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## **In the era of Berger and Luckmann's *social construction of reality*: How media change the public's perceptions of police legitimacy**

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### **Abstract**

The social construction of reality refers to a phenomenon that society form a mutually-established both unconscious and conscious consensus about how people should live and behave daily, as well as how to deal with the "ontological status of particulars" (Berger & Luckmann, 1991). The social construction of reality is constantly shared with others horizontally (with the same cohort) and vertically (passing to the next generations) through different types of culture. People take for granted about these shared beliefs and knowledge. In order to articulate the topic of how perceived police legitimacy changes, I specify several key terms based on my understanding from the book: different forms of realities and cultures, the characteristics of traditional and modern media, and its impacts on police legitimacy. I will illustrate how modern advanced media changes the public's perceptions of police legitimacy, brutality, and implicit racial bias problems by constantly updating and reconstructing our "reality."

**Keywords:** law and society, police, social construction of reality, legitimacy, media, olopatadine

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### **Introduction**

The social construction of reality, in a brief summary and based on my understanding of the book, refers to a phenomenon that society form a mutually-established both unconscious and conscious consensus about how people should live and behave daily, as well as how to deal with the "ontological status of particulars" (Berger & Luckmann, 1991<sup>[3]</sup>, p. 60-62). The social construction of reality is constantly shared with others horizontally (with the same cohort) and vertically (passing to the next generations) through different types of culture. People take for granted about these shared beliefs, such as what things are, what the world should be, how people should behave, which lifestyle is preferred, how to respond to other's expectations, how to stick to their own identities and roles, and so forth.

In order to articulate the topic, I would like to specify several key terms based on my understanding from the book different forms of realities and cultures, the characteristics of traditional and modern media, and its impacts on police legitimacy.

I will illustrate how modern advanced media changes the public's perceptions of police legitimacy, brutality, implicit racial bias problems, and other legal areas.

Different forms of reality and cultures. There are four basic types of realities according to the societal verifiability (objective vs. subjective) and the relation to human mind/consciousness (independent vs. dependent). The first category is natural realities that are not dependent on human mental activities and relatively objective, such as mountains, rivers, and any other physical materials. The second one is each individual's personal realities that are dependent to human minds and subjective. It includes beliefs and thoughts existed within people's minds, reasoning, and consciousness and these are considered real only to those individuals who hold them, such as hallucinations, mens rea, and cost-benefit rationales. The third one is the kind of realities that are subjective but independent from people's mind, such as god

and religion. This is one kind of the realities that can never be truly known, or investigated, and only be postulated. The last category is the social realities which are considered objective but highly dependent on human consciousness. Social realities are beliefs shared, have been institutionalized, and even have been re-institutionalized. It can be either functional, or symbolic, or both. Take the U.S.-Mexico border and the maybe-upcoming Walls as an example. People take-for-granted of considering it is real and obey the border control rules because people cannot just completely ignore it or arbitrarily trespass the border without getting any consequences or punishments due to the law. But the physical or material quality of the border is absent. It is obviously some kind of social reality or rules that people follow all the time and consider it is rational and legitimate. People accept and never question this fact or this behavior which has already grounded in laws and conventions adopted by the majority of the U.S. society. The border or wall can physically exist and symbolically represented. Theoretically, this border or upcoming Wall could be moved or even dissolved completely. Thus, the conception of the border is socially constructed. It clearly holds true when considering money/poverty, property, corporations/interest groups, law/justice, changes of law corresponding to societal movements, governmental agencies, and political institutions. Moving to a deeper and less explicit level, each socially constructed concept involving its take-for-granted attitudes and requiring for specific societal roles or specialists to institutionalize and reinforce it. People then adopt their societal roles to survive and thrive, as well as "inhabit" or internalized the socially constructed rationale and attitudes with no hesitation (Berger & Luckmann, 1991<sup>[3]</sup>, p. 104). A simple example echoes with this argument is the essay questions from SAT and GRE tests asking students to demonstrate why "positively" challenging the authority or "unreasonable" norms are encouraged. This still

holds true when thinking about current technology, particularly in terms of social media and news which are imbedded within the concept of language (Berger & Luckmann, 1991<sup>[3]</sup>, p. 133-135). *Technology/Media*. How to define technology and its relationship with socially constructed reality? Berger and Luckmann (1991)<sup>[3]</sup> would argue that people gain their social knowledge of reality through three primary sources: (a) normative facts, such as personal experiences, significant others (i.e., family members and friends), and natural principles, (b) institutionalization: social groups, interest groups, and institutions (i.e., churches, schools, and legal facilities), and (c) technology: media/news, TV shows and channels, and social media (i.e. Facebook and Instagram reports and surveillance). No matter whether the reality that people perceived is based on personal experiences, or symbolic, or socially constructed (Alitavoli & Kaveh, 2018)<sup>[1]</sup>. Technology, as a material culture that is functionally dependent on human beings, both *accordingly shape and is shaped* and *constantly update and is updated* by these three types of realities through its interactions with people. Consistent with Berger and Luckmann's notions about people's socially constructed attitudes and emotions (1991)<sup>[3]</sup>, Gamson *et al.* (1992)<sup>[5]</sup> have argued that the media, in general, can create and promote apathy, conspiracy, cynicism, legitimacy, justice, empathy, quiescence, and but not necessarily active citizenship and civic participations. Social media and news can generate and portrait a social reality which is inevitably perceived by the general public nowadays based on a variety of legal and extralegal factors other than the so-called existing or relatively objective reality (Gamson *et al.*, 1992)<sup>[5]</sup>. Traditionally, criminal justice agencies, such as police spokespersons (public relation unit from the police department), prosecutors, and judges, used to be the major contributors who provide information to the media to shape the public perceptions of crime, justice, and legal operations (Chermak, 1994)<sup>[4]</sup>. In addition, the sentimentally sad stories of victims tend to be the most salient factors in media coverages. This phenomenon, along with governmentally- and officially-oriented contents reported in the media, creates a social environment of empathy, anger, and feelings of retribution, thereby leading to an increase in the public's support for harsh punishment in order to fit policy makers' ideologies and their political agendas. Reciprocally, the criminal justice policies and law enforcement are largely constructed, viewed, and accepted as legitimate, positive, and successful by the public. Therefore, "institutionalized" media situates in the center of the distribution of knowledge and "reality" because the information about crime and justice we are received and exposed is predominantly defined, shaped, and tailored by the media.

However, as technology advanced globally, the type of social media shifts and new forms of social networks (i.e., Facebook, Instagram, and WeChat) emerge in an unprecedented way. The public perceptions of law, justice, and law enforcement agencies and their received social reality have also constantly been updated, changed, and/or even transformed. Specifically, we move from under surveillance (Lyon, 2001)<sup>[7]</sup> from the cops to engaging active "reverse surveillance," and even progressing to concepts such as "lateral," "social searching," "participatory," "social" surveillance (Augusto & Simões, 2017)<sup>[2]</sup>. As the social networks permeate everyone's daily life, through the form of "architecture of disclosure" (Marichal, 2012)<sup>[8]</sup> built within the self-monitoring and exposure featured within them, as well as

through *likes*, attentions, public "supports," status updates, reinforcing comments, economic interests, and various motivations, the public maybe both unconsciously and consciously create or update or promote or exaggerate or hide their everyday lives, their disadvantages or privileges, moral or immoral behaviors, legit or corruptive legal decisions, fears or intentions to committing crime, responses to illegal activities, perceptions of in-group and out-group members, explicit or implicit bias or over compensations, and reconsiderations of moral blameworthiness vs. legal responsibilities, etc. By combining the agenda-setting theory and cultivation theory cycles, media is a powerful tool to construct, reconstruct, update, transform, shape, or even revolute people's socially constructed reality, especially through the symbolic reality.

*The dynamics*. Social constructs, and their interactions with one another, can be modified, constantly changed or updated, and become dynamic, growth-oriented, functional, and evocative, rather than declarative or merely symbolic in themselves. Therefore, this media effect or media constructed reality clearly influenced, have, and will influence the public's perceptions of the police for a long time, no matter if it is in terms of brutality, racism, racial profiling, or legitimacy. Several social cognitive factors have been theorized to explain and support this phenomenon: the *frequency* of the "police legitimacy" construct activations, *recency* of its activation, *vividness* of it, and its *relations* with other concepts (Shrum, 2009)<sup>[9]</sup>.

From the previous argument, social media and social networks are socially constructed and pre-determined in some way. It should not be surprising to indicate that the news or media has socially constructed and further exacerbated the police brutality, legitimacy, and racial profiling problems nowadays, perhaps due to political, or economic, or other "beneficial" reasons. First, whether these problems exist and to what extent? The media images and videos are materially or physically real. So, the public have to admit that the incidence does exist. However, how frequent similar incidences occur is another question shaped the public's perceptions of police brutality and their legitimacy. Increased frequency of posting and exposing the public to police misconducts and excessive use of force will increase the social verifiability and enhance its symbolic reality. For example, even if a person has never witnessed any police illegal activities personally, this person may still believe in this phenomenon because of the information or symbolic reality constructed through vicarious learning and perceptual internalization from the family, peers, media contents, and other external sources.

The social construction of public problems has shown to be beneficial for the "owners" of the problems and it is event-driven (Lawrence, 2000)<sup>[6]</sup>. In the case of reporting vivid images of police brutal behaviors, the news generates a comparison between black's vulnerability and white's inhumanity, minorities' helplessness and dominant groups' un-regulatory behaviors, the seeming disappearance and the implicit yet more detrimental re-appearance of racial biases in the legal system and criminal justice operations. Minorities, particularly blacks, tend to gain social, academic, and public attentions about their unjust lives and trapped situations, thus further making the police legitimacy and current policies questionable. There are sincere and insincere interest groups who can benefit from this public problem they have created. But no matter what, once the social problems successfully are created and caught attentions from a

variety of social domains (i.e., media, policy, research, practice, etc.), and once certain interest groups identify the existing or potential benefit, either in an economical way, or a social justice/movement way, or both, this social problem can be easily and efficiently modified, amplified, shaped, and re-constructed according to the (good or bad or ambiguous) intentions from the interest groups. The changing patterns of content representations in the news are structured, socially reinforced, and habitually adopted by the changes in social norms, social values, legal reactions, and legal reforms, such as *Tennessee v. Garner*.

Although the media reports and private surveillance by individuals' cameras, *lives*, and Facebook recordings can reach a larger audience and generate social reactions quickly, people seldomly have the thought of questions those news' relatively narrow range of voices, content ambiguity, and incomplete perspectives on the presented issue (Lawrence, 2000) <sup>[6]</sup>. The ambiguity and incompleteness would inevitably lead to each person's flexible interpretations of the event. Because different people with different socially cultivated mindsets tend to interpret the same situation or event differently, the issue of police brutality and legitimacy is largely subject to divergent perspectives. Even experienced researchers can hardly disentangle this social problem using triangulations or account-taking methods, let alone laypeople. This human-mind-dependent and material culture (media) gradually shapes people's normative and abstract culture by imposing social meanings, values, and orders to a phenomenon or an issue. Therefore, this socially constructed issue/problem, represented as an objective "reality," becomes functionally dependent, persuasive, symbolic, institutionalized, ordered, precarious, and contingent to the public. Questions like "does this issue really exist in the society as a problem?" "if it does exist, to what extent it is real and accurate according to media?" and "how long has this problem been constructed or existed in the history?" are always not easy to answer. And "do people even care to answer" and "why do people always want to explain or make a rationale out of a situation" are another two aspects of socially constructed phenomena.

Media, as a socially constructed culture and a powerful manmade tool, can construct social problems. It can also change the social value and attitudes associated with that social issue due to people's interpretive flexibilities. For example, media can report police brutality while it can also report police legitimacy and kindness. It can favor the minority rights while it can also support the dominant social group or public policy. It can function like NGOs and receive no monetary interests, but it can also be used as a political weapon and think tank for officials' re-elections. It can describe a drinking- or drug-related incidence as a morally wrongdoing exaggerating the legal aspects of voluntarism and *mens rea*, which will potentially generate the public's negative emotional reactions. However, it can present it using medical words such as disease, malfunctioning, and under the influence of substance, making the offender less morally blameworthy, generating a more lenient public response, and even making the legal officials distribute a diminished legal responsibility and reduce the punishment. Society can be seen as a multi-level social networks (horizontal and vertical unit of analyses) with each nod (each individual) subjecting to behavioral psychology and each cluster (social institutions) subjecting to industrial/organizational psychology on each level. Media, police, policy makers,

Facebook, and so forth are trivially existing. However, the interactions among them can have a ripple effect and constantly shape and update the society, as well as social roles, values, attitudes, norms, and expectations. Sometimes, we have to admit that the socially constructed reality may be stranger and far less reasonable than fictions.

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