

Justification of the Dual Model of Legitimacy for its Application in the Prison Environment

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Purpose:

The aim of this paper is to present a new theoretical approach for studying legitimacy in the prison environment, which we call the dual model of legitimacy in prisons.

Methods:

Based on a literature review on legitimacy and self-legitimacy in the prison environment, we were able to form a new approach to studying legitimacy.

Findings:

Results of previous studies have shown that legitimacy is based on a constant dialogue between power holders and recipients. We argue that both groups (prisoners and prison staff) in prison should be studied simultaneously because legitimacy, which is based on the interpersonal relations formed between prisoners and prison staff, is not a fixed phenomenon. Given the changing nature of relations in prison, we can assume that perceptions of legitimacy and self-legitimacy are changing all the time.

Limitations:

The large number of factors included in the model raises the issue of multicollinearity. Further, because we assumed that legitimacy in prison derives from interpersonal relations between prison staff and prisoners, which are changing all the time, we have to measure legitimacy and self-legitimacy simultaneously. However, due to the ever-changing relations in prisons, which are very specific, we can assume that repetition of research would give different results – the problem of reliability of the results.

Originality:

The dual model of legitimacy in prisons not only combines two different approaches to studying legitimacy (prisoners' perception of legitimacy and prison staff' perception of self-legitimacy), but also represents the first step to a comprehensive approach to studying legitimacy in prisons, which still needs to be tested in practice.

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Keywords: legitimacy, prison, prison staff, self-legitimacy

Utemeljitev dualnega modela za preučevanje legitimnosti v zaporskem okolju

Namen prispevka:

Namen prispevka je predstaviti nov teoretični pristop k raziskovanju legitimnosti v zaporskem okolju, ki smo ga poimenovali dualni model legitimnosti v zaporih.

Metode:

Na podlagi pregleda literature o legitimnosti in samozaznani legitimnosti v zaporu smo oblikovali nov pristop za raziskovanje legitimnosti v zaporskem okolju.

Ugotovitve:

Ugotovitve preteklih študij so pokazale, da legitimnost temelji na konstantnem dialogu med nosilci moči in prejemniki. Trdimo, da bi bilo treba obe skupini (obsojence in zaporsko osebje) v zaporu preučevati istočasno, saj legitimnost, ki temelji na medosebnih odnosih, ni nespremenljiv pojav. Predvidevamo, da se zaradi spreminjajoče se narave odnosov zaznave in samozaznave legitimnosti v zaporu konstantno spreminjajo.

Omejitve:

Veliko število dejavnikov, vključenih v model, lahko vodi do problema multikolinearnosti. Legitimnost v zaporu temelji na odnosih med zaporskim osebjem in obsojenci, ki niso določeni, zato moramo zaznave in samozaznave legitimnosti v zaporu meriti istočasno, saj se le te venomer spreminjajo. Nadalje domnevamo, da bi s ponovitvijo študije zaradi spreminjajočih se odnosov v zaporu prišli do drugačnih rezultatov – težava z zanesljivostjo rezultatov.

Izvirnost prispevka:

Dualni model legitimnosti v zaporih ni le združitev dveh različnih pristopov preučevanja legitimnosti (zaznave legitimnosti obsojencev in samozaznave legitimnosti zaporskega osebja), temveč predstavlja tudi prvi korak k celovitejšemu pristopu preučevanja legitimnosti v zaporih. Naslednji korak je testiranje modela v praksi.

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Ključne besede: legitimnost, zapor, zaporsko osebje, samozaznana legitimnost

1 INTRODUCTION

Sykes (1958) argued that prisons are inherently illegitimate and, consequently, restless and unmanageable. We challenge this premise because we argue that some level of legitimacy can be achieved even though prison is a form of total institution where the majority of individuals are in conflict with the law that the prison system represents. The only question is what affects an individual's perceptions of legitimacy?

The first thing we have to ask ourselves when studying legitimacy in prisons is what is the purpose of the prison sentence which defines the essence and nature of the punishment, its implementation, and forms of work with prisoners (Petrovec in Šelih & Filipčič, 2015). Without an official definition of the purpose of the prison sentence, it is difficult to study legitimacy in prisons – without an established framework for what kind of effect prison should have on a prisoner, and what is the goal of the prison sentence, it is difficult to measure whether current procedures of those implementing prison sentences are legitimate. Further, the lack of the prison sentence's clear purpose has a negative impact on prison staff,¹ and causes frustration because of their inability to identify with their role within the prison (their role is not defined). Nevertheless, we can explore legitimacy in prisons if we derive from the assumption that legitimacy depends on the eternal debate and continuous dialogue between prison staff and prisoners that is reflected in the relations established between them (Bottoms & Tankebe, 2012; Liebling, 2011).

It is important to achieve legitimacy in prison due to prisoners' subordination to prison rules and the effective implementation of prison sanctions, regardless of their purpose. In other words, legitimacy in prison can be established irrespective of the prison's orientation (rehabilitation, restitution, incapacitation or retribution) because it is established on the basis of the quality of interpersonal relations that affect all 'participants' in the prison environment. Prisoners who do not see prison staff as legitimate holders of power will not be cooperative. At the same time, the self-legitimacy of the prison staff affects the efficiency of their work and attitude to prisoners (the dual nature of legitimacy in prisons) (Tankebe, 2014). We presume that the quality of relations between prisoners and prison staff is the key for achieving legitimacy and self-legitimacy in prisons and, consequently, the successful implementation of prison sanctions. In the following paper, we will present theoretical concepts of legitimacy and self-legitimacy in the prison environment. A review of studies on legitimacy and self-legitimacy in prison will show which factors influence legitimacy and self-legitimacy. Based on the theoretical concepts and results of prior studies on legitimacy and self-legitimacy in prisons, we will present proposals for further exploring legitimacy in prisons.

2 THE PROCESS OF ACHIEVING AND SUSTAINING LEGITIMACY IN PRISON

Beetham (1991) claimed that legality, shared values, and consent are needed for the legitimacy of a power holder. Further, Tyler (1990) argued that people who consider an authority's procedures against them as just (quality of the treatment) possess positive emotions against that authority, regardless of the final outcome. Legitimacy is based on beliefs that the authorities are trustworthy, honest and concerned about the welfare of the people with whom they interact, and that

¹ In the Penal Sanctions Enforcement Act (2000), the term prison staff is used for: governors, heads of department, heads of security, prison officers, social pedagogues, teachers, social workers, psychologists, sociologists, working instructors and health workers.

it is necessary to accept authority and voluntarily comply with their decisions (Bottoms & Tankebe, 2012; Bradford, Jackson, & Hough, 2014; Tyler, 2011). On the other hand, Tankebe (2013) discovered that the legitimacy of authority is based on the legality, distributive justice, procedural justice and effectiveness of the bearers of authority. Legitimacy is important for voluntary compliance with the rules dictated by the authority as the use of power (especially coercive power) has a negative effect on prisoners' perceptions of legitimacy (Tyler, Braga, Fagan, Meares, & Sampson, 2008). Sparks and Bottoms (1996), with regard to Tyler's theory (1990), stated that through fair and respectful attitudes to prisoners it is possible to achieve a certain degree of internal legitimacy within prison, if it does not differ significantly from other social domains.

Legitimacy is considered as the sum of procedural justice and trust in authority, but Liebling (2011) claimed this definition is not satisfactory for the prison environment. New findings have shown that legitimacy is not a fixed phenomenon, but depends on the eternal debate and continuous dialogue between the power holders and recipients (Bottoms & Tankebe, 2012; Liebling, 2011). This concept of legitimacy, which can be called dialogical, dynamic or conditional, explains the importance of relations between prisoners and prison staff for life in prison (Liebling, 2011). Prison staff complicate this dialogue because they and the recipients (prisoners) do not have equal rights, or the rights of prisoners are very limited (deprivation of their freedom, limited decision-making etc.).

2.1 Adjustment of Prisoners to Prison Life

The common element of all prisoners is their primary conflict with the law. Clemmer (1940) asserted that, after entering prison, offenders assimilate into a hostile, anti-conventional social system characterised by deviant behaviour, manners and customs, and laid a foundation for development of the deprivation model. Supporters of the importation model highlighted the significance of pre-prison characteristics (e.g., criminal history, race, ethnicity etc.) as determinants of assimilation into prisoners' society. As a result, prisoners assume new social roles and affiliate with deviant norms (Jacobs, 1977; Reisig, 2001; Roebuck, 1963).

Pre-prison characteristics and deprivation after entering prison affect the convicted person's willingness to submit to the prison staff's authority and attempt to 'mend'. While prison staff cannot influence the pre-prison characteristics of prisoners, they can help them adjust to prison life through procedural and distributive justice (fair proceedings) (Van der Laan & Eichelsheim, 2013).

2.2 Influence of Procedural and Distributive Justice

Procedural justice is exploring ways of decision-making, the theoretical bases of which arise from the works of Thibaut and Walker (1975), Leventhal (1980), and Lind and Tyler (1988). The authors claimed there is a greater probability an individual will perceive processes against them as just, regardless of the outcome, if they had some control over the processes and decisions of the authority (have their own voice). Leventhal (1980) extended the work of Thibaut and Walker

(1975) and proposed six criteria for measuring procedural justice: 1) consistency; 2) the ability to suppress bias; 3) decision quality or accuracy; 4) correctness; 5) representation; and 6) ethical behaviour. Lind and Tyler (1988) proposed the relational model of procedural justice which assumed that, if wanted to be considered as just, decisions of authority should be: 1) neutral, impartial and fair; 2) trustworthy and benevolent; and 3) subordinates must be treated politely and with dignity and respect. Tyler and Huo (2002) contended that decisions in the prison environment have to be based on: 1) neutrality; 2) trust; 3) 'voice' (prisoners are involved in decision-making); and 4) respect and dignified treatment of prisoners.

The theoretical foundations of distributive justice are based on the assumption that people compare their outcomes with certain standards (Tyler, 2012; Walster, Walster, & Berscheid, 1978). Results of previous studies (Pritchard, Dunnett, & Jorgenson, 1972; Schmitt & Marwell, 1972) show that people express greater satisfaction when they receive a fair outcome (distribution), and not when they consider that they are getting 'too little' or 'too much' (Tyler, 2012). Liebling and Price (2001) obtained similar results as prisoners expressed greatest satisfaction when they realised the proceedings against them were fair and the sanctions were justified (regardless of their severity). Prisoners' perceptions of distributive justice affect their perceptions of equality before the law, discrimination, and granting of benefits (different awarding of benefits while meeting the same criteria have an extremely negative impact on prisoners' perception of distributive justice). The impact of procedural and distributive justice reflects the important role played by prison staff, their way of enforcing the prison rules, and their impact on prisoners' perception of legitimacy of the enforcement of penal sanctions.

2.3 The Role of Prison Staff in Achieving Legitimacy in Prison

While the traditional role of prison officers was based on maintaining safety and implementing certain forms of treatment, the role of specialised workers in prison focused on the treatment and education of prisoners. Both groups form a particular social group and have an impact on relations with prisoners and their perception of legitimacy. Molleman and Leeuw (2011) found that the perception of inmates regarding the situation in Dutch prisons related to the prison staff's orientation to meeting the prisoners' needs (autonomy, access to goods and involvement in activities) and the conditions in prison itself.

Liebling and Price (1999: 86) described prison officers as "... gatekeepers, agents of criminal justice, peacemakers, instruments of change and deliverers and interpreters of policy". Stern (1987) described them as a closed social group of family men who feel misunderstood, disrespected and seek opportunities for social life and support from their colleagues (other prison officers), and have humorously bitter, cynical and pessimistic outlooks on life. It is difficult to leave from such a group because the social, professional and cultural ties are extremely powerful. Similar features can be observed among female prison officers (Liebling & Price, 2001). Meško, Valentinčič and Umek (2004) argued that Slovenian prison officers are a professional group of very homogeneous and conservative

individuals, the majority of whose work consists of classic tasks and activities of workers in total institutions.

The main product of a prison officer's work is not only security and control, but also personal interaction between themselves and the prisoners (Gilbert, 1997). Pilling (1992), and Genders and Player (1995) stated that relations between prisoners and prison officers are based on three characteristics: 1) individualism; 2) permissiveness; and 3) trust. The attitude of prison officers toward prisoners is due to: 1) gender (Farkas, 2000; Zimmer, 1986); 2) race (Jackson & Ammen, 1996; Van Voorhis, Cullen, Link, & Wolfe, 1991); 3) age (Farkas, 2000); 4) seniority (Farkas, 2000; Toch & Klofas, 1982); 5) shifts and frequency of contact with prisoners (Farkas, 2000; Lombardo, 1981); 6) conflict of roles and stress (Farkas 2000; Hepburn & Albonetti, 1980); 7) involvement in decision-making (Shadur, Kienzle, & Rodwell, 1999); and 8) job satisfaction (Hepburn & Knepper, 1993). Kaminski and Gibbons (1994) stated that the power of the prison subculture has a negative impact on the control power of the prison officers.

Despite the strong influence of the prison subculture on prisoners' behaviour, Liebling (2000) claimed that the compulsory power of prison officers remains, most of the time, in 'reserve' because everyday activities primarily take place without reference to that form of power (Liebling, 2000). These types of relationships are important for achieving internal legitimacy because prisoners do not have the same 'voice' as free citizens regarding decisions that concern them (Sparks & Bottoms, 1996; Tyler & Blader, 2000). Reisig and Meško (2009) found that prisoners' perceptions of legitimacy do not affect compliance with prison rules. The importance of relations between prisoners and prison officers is reflected in instrumental reasons (smooth workflow in prison and the provision of information), normative reasons (the importance of good relations for life in prison) (Liebling & Price, 2001), and constraints (Bottoms, 1999).

Prison officers must positively perceive their own legitimacy (trust and confidence in their own competence) and the legitimacy of their work (beliefs in the legality of their own work, and beliefs that their work forms part of the common moral values of society), especially if they want to perform daily tasks efficiently and in a way that positively impacts on their relations with prisoners, colleagues and supervisors (Bottoms & Tankebe, 2012). Tankebe (2014) defined self-legitimacy as a process of the construction, validation, and resistance of the self-esteem of a certain power holder. Tyler and Blader (2000), and Bottoms and Tankebe (2013) stated that the interactions of prison staff with their colleagues, supervisors (leaders), and the wider community (in the case of prison staff, prisoners represent the wider community), constitute moments to learn about self-legitimacy (opportunities for certification of formulated possible selves). Reisig and Meško (2009) stated that prison officers' attitudes to prisoners have a strong influence on prisoners' perceptions of the legitimacy of prison officers. Tankebe (2014) assumed that the lower an individual is in the hierarchy of the organisational structure, the more energy, time and intensity he needs to endorse the legitimacy and confirmation of the requirements for power. An important factor influencing self-legitimacy is identification with the group (Liebling & Price, 2001). Meško, Tankebe, Čuvan and Šifrer (2014) argued that the self-legitimacy of

prison officers is due to: 1) relations with colleagues; 2) procedural fairness of supervisors; 3) perception of the wider community; 4) age; 5) years of service; and 6) education. Further, pro-organisational behaviour of prison officers was influenced by beliefs about their self-legitimacy.

Relations between prison staff and prisoners, prison staff and supervisors, and among the prison staff themselves, affect the self-legitimacy of prison staff. We assume that perceptions of the self-legitimacy of prison staff affect the quality of their relations with prisoners, which consequently reflect in prisoners' preparedness to cooperate with prison staff.

2.4 Cooperation of Prisoners with Prison Staff

Cooperation in the prison environment is difficult due to the inequality of prisoners relative to prison staff. Further, the majority of 'cooperation' from prisoners is demanded (time of waking up, time of meals, time of walks, cleaning of the facilities etc.) – prisoners have limited rights in the decision-making process about their own life while in prison. Compliance with prison rules is reflected in the behaviour of prisoners in accordance with these rules. As noted by Meško et al. (2004), the majority of prisoners comply with prison rules and cooperate with prison officers, with the goal of obtaining benefits (instrumental reasons for compliance with authority). Moreover, normative reasons for compliance with authority (prisoners and prison staff share common moral values) are almost non-existent in prison, while the prison subculture, which is characterised by a strict hierarchy, represents an obstacle to the prisoner's compliance with the prison rules. Kaminski (2003) stated that the prison subculture dictates a prisoner's behaviour in nearly all situations of daily life in prison. We assume that prisoners' cooperation with prison staff reflects the fact they did not defer to the prison subculture. Further, we argue that their moral values are closer to the values of prison staff, and the cooperation of prisoners with prison staff should reinforce these values, which would consequently affect their perception of legitimacy. Inmates' perceptions of legitimacy affect their subjugation to prison rules. Perceived legitimacy also reflects good relations with prison staff, which we assume influence a prisoner's decision to engage in misconduct.

3 STUDYING LEGITIMACY IN PRISONS

A review of the literature shows there are only a handful of studies on legitimacy in prisons. Gray (2007) studied the effects of treatment on prisoners' compliance and outcome satisfaction in a Chicago prison, with the results showing that: 1) prisoners' perceived legitimacy had a strong impact on their satisfaction with the prison staff; 2) prisoners' perceptions of legitimacy had an impact on following staff orders, trading and trafficking with other prisoners or staff and not making too much noise at night; 3) age and characteristics of the sentence had an influence on compliance with the rules; and 4) procedural justice did not influence prisoners' satisfaction with the prison staff or their compliance with the

institution's rules. The results of Gray's study confirmed those of several previous studies (Liebling, 2004; Sparks & Bottoms, 1996; Stichman, 2002) indicating that in prisons where prisoners perceived the prison staff's power as legitimate there is a higher probability of prisoners' compliance with the rules, a faster throughput of information, and better living conditions (Liebling, 2011). Molleman and Leeuw (2011) studied the impact of prison staff orientation and working conditions on prisoners' perceptions of prison circumstances in Dutch prisons. The results revealed that the prison staff's perceptions of the prison conditions show congruency with those of the prisoners. They perceived prison conditions where prison staff's orientation to the prisoners is relatively supportive as more positive. Beijersbergen, Dirkzwager, Eichelsheim, Van der Laan and Nieuwbeerta (2014) discovered that prisoners in Dutch prisons who felt treated in a procedurally just manner were less likely to be reported engaging in misconduct. Moreover, anger fully mediated the effect of procedural justice on prisoners' misconduct. Beijersbergen and colleagues (2014) discovered that the number of female prison officers in prison, the rehabilitation orientation of the prison staff, and a high prison staff/prisoner ratio influence a prisoner's perception of fairness of treatment in prison.

Slovenian explorations of legitimacy in prisons started with the work of Reisig and Meško (2009) who studied the impact of procedural justice and legitimacy on prisoner misconduct in the Slovenian prison at Dob. The authors believed that prisoners who consider that the attitudes of prison officers towards them are fair and perceive prison staff in general as legitimate will not violate prison rules. The results of the study revealed that: 1) prisoners' judgments on the fairness of procedures in prison had no effect on their perception of the legitimacy of the prison staff; 2) prisoners' perceptions of legitimacy had no effect on their misconduct; and 3) prisoners' judgments on procedural justice had an effect on their compliance with the prison rules. Meško et al. (2014) found that relations with colleagues, procedural justice by supervisors, and audience (prisoners) legitimacy have an effect on the self-legitimacy of Slovenian prison officers. Further, they showed that prisoners' beliefs regarding self-legitimacy affected the pro-organisational behaviour of the prison officers.

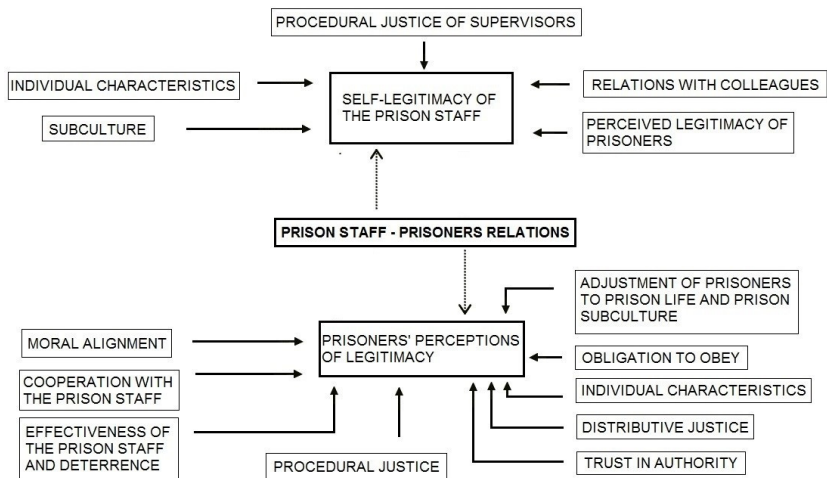
The literature review showed that most studies focused on studying prisoners' perceptions of legitimacy, mainly relative to the prisoners' judgments on procedural fairness, and somehow neglected other factors that influence prisoners' perception of legitimacy. Further, we found only one study that focused on exploring the self-legitimacy of prison staff. The review of previous studies shows the lack of a comprehensive approach to studying legitimacy in prison, which would include various factors that influence legitimacy, and simultaneously explore prisoners' perception of legitimacy and the self-legitimacy of prison staff. For these reasons, we propose a new approach to researching legitimacy in the prison environment, which we call the dual model of legitimacy in prisons.

4 THE DUAL MODEL OF LEGITIMACY IN PRISONS

We see prison as a total institution where, due to its confinement, a special kind of closed society is formed. Individuals in this society can be classified in two basic

groups: prison staff and prisoners. Despite inequality between the groups (prison staff have almost complete control over the prisoners), we argue that some level of legitimacy can be achieved and sustained in such a society if relations between groups are based on mutual respect, dignity and procedural justice. Given the specific attributes (small population, daily interactions, specific relations etc.) of the ‘prison society’, we propose that exploring legitimacy in prisons should be conducted comprehensively. We argue that the following comprehensive approach should be employed: 1) researchers should explore the effect of inter-personal relations on the perception of legitimacy and self-legitimacy; 2) exploring legitimacy in prisons should include both groups (prisoners and prison staff); 3) research of both groups should be carried out simultaneously because the prison population is changing fast, and a different prison population may have a different effect on the social dynamic of a prison; and 4) researchers should include the factors we have identified and presented in Figure 1 in their research into legitimacy in prisons.

Figure 1: The dual model of legitimacy in prisons



We argue here that the self-legitimacy of prison workers (staff) is due to: 1) the individual characteristics of a prison worker; 2) the procedural justice of the supervisors; 3) relations with colleagues; 4) subculture; 5) the perceived legitimacy of prisoners; and 6) prison staff–prisoners relations.

Individual characteristics of the people employed in the prison system play a vital role in their work with prisoners and establishing relationships with them. Moreover, individual characteristics influence a person’s way of thinking, perception of the workplace, their self-esteem, trust in their abilities, and their perception of self-legitimacy. We see gender, ethnicity, age and seniority (years worked in the prison system) as those individual characteristics that affect a prison worker’s perception of self-legitimacy.

Performance at work is closely connected, not only in relations with colleagues, but also in relations with supervisors. If a person perceives the procedures of supervisors as fair and just (supervisors are seen as an example for employees), this will positively affect his or her self-esteem, trust in their work abilities and,

in the end, their perception of self-legitimacy. Further, positive perceptions of supervisors will prevent the 'us' and 'them' division inside the organisation – cynicism (Meško et al., 2014).

Relations with people with whom we work are an important influence on our satisfaction with work and consequently on our performance. We sometimes spend more time with colleagues at work than with our families and friends; consequently, it is logical they represent an important influence on our way of thinking, behaviour etc. In addition, workers in total institutions, such as prison, must have complete trust in their colleagues that they will help them when in trouble or being attacked by prisoners. If we add the influences of the prison officer subculture to the equation, we can say that relations between colleagues in prison represent an important source of influence on a prison worker's trust in his or her abilities, work performance and perception of his or her self-legitimacy.

Every environment produces some specific form of behaviour and way of thinking (subculture). Subcultures have an important influence on the development of relations in the institution, attitudes of workers, behaviour of workers, work performance, perception of the work place and perception of self-legitimacy. We argue that the prison environment or, more precisely, prison orientation (treatment orientation, orientation towards security etc.) has an impact on the development of norms in the prison officers' subculture.

Public perceptions of a person's work have a significant influence on their perspective on the work place. If workers do not receive confirmation about their work from the audience (prisoners), their perception of their work is affected and can force them to reconsider the importance of their work. At the point where workers are reconsidering the meaning of their work, their self-legitimacy is already significantly threatened. Further, we argue that the legitimacy of prison staff perceived by a prisoner's affects the self-legitimacy of the prison staff (Meško et al., 2014) through the quality of relations.

In the model, we argue that a prisoner's perception of legitimacy is due to: 1) trust in authority; 2) cooperation with prison staff; 3) moral alignment and obligation to obey; 4) procedural justice; 5) distributive justice; 6) effectiveness of the prison staff and deterrence; 7) individual characteristics of the prisoner; and 8) the adjustment of prisoners to prison life and the prison subculture.

Prisoners' trust in prison staff affects the relations and cooperation between prison staff and prisoners, and a smooth workflow in prison (Liebling & Price, 2001). We argue that, in the prison context, a prisoner's trust in prison staff influences their perception of legitimacy and their willingness to cooperate with the staff. Moreover, we see procedural justice (prisoners' judgments on the fairness of procedures and processes) and effectiveness of the prison staff (if prisoners perceive the prison staff's work as not sufficiently effective they will not cooperate with them) as two factors that have an important influence on building prisoners' trust in the prison staff.

Moral alignment with rules and norms in prison affects a prisoner's will to comply with these rules. We argue that prisoners' identification with the moral norms of prison staff affect their willingness to follow the rules (obligation to obey) and preparedness for cooperation with the prison staff.

Procedural justice is the central field of study concerning prisoners' perceptions of legitimacy, and we agree with the theory that procedural justice impacts perceptions of legitimacy. We argue that just procedures of prison staff toward prisoners exert a significant influence on prisoners' perception of the legitimacy of prison staff.

Liebling and Price (2001) argued that prisoners express the greatest satisfaction when they understand that the proceedings against them were fair and the sanctions were justified (regardless of their severity). We argue that prisoners' perceptions of distributive justice affect their perception of equality before the law, discrimination, and the granting of benefits (different awarding of benefits while meeting the same criteria has an extremely negative impact on prisoners' perception of distributive justice).

Tankebe (2013) stated that the legitimacy of authority is based on the legality, distributive justice, procedural justice and effectiveness of the bearers of authority. We believe that prison staff's effective work will influence prisoners' will to cooperate with them, help to improve prisoners-prison staff relations, and positively impact prisoners' perceptions of the prison staff's legitimacy.

Individual characteristics of a prisoner consist of demographic characteristics (age, gender, ethnicity and education), prison misbehaviour and criminal histories. A prisoner's adjustment to prison life influences the prisoner's willingness to cooperate with the prison staff and comply with the prison rules, the quality of prisoners-prison staff relations, and their perception of legitimacy. We further acknowledge Adams' (1992) factors for a prisoners' adjustment to prison life: 1) the individual characteristics of the prisoner; 2) characteristics of the sentence; and 3) environmental factors.

The dual model of legitimacy in prisons provides the framework for future simultaneous research into two different aspects of legitimacy in prison-prisoners' perception of legitimacy and prison staff's perception of self-legitimacy.

5 CONCLUDING REMARKS

Despite the growing research concerning legitimacy in prisons, compared with the number of studies on the legitimacy of the police or criminal justice, this strand of research remains modest. Further, studies on legitimacy in prison have focused on only one group of individuals in prisons (prisoners or prison staff). We argue that previous studies did not adequately explain legitimacy in prisons. Since legitimacy is based on constant dialogue between power holders and recipients, we argue that both groups in prison should be studied simultaneously because legitimacy is not a fixed phenomenon and we can assume that perceptions of legitimacy are changing all the time. The dual model of legitimacy in prison not only combines two different approaches to the study of legitimacy (prisoners' perception of legitimacy and prison staff's perception of self-legitimacy), but also represents the first step towards a comprehensive approach to studying legitimacy in prisons, which still needs to be tested in practice.

We see two limitations of the model. First, it is based on the assumption that interpersonal relations between prison staff and prisoners have the greatest

impact on legitimacy. However, relations are not fixed, but are changing all the time (especially in prison where relations are established on the basis of sanctions and benefits). Consequently, we have to measure legitimacy and self-legitimacy simultaneously because we will thereby obtain a clear view on legitimacy and self-legitimacy in a particular prison at the specific time of our measurement. Moreover, given the ever-changing relations in prisons, which are very specific, we can assume that repetition of the research would give different results. We see a second limitation in the large number of factors that affect legitimacy and self-legitimacy, which we included in the model; namely, the problem of multicollinearity. This problem can be avoided by carefully defining factors in accordance with the proposed theoretical model.

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