the associations and expectations between the same or similar material markers (e.g. the police uniform) become strengthened, accumulating affect, so that future interactions are increasingly likely to trigger the appraisal tendency. Finally, both the emotion and the appraisal tendency together set pre-conscious constraints to and possibilities for action, or 'affordances' (Rizzolatti and Sinigaglia, 2008, p. 77). 'Affordance' refers to a hypothesis of action cognized as efficacious and appropriate in relation to emotionally motivated goals and simultaneously constitutes expressive pathways by which emotional accumulation can be released.

## Shame and self-esteem

Developing this broad model in relation to our specific emotions, we can note that self-esteem 'is dependent on the intersubjective recognition of one's abilities and accomplishments' (Honneth, 1995, p. 136). Conversely, shame is produced through a discrepancy between an ideal (imagined) and experienced self (how one is treated), and thus refers to a subjective recognition of affective conditions produced by acts in which an

individual is judged as inferior (Lewis, 2008; Palshikar, 2005; Probyn, 2010; Scheff, 2000).

Humiliation is a subtype of shame defined by the particular type of interaction, generating higher levels of emotional arousal resulting in a particularly potent impact on self-esteem (Lewis, 2008; Palshikar, 2005). The humiliated individual is made and shown to be abject by those with the power to do so and is simultaneously rendered impotent to resist this inferiorization. As this suggests, humiliation is underpinned by the denial of the individual's autonomy or agency (Honneth, 1995, pp. 132–133). Put this way, a useful distinction can be made: shame, in general, is about self-evaluation in the face of social judgement; one may translate the affective response into feelings of inferiority but the experience of negative evaluation is to some extent open to interpretation. Humiliation as a form of shame—i.e. through bullying (psychological and physical)—is to a greater extent irresistible and more potent: one is 'proven' to be inferior through an experienced loss of agency and control over one's body (Honneth, 1995).

In these terms, the police have the power to affect the 'information' received thus potentially denying social recognition and constituting the affective conditions for shame. In turn, the police's reliance on force as a final resort and the capacity to remove agency create the potential for humiliation. As we will see next, this socio-affective nexus contains the potential to produce anger and subjectivities which mistrust or reject the normative authority upon which the police rely.

## Anger, shame, and self-esteem

The social act of negative identification/evaluation generates a specific type of affective experience, which is argued to pertain to the emotions of shame and anger and to produce specific types of appraisals (Lerner and Keltner, 2000; Matheson and Anisman, 2009; Tracy and Robins, 2006).

While not all instances of anger pertain to shame or humiliation, they are often connected; shame directs attention and action through a self-conscious lens and involves blame of the self; anger, on the other hand, is ‘other’ conscious and is linked to the blame of another. Relatedly, while shame is associated with feelings of uncertainty and anxiety (Scheff, 1988), anger appears to increase certainty and confidence (Lerner and Keltner, 2000). Thus while shame is clearly detrimental to self-esteem, anger appears to support it in the face of threats to the imagined self.

How and whether these interpretations are produced depend upon the particular interaction and appraisal tendencies developed through prior, similar experiences; however, the influence of broader cognitive–affective schemata, or perhaps ontologies, must also be accounted for if we are to avoid a deterministic model (Anderson, 2016) and adequately theorize ‘illegitimacy’. The distinction made here is that an ‘appraisal tendency’ refers to a type of cognitive–affective schema that pertains to interactions with specific types of objects (e.g. police officers), and functions to produce future appraisals in line with the particular experience generated. These are differentiated from broader sets of experientially and discursively generated cognitive–affective schemata that will also play a role in appraisals and affordances.

Specifically relevant here, more general schemata might give greater emphasis to the system and individual as causal, respectively (Rock, 2007; Honneth, 2007), functioning as broader schematic logics of appraisal that shape specific appraisal tendencies. Indeed, Matheson and Anisman (2009) demonstrate that experiences of discrimination tend to produce either shame and/or anger depending on whether the individual appraises the experience in terms of personal responsibility (shame) or failure of those discriminating (anger). These general schemata would appear to hold the capacity to shape the appraisal of ‘cause’ (e.g. whether the self, the other and/or the ‘the system’ are at fault) as well as shaping affordances or logics

and rationales regarding appropriate and efficacious responses (e.g. does the affordance direct action towards an individual or system).

Thus, anger may function as a defence against shameful experiences by implicitly shifting blame away from the self to the individual or system involved (Tracy and Robins, 2006) and shoring up self-esteem. If anger pertains to the blaming of another when one feels their treatment indicates lower social worth, it implies an appraisal that positions their treatment as ‘unfair’ and directs attention to the perceived causal object as a threat and focus of action. In order to protect self-esteem in future encounters, the actor reinforces defensive or mistrustful appraisal tendencies when confronted by causal objects, that is to say, they are prompted to interpret the object as at fault and to become angry rather than ashamed. This translation from the affective conditions of shame into anger, which then prompts and modulates the overcoming of goal-obstacles (Lemerise and Dodge, 2008; Matheson and Anisman, 2009), would appear to be key to illegitimacy. Put simply, if the police are perceived as a threat, then their power to affect lacks consent: it is *de facto*, not *de jure*.

### Afforded hostility

If the authority is to blame—the threat to the goal of self-esteem—then affordances for confrontational behaviours, rather than dispositional obedience, may be prompted. This relation between appraisals, emotion, and affordances will help develop the connection to behaviour, explaining why individuals might become disposed to confront police both through legal/political and illegal or normatively transgressive behaviours. That is to say, anger may diminish or inhibit the experience of shame but it does not remove the affective experience in which one is viewed and treated as inferior. Rather, anger focuses outside the self and prompts action to rectify this problem—to

disprove or negate the threat to self-esteem. In other words, anger, and emotions more generally, pertains in part to cognized affordances and expressive drives towards certain types of action.

Within the interaction itself, the use and threat of force by police are particularly relevant in terms of appraisals of stop and search and subsequent affordances, due to the fact that the threat/use of force closes down possible interpretations of the interaction and removes agency creating the possibility of humiliation. Collins (2005, pp. 112–113) argues asymmetric power relations constitute situational dynamics in which ‘order-givers’ dominate the interaction and the ‘order-taker’ is forced or may have to perform ‘ritualistic’ but empty acquiescence. Not only does their forced compliance constrict possible interpretations through ‘demonstrating’ the individual’s inferiority, but the threat of force also inhibits the expression of emotional accumulation as ‘appropriate’ affordances are not efficacious. If translated into shame-anger, the removal of agency (a lack of feasible affordances to express the emotional accumulation) both builds and inhibits emotional expression creating a ‘powerless rage’ (Torres and Bergner, 2010). This potent emotional arousal cements appraisal tendencies and feeds out into future interactions with the causal object (and indeed, beyond).

Here, again, we must also take into account more general cognitive–affective schemata which mediate ‘both’ the subjective recognition of the affective experience and the expressive affordances of the situation. Developing the structural–individual example, social and political movements imply a structural understanding of the cause of discontent and provide legitimated affordances to express anger (Honneth, 1995, 2007). In such schemata, appropriate affordances should focus on systemic change (appraised as causal) as a means to overcome the goal-obstacle to self-esteem. Conversely, individualistic cognitive–affective schemata personalize discontent, inhibiting perception of socio-structural phenomena as causal (Honneth, 2007; Rock, 2007 pp. 9 and 10),

increasing the likelihood of shame or shame-anger. If anger occurs, blame of the relevant individual (or category of) may prompt affordances of aggression or even revenge as a means to express powerless rage and overcome the threat to self-esteem.

This theoretical framework complicates and unpacks the notions of illegitimacy and evaluations of fairness, proposing that ‘unfairness’ refers to appraisals of police behaviour which have contradicted self-understanding. If these appraisals result in anger or shame-anger, the contradiction is blamed either on the police as individuals and/or the institution. ‘Illegitimacy’ then refers to an appraisal tendency in which the police are positioned as a threat to self-esteem, in turn prompting affordances that seek to resist and reorganize power relations that threaten to produce negative self-understanding. The following section will further explore these affective and cognitive mechanisms through ethnographic data.

### Stop and search as negative identification

Although Steve had been subject to numerous stops and searches when I asked about experiences with police, he relayed an encounter involving his son. Driving home one night after work, Steve’s son was pulled over as he turned onto a quiet road. The police approached the driver-side door, opened it, ‘grabbed his keys’ from the ignition, and pulled him out of the car. The officers then proceeded to ask Steve’s son ‘where were the drugs?’ before one forcefully inserted his fingers into the son’s mouth. After finding nothing, one of the officers threw the keys onto the road before leaving.

While Steve did not explicitly express shame, the affective conditions underpinning his discourse were difficult to miss. The first suggestion of its relevance pertains to the fact that I had asked him about ‘his’ experiences of stop and search, of

which he stated had occurred many times, yet he shifts attention away from himself by choosing to speak about a third party (Retzinger, 1995). More substantively, the negative evaluation by police that Steve's son was involved with drugs remained central to the narrative. The significance of this treatment to Steve was status-related—his son was 'treated as a criminal'. Indicating an appraisal in which blame is attributed to the police, supported by his discourse on problematic policing in his community, Steve displayed anger as he relived the experience, becoming more animated, raising his voice, and frowning his brow (deMarrais and Tisdale, 2002).

This relation between negative identification by the police and self-understanding came up multiple times during my research. For instance, Ben talked of police handcuffing people during a search due to fear of violence. Such actions are likely to shape the interpretation of the encounter as a negative evaluation, or as Ben put it: 'you are being told you're a criminal', the effect often being 'low self-esteem'. One 22-year-old black male surveyed by the stop and search monitoring group,<sup>1</sup> claimed to have been searched 'about 30 times', stating 'sometimes you get a police officer who you can tell straight away they've already judged you and then they come with a certain attitude ... I don't feel good'.

Maria articulated her self-understanding as incorporating a positive relation to legal conformity, yet her experiences of stop and search also reference the affective conditions for shame. She perceived her treatment by the police as premised on a negative view of herself and her friends. Despite believing that the police are sometimes 'just doing their job', this form of identification created a contradiction in which the experience of being 'targeted' and disrespected cannot cohere with prior self-understanding: 'cos I was like I've never like been arrested or things, I wasn't a bad

child, so I was like I didn't understand why you was stopping me kind of thing'.

In other words, as with the other accounts, Maria's treatment by police created a discrepancy between her self-image and the police's view of her. In questioning her status as a law-abiding member of society, these encounters create uncertainty and the possibility of either internalizing that judgement (shame) or contesting and rejecting it (anger) (Retzinger, 1995).

### Stop and search, humiliation, and the loss of agency

The powers given under the Police and Criminal Evidence Act (PACE 1984) to stop and search necessarily rely on the police's ability to utilize coercive force (Loader, 2006). Yet, problematically, the other side of this coin is that stop and search enacts a particular form of asymmetric power relation that removes the suspect's agency while subjecting them to an intrusive procedure, ultimately creating the possibility of humiliation.

Participants in a survey carried out by Ben's monitoring group described feeling 'helpless', 'humiliated', 'violated', 'talked down to', and 'angry and afraid'. Ben further described an account of his nephew being assaulted and arrested by police at the Notting Hill Festival for drinking while dancing with a group, showing me a photograph taken of his nephew unconscious in handcuffs. The point here is not so much the incident but Ben's emotional arousal indicated through his physiological response in recounting the tale some months after it had occurred. Ben clearly became agitated, animated, tense, and raised his voice. He described wanting to intervene but being held back by other officers.

As with prior accounts, the affective conditions of shame were present, with Ben perceiving that the police assumed his nephew was 'up to no

<sup>1</sup> Through the monitoring group, Ben had conducted a questionnaire-based survey of 43 individuals from 13 to 24 at a boxing event, 28 of which had been stop and searched. While I could not see the forms due to ethical issues, Ben provided me with a summary and allowed me to view two short interviews recorded for public consumption.

good'. Ben was also asked about his experiences of stop and search but chose not to speak of his own encounters. Moreover, both Steve's and Ben's accounts reveal the conditions for humiliation and high levels of emotional arousal. In each case, the individuals involved had been 'rendered inferior' (Palshikar, 2005, p. 5428) through force and subjected to intrusive procedures which they were unable to resist. In particular, Ben desired to intervene, which, along with his clear distress when telling this story, indicates a feeling of helplessness or disempowerment.

While evidentially limited, what these instances reveal is the capacity for stop and search to generate the affective conditions for shame and/or anger. Moreover, as will be developed next, repeated or potent experiences of negative evaluation and/or treatment may reinforce appraisal tendencies and appropriate affordances (Bates *et al.*, 2008; Kesinger and Schacter, 2008) shaping future interactions with police through attempts to inhibit the experience of shame.

## Defending self-esteem through appraisals of, and affordances in police interactions

The described emotional experiences do not simply contradict the discursively constructed position of police as 'protectors' (Loader, 1997) but also implicitly positions them as a threat to self-esteem. While some responses may seek to negotiate the negative evaluation (Parmar, 2011, p. 376), other responses may reject the symbolic power of authorities, resulting in hostile or mistrustful appraisal tendencies (Brunson, 2007; Gilligan, 2003; Hall *et al.*, 1980; Newburn *et al.*, 2018; Stone and Pettigrew, 2000; Wacquant 2010).

Maria articulated the connection between a repeated loss of agency, negative evaluation, and a 'powerless rage' (Torres and Bergner, 2010) that feeds forward into future interactions. When

discussing herself and friends being targeted for 'the way you look' Maria stated:

if it's always happening you're gonna get frustrated especially if the police come to you with a bad attitude or treat you bad, you're gonna want to retaliate, but obviously you're not gonna want to cos you know you'll get arrested.

Not only does 'retaliation' become a desirable affordance in interactions with police, as the temporal emphasis and use of 'frustrated' suggest, these prompt orientations to future interactions in order to express and overcome the accumulation of negative emotions. Furthermore, Maria highlights how the expressive function of anger is constricted through the lack of agency, noting that while the affordance of retaliation becomes desirable and appropriate, it does not become efficacious.

Notably, despite the disparity between self-understanding and the police's treatment of her, Maria had only been stop and searched twice and had maintained her prior self-understanding as 'not a bad child'. Yet affect accumulates in bodily dispositions through repeated and potent experiences; or more directly, as Bradford states:

One poor experience at the hands of police officers may be discounted or gradually forgotten; a series of such contacts ... can seriously damage individuals' relationships with the police. (2015, p. 109)

Ben and other youth and community workers stated that individuals often appraise the intentions of officers as negative regardless of their behaviour, pointing out that young people often approached interactions with police with 'attitude'. Supporting this position, after relaying the description of his son's search, Steve went on to speak of experiences with police as 'build[ing] up frustration' over time, employing a metaphor of a

'bomb case' containing the pressure, just 'waiting for a trigger' to release it. In other words, each negative interaction or instance of extreme emotional arousal further cements appraisal tendencies which anticipate mistreatment and/or negative evaluation and strengthens the 'appropriateness' of confrontational affordances.

The presence and accumulation of such appraisal tendencies were also revealed through how the youth project 'worked on' and sought to affect the attendees. Occasionally, the project ran classes called 'Trading Places' in which attendees would swap roles with figures of authority, such as police, teachers, and prison officers. While no such classes were conducted during my research, I did speak to workers about what these classes aimed to achieve. The project sought to facilitate positive appraisals through understanding 'why police act a certain way', diminishing the sense of being targeted because of 'who you are', and thus potentially inhibiting their appraisals of police interactions as negative evaluations. In other words, the project aimed to enable both the police and the young people to understand the position of the other through the creation of manufactured interactions that interrupt and contradict problematic appraisal tendencies. If successful, such interventions might disrupt negative appraisal tendencies and confrontational affordances, or 'attitude', facilitating new appraisals amongst the young people that inhibit the affective conditions of shame/anger.

### **Complicating 'legitimacy': broader cognitive-affective schemas and disobedient affordances**

As noted, hostile or disobedient appraisal tendencies and the particular type of affordances that emerge from these experiences cannot be understood by the interaction or relevant experiences alone. Indeed, the most common appraisal tendency I found during my research was a complicated and ambivalent viewpoint that cannot easily

be explained by a narrow account of appraisal tendencies. This position straddled a border that, on the one hand, understood the police as legitimate and worthwhile, and on the other, perceived the police as untrustworthy, dangerous, and to be avoided. All of these individuals operated within the legitimated spheres of society, yet were also part of marginalized black populations with histories of problematic relations with police.

This ambivalent position was highlighted a number of times, for instance, three interviewees spoke of parents (and were parents themselves) having to 'protect the next generation' from 'the realities' of policing through preparing them to expect the worst. When discussing rioters attacking the police in 2011, Steve stated: 'There are so many wrongs backing [the violence] even those who sit on the fence can support [the rioters].' This position, also expressed by four other interviewees, reveals a tension between the norms of the social order and anger generated by police 'wrongs'. Such anger appears to be corroding those norms to the point where the affordance of violence against the police, while not acted on, is empathized with if not supported.

We can explore this further through Ben who, more than most, straddled this ambivalent position in which the police are accepted, but confrontations with police and the rejection of their authority operates to defend/establish self-worth. In his early life, Ben had not only been involved in crime and described seeking out confrontations with prison authorities and police, but he also partook in the 1985 Broadwater Farm riots, which involved serious violence against the police and resulted in the death of one officer. Supporting the mediating role of social identities in appraisals and affordances, the death of a black woman, Cynthia Jarrett, after police entered her home, operated as the trigger for the rioting and Ben's involvement through personal experiences and anger: 'I could identify with what was going on ... Cynthia Jarrett could have been my mum.' Yet importantly, Ben's involvement was not aimed at political

reform but rather the personal motive of revenge: to 'get back at [the police]'.

Ben's descriptions of his earlier criminal career and violent activities seemed to be framed around a personal or individualized sense of anger and desire for 'respect' and self-esteem, sometimes expressed through violent confrontation. Ben's discourse was framed in terms of having a 'massive attitude problem', gaining 'respect' of criminal peers, and thinking 'I was cool' or a 'rebel'. While a more adequate account should consider factors beyond direct interactions with police, such descriptions suggest the presence of shame-anger in which Ben was unable to fully inhibit the impact of negative evaluations on his self-understanding and so sought 'respect' through confrontation with authorities that 'demonstrated' their inability to convey status-relevant information and to gain social recognition through an alternative set of social norms and actors.

Yet at some point, this more individualized cognitive schema seems to have become inadequate with regards to sustaining self-esteem: 'I wanted to be good at what I did, but I kept getting caught.' The impact of his behaviour seems to have been reflexively reframed as ineffective: 'It cost me a lot of my remission and parole, but I didn't care.' Ben's discourse indicates both his prior schema and appropriate affordances with regards to confrontations with prison authorities through a lack of 'care' and wanting to be 'cool', but also his operant one through the reflexive consideration of what such behaviours 'cost' him, and his behaviour re-framed as an 'attitude problem'. Notably, Ben seems to have re-appraised his 'criminal' affordances from actions that gain respect and self-esteem, to ineffective actions through the 'cost' of repeated incarceration.

This cognitive-affective shift, however, also appears to have been informed by a broader, structuralized cognitive schema of systemic racial injustice: 'This system was built on slavery, but we need to dig deep and stop being victims, take control.' What Ben's statements indicate is a reflexive process in which he examines his experiences and

appraisals of the 'cause' through a schema that emphasizes structural factors and shifting appraisals away from the self and 'personal failure'. The experiences of shame-anger pertaining to his earlier criminal activities are re-appraised to locate blame in the racist system or 'discrimination' and, therefore, anger (Matheson and Anisman, 2009). Consequently, the 'appropriate' and efficacious affordances also change from direct and personal confrontations with police and authorities to confronting the system indicated through the formation of the monitoring group.

Further developing this change in 'appropriate' and efficacious affordances, the one personal experience of negative evaluation that Ben did relay was of his arrest when stopping to observe the search of a young black man and refusing to leave when commanded by the officers. Ben described the violent nature of his arrest, stating he had scars on his wrists from the handcuffs. In this instance, and after much time and effort, Ben was able to take the police to court for wrongful arrest and win. Notably, although indicators of anger occurred, Ben was more relaxed in telling the story indicating a lack of threat to self-esteem, even joking about how he won the case (the two officer's separate reports of the incident were copied word for word). This account differs from others discussed as while the negative evaluation and loss of agency remain central in the narrative, Ben chose to relate a personal encounter which displayed adequacy or empowerment, rather than inadequacy (Honneth, 1995; Retzinger, 1995). As Ben's emotional state suggests, through a legitimated form of confrontation with the police Ben was able to generate self-esteem. The further impact of this interaction may have been to contribute to the diminishment of prior associations and appraisals through successfully expressing anger through 'overcoming' the obstacle of the police and cementing new legitimate affordances as both appropriate and efficacious.

Yet Ben's shift to a more structural cognitive-affective schema does not simply 'resolve' the problem. The desire to overcome a feeling of powerlessness and to re-assert a positive sense of

self appears to be what prompted Ben to found the monitoring group, explaining his motivations by stating: 'I can't be a victim.' It was clear Ben was asserting something about his self underpinned by a feeling of anger and a desire to overcome goal-obstacles to self-esteem. What this indicates is that the different appraisal and set of 'appropriate' and 'desirable' affordances are underpinned by the same affective experiences of negative evaluations. Despite his politically orientated activities through the monitoring group, Ben spoke about one police sergeant as 'one of the good ones'. The implication that most were not 'good ones', and therefore lack normative authority, alongside the belief in systemic racism suggests the continued operation of a defensive appraisal tendency which anticipates and forestalls negative evaluations of self.

What the final discussion suggests is that 'legitimacy' and its relation to behaviour are more complex than simply the acceptance or rejection of police powers. Ben, and others, indicated appraisal tendencies that could not be encompassed by the binary of legitimate or illegitimate, and Ben's affordances remained 'confrontational' albeit legitimated and underpinned by a structural appraisal of the cause. The anger and defensive appraisal tendencies generated through challenges to self-esteem and that produce appraisals of 'unfair' were still present in Ben, but his broader cognitive schemata not only appeared to more effectively inhibit the possibility of shame, but it also re-articulated how anger could be productively expressed within the legitimated system. Nevertheless, even after Ben's shift in appraisal tendency, the police remain to some extent 'illegitimate' constituted, in part, through the affective experience of negative evaluations, appraised as 'unfair'.

### **Concluding remarks: limitations and relevance**

It should be acknowledged that there are limitations to this argument, in part, due to the small population

studied, but also the focus on the micro-level interactional impact. Thus, the qualitative analysis of stop and search should be understood as exploratory, with the purpose of enabling a more suitable conceptual framework by which to analyse police–public interactions. The article has not sought to provide a definitive account of stop and search or of anti-police attitudes, nor to consider the efficacy of such police powers. The article does not make any claim regarding the frequency of the outcomes argued for here other than that these do occur—this is left to research with more appropriate methodologies. Further research might usefully seek to combine qualitative exploration with quantitative verification in order to both understand the frequency of the occurrences described above and/or to unpick other operant and significant cognitive–affective mechanisms.

As the article has sought to highlight, stop and search should also not be treated as a simple cause of illegitimacy, alienation, or crime. Many other factors may be relevant and intersect with the above which are beyond the capacity of this article to discuss. For instance, further research might examine how broader anti-police narratives might feed into and out from experiences of stop and search, shaping appraisal tendencies. Relatedly, the article has not considered the collective or shared nature of emotions, and how the individual experiences described might be articulated or shaped by collective processes. Moreover, affect exceeds any particular interaction (Anderson, 2016) suggesting forms of appraisal generated through apparently unrelated interactions may both feed out from and into stop and search interactions. Primary research did find evidence of hostile appraisal tendencies to representatives of legitimated society more broadly, such as myself. In particular, it should be noted that stop and search tend to target already socially and economically excluded groups (Phillips and Bowling, 2007), and thus may be intersecting with other socially constituted affective challenges to self-worth produced through interactions within education, employment, and personal or familial contexts.

The argument here has simply sought to develop the PJT lens, and in doing so to prompt discussion and further research in one central aspect of stop and search. Stop and search encounters have been conceived of as a form of patterned, temporal interaction, involving a complex interplay between cognitive and emotional mechanisms and broader sociological structures and processes. It was argued that PJT's concepts of legitimacy and fairness neglect the cognitive–affective mechanisms of the interaction that produce such appraisals, emotions, and affordances. The article supports PJT's emphasis on respect and fairness but draws our attention to the affective and cognitive mechanisms that underpin and produce these evaluations.

Thus, the theorization of the socio-affective conditions for shame and anger enables us to produce a clearer analytical framework by which to specify and understand the production of 'illegitimacy'. The theories and data drawn upon here propose that treatment by police experienced as arbitrary or disrespectful reveals a disparity between self-understanding and social recognition, the central affective condition for shame. Transformations of the affective experience into anger defends self-esteem by positioning the other as at fault, questioning the claimed authority, and simultaneously constructing affordances and the expressive drive to confront the goal-obstacle.

How this confrontation occurs depends on broader cognitive schemata, which in turn complicates the notion of legitimacy. It should be noted that structural versus individual schemata is a simple binary, but was utilized to begin to highlight the complexity of cognition and affect that overflows experiences of police–public interactions. Moreover, while the influence of general schemata on particular appraisal tendencies and affordances was discussed, the influence of particular appraisals of police on general schema was not. Further research might examine this relation in order to better explain data showing connections between policing and lack of belonging (Bradford, 2015).

In sum, the article proposes that PJT can be improved by re-thinking the concepts of legitimacy, fairness, and the relation to behaviour through cognitive–affective mechanisms. The explanation proposed here forwards that repeated and/or potent negative experiences with police threaten self-esteem through negative evaluations and removal of agency. The result may be the accumulation of emotional charges and cement problematic associations with the object of police, contributing to appraisal tendencies that prompt confrontational and hostile affordances in relation to the object of the police. Put simply, without incorporating a cognitive–affective lens in the analyses of the activity of policing, we run the risk of failing to fully grasp the implications and connections between such activities and the very social order the police seek to maintain.

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