



# Procedural Fairness

FOR JUDGES AND COURTS

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Recent Research on Procedural Fairness: A Quarterly Report  
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This publication highlights notable procedural fairness scholarship released over the past quarter by topic. Each quarterly issue will also include a listing of other articles that are of particular relevance to procedural fairness the courts. Recent news and events, if available, complete the report. Articles that are not yet in print but available on the publisher's website are identified with “published online” and articles available via open source are denoted by a double asterisk.

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## General Research

\*\* Jonathan Jackson, Ben Bradford & Mike Hough, Trust in Justice "Abroad" and the Role of Legitimacy in "New-Crimes," Fiducia: New European Crimes and Trust-Based Policy (2015).

A key goal of the Fiducia project is to extend procedural justice theory in three new directions. The first relates to public perceptions of new forms of criminal behaviour. The second concerns the applicability of procedural justice theory to these new forms of behaviour. The third considers the notion that legitimacy crosses national borders. In this Fiducia report we motivate and outline core theory, concepts and measures. We also present the questionnaire to be fielded in seven European countries.

Shahidul Hassan, Dennen M. Hatmaker & Kim A. Young, Compliance and Citizen Perceptions of Procedural Fairness: Evidence from Bangladesh, paper presented at International Research Society for Public Management Conference, April 1, 2015.

Research conducted primarily in Western countries indicates several factors that influence perceptions of procedural fairness. These factors include whether individuals are allowed to have input or say in the decisions (Thibaut & Walker, 1975), whether the decision-making process is consistent, unbiased, and congruent with prevailing ethical norms and whether there are provisions for correcting unfair decisions (Leventhal, 1976). However, there has been limited research on citizen perceptions of procedural fairness in developing countries.

We examine factors that influence citizen perceptions of procedural fairness (Thibaut & Walker, 1975; Lind & Tyler, 1988) of legal institutions in Bangladesh. Our study considers several factors: whether citizens are allowed to present their case, whether the judges and lawyers are perceived to be competent, whether the legal procedures are easy to understand and consistent with the prevailing community norms and standards, and whether bribes are expected to access the legal system. We also examine whether perceptions of procedural fairness, outcome fairness, and paying bribes have any effect on citizens' willingness to return to the same institution for future interactions as well as their compliance with the decisions made by the institution.

To examine these linkages, we use data collected in 2009 from all 64 districts or counties in Bangladesh through a large scale household survey conducted by the World Bank. The paper will discuss the implications of these findings for research and practice on public management and governance.

[Stacy H. Haynes & Alison C. Cares, \*Victims' and Offenders' Views About Crime and Justice\*, 48 Soc. Focus 228 \(2015\).](#)

Believing that it is important to examine the views of those directly involved with the criminal justice system, we surveyed both victims ( $n = 238$ ) and offenders ( $n = 143$ ) about their perceptions of what constitutes fair procedures (i.e., procedural justice) and outcomes (i.e., distributive justice). We also examined their views about the purposes of punishment, as this may affect the criminal justice system's ability to function as an institution of social control. Both victims and offenders perceived the procedures and outcomes in their cases as fair and supported each of the four purposes of punishment. Individuals' perceptions of justice related to their views about the purposes of punishment, but the nature of this relationship depended on both their status as a victim or offender and their gender.

### **New Thinking and Interpretations**

[\\*\\* Elizabeth Chamblee Burch, \*Calibrating Participation: Reflections on Procedure Versus Procedural Justice\*, DEPAUL L. REV. \(published online June 2015\).](#)

When the same defendant harms many people in similar ways, a plaintiff's ability to meaningfully participate in litigating her rights is curtailed dramatically. Now it is the rare plaintiff who sues a nationwide (or worldwide) corporation in her home jurisdiction and is able to litigate and resolve her claims there. Although several factors play a role in this phenomenon, including tort reform efforts like the Class Action Fairness Act, one of the most significant factors is Supreme Court jurisprudence over the last ten years in the areas of arbitration, personal jurisdiction, pleading, and class actions. Of course, recent cases aren't the first evidence of a shift away from procedural justice norms. Commentators have long lamented the "vanishing trial" and the rise of summary judgment, often citing those trends as evidence of "merit-phobia," "death by a thousand procedural cuts," and a general demolition of both democratic tradition and the civil justice system's credibility.

At the heart of these concerns lies a persistent theme: the need for citizen access to and participation in convenient dispute resolution. Other scholars writing about arbitration, closing the courthouse doors, and the democratizing function of trials have already tackled many facets of this theme. Accordingly, this Essay, written for the annual Clifford Symposium in Tort Law and Social Policy, hones in on a slightly different aspect: securing and curtailing participation rights through both aggregating and pleading. It builds a framework for considering participation rights in aggregate litigation based on underlying substantive rights, group dynamics, and empirical studies on procedural justice.



[James L. Gibson, \*Legitimacy Is for Losers: The Interconnections of Institutional Legitimacy, Performance Evaluations, and the Symbols of Judicial Authority\*, in MOTIVATING COOPERATION AND COMPLIANCE WITH AUTHORITY: THE ROLE OF INSTITUTIONAL TRUST 117 \(B.H. Bornstein & A.J. Tomkins eds., 2015\).](#)

In the last decade or so, social scientists of a variety of different intellectual orientations have renewed their interest in the concept “institutional legitimacy.” In part, this reflects concerns over the efficacy of institutions, and in particular the assumption that all institutions require a healthy dose of voluntary compliance in order to be effective. The U.S. Supreme Court is more dependent than most political institutions on the normative support of its constituents; without a “reservoir of goodwill” to protect it, the Court as an institution is quite vulnerable to the dissatisfactions and disappointments of both elites and the mass public.

This chapter provides an overview of Legitimacy Theory as applied to the U.S. Supreme Court, with particular attention to the attitudes of the American mass public. I focus on two contemporary research questions: (1) the sources of legitimacy among the American mass public, and especially the degree to which policy disagreement undermines institutional support, and (2) the ways in which legitimacy is sustained by exposure to the symbols of judicial authority. Taking advantage of both extant and newly available data, I present evidence that diffuse and specific supports are not inordinately connected, and then provide an information-processing theory that explains how judicial symbols protect institutional legitimacy. I conclude by noting that research on Legitimacy Theory has recently acquired a new vigor, making it likely that important theoretical and empirical advances will be forthcoming.

[Karen A. Hegtvedt, \*Creating Legitimacy: The Interrelated Roles of Justice and Trust\*, in Motivating Cooperation and Compliance with Authority: The Role of Institutional Trust 117 \(B.H. Bornstein & A.J. Tomkins eds., 2015\).](#)

Despite nuanced conceptual differences in approaches to legitimacy, most scholars agree that whatever is legitimated (an authority, a rule, a distribution) carries with it an obligation to obey (without the threat of negative sanctions or enticement of positive ones). Unsurprisingly, then, it is in the interest of people, authorities in particular, to secure legitimacy of their own position, rules, or practices. With legitimacy as an important component of the development of institutional trust, it is important to understand its emergence. Drawing from the social psychological literature, this chapter focuses on social identity- and resource-based models of how justice processes facilitate the creation of legitimacy. Those models, however, only scratch the surface in examining the multifaceted role of interpersonal trust in solidifying collective sources of legitimacy. To explicate the interrelated roles of justice and trust, the chapter examines dynamics of power and leadership, intergroup processes, and perceptions of others in the situation. The conclusion



calls for more explicit research on the conditions affecting the nature of the relationship between justice and trust and highlights the absence of consideration of the role of affect in the emergence of legitimacy.

[Mary R. Rose, \*Just a Thought? Instantiations and Constructions of Procedural Justice\*, in THE HANDBOOK OF LAW AND SOCIETY \(Austin Sarat & Patricia Ewick eds., 2015\).](#)

A 2013 search in database Psycinfo asking for all journal articles and books with “procedural justice” in the abstract produced over 1,350 results. This owes, in large part, to the significant presence procedural justice enjoys in non-legal, organizational psychology literature, but a procedural justice account of perceptions of legal actors and institutions remains part and parcel of how social psychologists think about attitudes toward law and legal compliance. This chapter takes a fresh look at the meaning and impact of procedural justice by looking at various ways that researchers have defined this idea. It focuses on the middle step between an abstract construct and development of some exact measure to observe it. This middle step is what researchers call “operational definition” or just “operationalization” of an abstract construct. The chapter looks at research published in the last decade or so, focusing on socio-legal work identified in a search of Sociological Abstracts.

### **Compliance and Cooperation**

#### ***Courts***

[Thomas Baker, Justin T. Pickett, Dhara M. Amin, Kristin Golden, Karla Dhungana, Marc Gertz & Laura Bedard, \*Shared Race/Ethnicity, Court Procedural Justice, and Self-Regulating Beliefs: A Study of Female Offenders\*, 49 L. & SOC. REV. 433 \(2015\).](#)

Using survey data from a sample of white, black, and Hispanic incarcerated females (N=554), we examine if the theoretically hypothesized and empirically demonstrated relationship between procedural justice and obligation to obey the law is substantiated among a sample of offenders and explore the impact that sharing the race/ethnicity of the defense attorney and prosecutor in their most recent conviction has on female inmates' perceptions of court procedural justice and their perceived obligation to obey the law. The findings reveal that female offenders who perceive the courts as more procedurally just report a significantly greater obligation to obey the law. In addition, white female inmates who had a white prosecutor were significantly more likely to perceive the courts as procedurally just. Non-whites, though, perceive the courts as more fair if they encountered a minority prosecutor regardless of whether the prosecutor was black or Hispanic.



\*\* Elizabeth Ingriselli, *Mitigating Jurors' Racial Biases: The Effects of Content and Timing of Jury Instructions*, 124 YALE L.J. 1346 (2015).

This Note examines, through an experimental design, whether juror biases against black defendants are explained by aversive racism theory or social identity theory and whether procedural justice can be used to decrease biases. The Note also examines whether the timing of debiasing jury instructions affects judgments of guilt. The experiment finds that pre-evidence instructions result in lower judgments of guilt than post-evidence instructions. In addition, aversive racism theory, but not social identity theory or procedural justice, explains guilt judgments. The experiment has implications for both the content and timing of jury instructions in trials.

### **New Thinking and Interpretations**

David B. Rottman, *Who Trusts the Trial Courts, To What Extent, and Why?*, in *MOTIVATING COOPERATION AND COMPLIANCE WITH AUTHORITY: THE ROLE OF INSTITUTIONAL TRUST* 117 (B.H. Bornstein & A.J. Tomkins eds., 2015).

Considerable effort has been expended on explaining the high and steady level of trust enjoyed by the US Supreme Court despite its intervention into some of the most controversial issues of our time. The possession of “diffuse support,” a reservoir of goodwill unrelated to the outcome of specific court decisions, and the Court’s ability to conceal its decision-making process from public view have emerged as prominent explanations. Trial courts have neither advantage. Trust in trial courts is shaped by three characteristics: their identity with a locality, pervasive and persuasive fictional depictions of how courts operate, and the personal contact most Americans have had with trial courts. Direct experience is of particular significance. People with direct court experience look at trial courts differently than those without. But the consequences of court experience for trust are not straightforward, being shaped by the specific details of what transpired. Jurors, for example, are more trusting in courts if they served on a criminal rather than a civil jury, which in turn depends on specific factors that affect the quality of trial deliberations. Perceived procedural justice is the main predictor of trust in trial courts, with the effect being considerably stronger for those able to draw upon personal court experience. Personal experience also suppresses the influence of exposure to media-provided information about trial courts, while perceived procedural justice explains why levels of trust in trial courts differ among racial and ethnic groups. All in all, when explaining trust in trial courts, the devil is in the details of what happens in the courthouse and the medium through which information on the courts is obtained. This makes trial courts a challenging subject for students of trust in public institutions.

## ***Policing***

**\*\* Jonathan Jackson, Ben Bradford, Sarah MacQueen & Mike Hough, *Truly Free Consent? On the Nature of Duty to Obey* (unpublished article, June 18, 2015).**

Duty to obey is central to nearly all definitions of police legitimacy. When people believe that a police force is an appropriate, moral and just institution, they feel a corresponding duty to obey police commands and directives. Authorization and civic responsibility thus sits at the heart of the motivating force of legitimacy. Yet scholars have recently questioned whether – as currently measured – we are really capturing truly free consent. Tankebe and others have raised the possibility that people can feel obligated to obey the police for reasons that extend beyond the acceptance of – and deference to – legitimate authority. If this is so, then duty to obey may be better viewed as a downstream effect of (among other things) legitimacy rather than legitimacy itself. Drawing on data from a randomized controlled trial (MacQueen and Bradford, forthcoming) we make the case that provided it is appropriately defined and measured, duty to obey can reasonably be seen as a constituent part of legitimacy. In support of this claim are the strong empirical links that we find between a moral duty to obey, positive encounters with police officers, social identity and normative alignment with the police. We also show that a kind of coerced obligation – based on dull compulsion and fear of reprisal – is negatively correlated with trust and legitimacy. Methodological and theoretical implications of the study are discussed.

**\*\* Tammy R. Kochel, *Assessing the Initial Impact of the Michael Brown Shooting and Police and Public Responses to It on St. Louis County Residents' Views About Police*, Southern Illinois University Carbondale, Department of Criminology and Criminal Justice Reports, March 20, 2015.**

A panel survey of nearly four hundred St. Louis County, MO residents both before and after the shooting death of Michael Brown reveal a dramatic impact of that incident and the civil unrest and police handling of the unrest on residents' perceptions of police. African American residents, on average, supported the public's response to the police shooting but disagreed with the police response to the protests, looting and riots that followed, while nonblack residents' views were just the opposite. Additionally, in the time immediately following the shooting, African American residents' trust in police procedural justice and perceptions of police legitimacy declined by twenty-six and eight percent respectively, while non-black residents saw non-significant improvements in perceptions of procedural justice and legitimacy. Although residents of both racial backgrounds reported increases in aggressive policing tactics during that time, African American residents reported significantly greater increases—in fact, a twenty-one percent increase in the frequency of aggressive tactics. Where views did not differ by race was that residents of both races

supported the use of body or dash cameras, focus groups of residents and police to discuss police practices, and more frequent police patrols to improve confidence and trust in police.

\*\* Sarah MacQueen & Ben Bradford, *The Scottish Community Engagement Trial (ScotCET)*, in SCOTTISH INSTITUTE FOR POLICING RESEARCH ANNUAL REPORT (2014).

The Scottish Community Engagement Trial (ScotCET), funded by SIPR and the Scottish Government, was initially conceived as a replication of the Queensland Community Engagement Trail (QCET). QCET used a large-scale randomized field trial methodology to test the effect of police using the principles of procedural justice during routine encounters with citizens. . . . QCET makes an important contribution to an expanding evidence base that supports the importance of procedural justice and, through the application of robust experimental methods, was the first study to demonstrate the causal link between the implementation of procedurally just forms of policing, and the formation of public opinion and conferment of legitimacy.

ScotCET was funded by the Scottish Government in 2013 to address growing policy concerns around public trust and confidence in the criminal justice system and the relative dearth of robust, Scottish-based evidence available to inform policy and strategic development. Through replication, the relationships observed in QCET could be tested within a Scottish context and provide findings to inform the development of the Reassuring the Public programme and the wider Justice Strategy for Scotland.

\*\* Annette Robertson, Lesley McMillan, Jon Godwin & Ross Deuchar, *The Scottish Police and Citizen Engagement (S.P.A.C.E.) Project*, in SCOTTISH INSTITUTE FOR POLICING RESEARCH ANNUAL REPORT (2014).

The Scottish Police and Citizen Engagement Trial, jointly funded by the Scottish Government and SIPR, tested the impact of introducing procedural justice training to probationers at the Scottish Police College (SPC). The Project drew on a wide range of research on procedural justice and policing (for a comprehensive overview see Mazerolle, Bennett, Davis, Sargeant and Manning, 2013), and was modelled on the Chicago Quality Interaction Training Programme (Schuck and Rosenbaum, 2011; Rosenbaum and Lawrence, 2013). The hypothesis underpinning the SPACE Project was that probationers who were exposed to focused procedural justice training as part of their standard police training course would exhibit enhanced awareness of the significance of this framework to policing, and consequently place greater value on positive engagement with the public. This would be demonstrated through measurements of probationers' attitudes, perceptions, and behavioural intentions using key procedural justice indicators: fairness/neutrality/impartiality; respect; trust; participation/voice; and communication. For more details on the background to the project, see the SIPR Annual Report for 2013, p.16.





\*\* Wesley G. Skogan, *Surveying Police Officers*, in ENVISIONING CRIMINOLOGY: RESEARCHERS ON RESEARCH AS A PROCESS OF DISCOVERY 109 (M.D. Maltz & S.K. Rice eds., 2015).

In 2013, the Chicago Police Department launched a broad new initiative aimed at resetting its relationship with the community and reforming the way it did business internally. Externally, the newly-arrived police chief could see that the relationship between the police and many poor and minority communities was broken. Internally, the organization needed modern leadership and management, a better personnel system, and a better-functioning disciplinary process. As one contribution to understanding the success or failure of this effort, I conducted a survey of Chicago police officers. The survey was designed to test a theory of organizational effectiveness called “procedural justice.” This approach promised to be useful for understanding police officers’ views the department’s internal and external problems. This chapter describes the development of the survey, how the data was collected, and a little of what I found.

Lyndel J. Bates, Emma Antrobus, Sarah Bennett & Peter Martin, *Comparing Police and Public Perceptions of a Routine Traffic Encounter*, POLICE Q. (published online June 2015).

Police perceptions of procedural justice are less well understood than citizen perceptions. Our paper compares the views of police officers and citizens of a routine Australian policing encounter, the Random Breath Test. We examine perceptions of two versions of their encounter: a business as usual and a more explicitly procedurally just interaction. Our results indicate that the procedurally just version affected the views of police officers, but not drivers, regarding the reasons for conducting Random Breath Tests. It also appears that police officers believe that the encounter has a greater impact on drivers’ views than the drivers report themselves. This study has important implications for policing as it demonstrates that incorporating procedural justice within police-citizen interactions affects police officers as well as the citizens. It also highlights the importance of using external (e.g., larger community) measures, in addition to internal measures (e.g., within police organization), when assessing the effectiveness of police organizations to ensure a more complete picture.

Sarah MacQueen & Ben Bradford, *Enhancing Public Trust and Police Legitimacy During Road Traffic Encounters: Results from a Randomised Controlled Trial in Scotland*, J. EXPERIMENTAL CRIMINOLOGY (published online June 2015).

*Objectives:* This paper reports results from the Scottish Community Engagement Trial (ScotCET), devised to replicate the Queensland Community Trial (QCET). ScotCET was an RCT that tested the effects of ‘procedurally just’ policing on public trust and police legitimacy.

*Methods:* A block-randomised (matched pairs) design, with pretest and posttest measures, was implemented in the context of road policing in Scotland. Participants were drivers



stopped by police in December and January 2013/14 as part of Police Scotland's 'Festive Road Safety Campaign'. The experimental intervention comprised a checklist of key messages to include in routine roadside vehicle stops, and a leaflet for officers to give to drivers. Analysis proceeds via random effects regression models predicting latent variable measures of trust, satisfaction and legitimacy

*Results:* Contrary to expectations, the intervention did not improve trust and legitimacy; rather, trust in the officers who made the stop, and satisfaction with their conduct, fell in the test sites, relative to the controls, after implementation of the intervention. The intervention had no significant effect on general trust in the police, nor on police legitimacy.

*Conclusions:* Results demonstrate the difficulty in translating experimental interventions across policing contexts, and challenge the notion that public perceptions may be improved through a simple, additive approach to the delivery and communication of procedural justice.

[Eva Moravcová, \*Willingness to Cooperate with the Police in Four Central European Countries\*, EUROPEAN J. CRIM. POL'Y & RES. \(published online April 2015\).](#)

Social order and security depend on mutual cooperation between the police and the public. Since the majority of crime is not detected by the police itself, informal control is needed to ensure order in society. This article aims to describe the circumstances under which people's willingness to cooperate with the police is enhanced. Recent studies show that public compliance and cooperation with authorities who carry out criminal proceedings are linked with the extent to which people perceive these authorities as trustworthy and legitimate. Importantly, trust in police procedural fairness leads to the perception that institutions of justice are legitimate, which in turn enhances people's willingness to cooperate with them in order to fight crime and disorder. This normative perspective is supported in many European countries. However, evidence exists that instrumental judgments, which focus on one's self-interest and on outcomes of the justice system, could also be important in some countries. Drawing on procedural justice theory, we examine the importance of normative and instrumental factors in eliciting people's readiness to help the police fight crime in four Central European countries: the Czech Republic, the Slovak Republic, Hungary, and Poland. While the procedural justice pattern, i.e. the normative perspective, holds well in the Czech Republic and Hungary, in other analysed countries trust in police effectiveness or fear of crime, i.e. instrumental judgments, are relevant too.

## **New Thinking and Interpretations**

\*\* Sue Rahr & Stephen K. Rice, *From Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals*, NEW PERSPECTIVES IN POLICING BULLETIN (National Institute of Justice), April 2015.

Much of the contemporary culture of policing has promoted law enforcement officers as “warriors” facing a cauldron of crime that must be suppressed by the tactics and weapons of force and control that parallel those of military “warriors” facing a hostile enemy. This warrior/militaristic culture is also reflected in the traditional hierarchical police organization that parallels the ranking and authoritative structure of the military. This paper advocates the transformation of the police culture into the posture and functions of a “guardian,” which involves implementing the concepts of “procedural justice.” In acting as a “guardian,” police officers treat each individual fairly and consistently. Fairness relates to the protection of human rights, which includes equal treatment, non-discrimination, and protection of human rights and the worth of each individual. As Tyler and colleagues explain, “If legal authorities exercise their authority fairly, they build legitimacy and increase both willing deference to rules and the decisions of the police and the courts and the motivation to help with the task of maintaining social order in the community.” The transformation from the “warrior” mentality to the “guardian” mentality in the police culture is being facilitated at the Washington State Criminal Justice Training Commission. It has established a training model that emphasizes “justice-based policing,” “crisis intervention,” “tactical social interaction,” and “the respect effect.” A 5-year longitudinal study of the effectiveness of this training model is being conducted. One in a series of papers that will be published from the Executive Session on Policing and Public Safety, this paper describes a training model for police that will assist in transforming the law enforcement culture from a “warrior” orientation to that of “guardian” of democratic ideals.

Tracey Meares, *Broken Windows, Neighborhoods, and the Legitimacy of Law Enforcement or Why I Fell in and out of Love with Zimbardo*, 52 J. RES. IN CRIME & DELINQUENCY 609 (2015).

*Objective:* Wilson and Kelling (1982) introduced Zimbardo’s “broken windows” into the lexicon a little over 30 years ago. This article explores broken windows from a legal policy perspective, with the aim of putting forth a framework for integrating what we know (or think we know) about the potential effects of broken windows policing into our goals for improving high-crime neighborhoods.

*Methods:* A narrative review was carried out of key social science research on the broken windows perspective.

*Results:* The first part of the article explains the appeal of broken windows to legal theorists interested in challenging criminal law policy based on a law and economics approach. The second part reviews maturing broken windows research and evaluations of broken



windows policing. The third part explains the contours of an analysis that addresses the value of broken windows policing from a legal policy perspective.

*Conclusion:* While I remain a tentative fan of broken windows policing, I argue that the modest outcomes of broken windows policing do not justify the problems these policies create from a procedural justice context. The policy literature ignores this trade-off, and a curriculum framework that emphasizes how the criminal justice system educates citizens may offer a promising alternative.

### ***Prisons and Inmates***

[Ian Brunton-Smith & Daniel J. McCarthy, \*Prison Legitimacy and Procedural Fairness: A Multilevel Examination of Prisoners in England and Wales\*, JUST. Q. \(published online May 2015\).](#)

The procedural justice model has been widely used as an explanation for understanding legitimacy and compliance with the law, particularly within the context of policing. Central to this model is the importance of procedural fairness—in which the treatment of citizens and offenders by criminal justice agents can play a key role in building legitimacy and influencing compliance with legal rules and values. This paper examines the relationship between procedural fairness and legitimacy within the context of corrections. Drawing on data from a longitudinal survey of more than 3,000 prisoners across England and Wales, we identify an important link between procedural fairness and prisoner perceptions of legitimacy. We further examine variations in legitimacy in terms of individual prisoner characteristics, conditions *within* prison, as well as differences *between* prisons.

See also Thomas Baker, Justin T. Pickett, Dhara M. Amin, Kristin Golden, Karla Dhungana, Marc Gertz & Laura Bedard, under *Courts*

### **Business and Management**

[Ralf Bebenroth, \*Identification and Job Satisfaction at Mergers and Acquisitions\*, in INTERNATIONAL BUSINESS MERGERS AND ACQUISITIONS IN JAPAN 187 \(2015\).](#)

This chapter sheds light on Japanese target firm employees' perceptions after being taken over by a German firm. Specifically, it was tested how target firm employees' perception of procedural justice and their cultural openness influence two variables: job satisfaction and organizational identification. It is found that the perceived procedural justice leads to a higher level of job satisfaction and to a better organizational identification. Fair treatment matters more for the satisfaction of employee's with a higher cultural openness. Implications and future research directions are discussed.

[Jennifer Bragger, Diana Evans, Gene Kutcher, Ken Sumner & Emily Fritzky, \*Factors Affecting Perceptions of Procedural Fairness of Downsizing: A Policy Capturing Approach\*, 26 HUM. RESOURCE DEV. Q. 127 \(2015\).](#)

Subjects read 67 scenarios about downsizing events in which process improvements suggested by HRD researchers were manipulated, and then rated the degree to which the organization was acting in a fair manner. Factors or cues manipulated in scenarios based on HRD practices and literature included (a) whether the victims were given notice and explanation of the layoffs by management, (b) whether the company provided career training and outplacement assistance to victims, (c) whether the layoff decisions were performance-based or based on earnings, (d) whether the company was currently non-profitable or downsizing because of decrease in profitability, (e) whether the company implemented other HRD strategies before considering downsizing, and (f) the size of the organization. Regression analyses found that a majority of subjects based fairness on (a) whether the downsizing decision was performance-based, (b) whether notice and explanation was given by management, and (c) whether the organization provided career counseling and outplacement assistance. Further, cluster analysis revealed three groups of subjects who utilized cues similarly. Between-group analyses found that levels of cognitive moral reasoning were related to the amount of variance explained by the cues overall and to the beta weights for several cues. Implications for the field of HRD are discussed.

[Zachary W. Oberfield, \*Why Are Some Agencies Perceived as More Committed to Diversity Than Others? An Analysis of Public-Sector Diversity Climates\*, PUB. MGMT. REV. \(published online May 2015\).](#)

Positive diversity climates are associated with an array of benefits for public organizations. However, it is not clear why some agencies are perceived as more committed to diversity than others. This paper hypothesizes about how group and management characteristics, social identities, and procedural justice may shape perceptions of diversity climate. It then tests these expectations using cross-sectional data drawn from the US federal workforce. It shows that employees' social identities and perceptions of procedural justice were strong predictors of perceptions of diversity climate. There was less evidence that the representativeness of management and personnel diversity were related to diversity climate.

[Guozhen Zhao, Ya-Ru Chen & Joel Brockner, \*What Influences Managers' Procedural Fairness Towards Their Subordinates? The Role of Subordinates' Trustworthiness\*, J. EXPERIMENTAL SOC. PSYCH. \(published online April 2015\).](#)

Four studies examined when and why the trustworthiness of subordinates influenced their managers' procedural fairness towards them. Subordinates seen as having *more* benevolence trustworthiness elicited greater procedural fairness from their managers,



whereas subordinates seen as having *less* integrity trustworthiness elicited greater procedural fairness. Moreover, the positive (negative) relationship between subordinates' benevolence (integrity) trustworthiness and managers' procedural fairness was more pronounced when subordinates were perceived as higher in ability trustworthiness. Additional moderating and mediating findings suggest that managers' tendencies to show high procedural fairness towards their subordinates reflect two different underlying motivations: (1) to help managers maintain or cultivate good working relationships with their subordinates, and (2) to maintain control over their subordinates, that is, to make it less likely for subordinates to behave in ways that disrupt managers from attaining their goals. Implications for the organizational justice and trust literatures are discussed.

### Miscellaneous

[Teri A. Kirby, Cheryl R. Kaiser & Brenda Major, \*Insidious Procedures: Diversity Awards Legitimize Unfair Organizational Procedures\*, SOC. JUST. RES. \(published online May 2015\).](#)

Does the presence (versus absence) of an organizational diversity award increase the perceived fairness of biased personnel procedures? Participants examined fair or unfair personnel procedures at a company that had received a diversity award or an award unrelated to diversity. When the company had received a diversity award (versus a control award), participants perceived the unfair personnel procedure as fairer for minorities, and White participants were more supportive of enacting the biased procedure. These findings suggest that organizations perceived as successfully supporting diversity might be afforded particular legitimacy to enact policies and procedures that disadvantage the very groups they are perceived as valuing.

[Xinjian Su & Peixin Yang, \*Trust in the Government in Emergency Management—From the Perspective of Procedural Justice\*, in EMERGING ECONOMIES, RISK AND DEVELOPMENT, AND INTELLIGENT TECHNOLOGY \(Chongfu Huang et al. eds, 2015\).](#)

Our society comes to the "high-risk" stage and unexpected events become an inevitable part of our social life. How to improve the ability of emergency management is a new challenge that the government has to face. Scholars agree on the importance of trust in the government in emergency management. This paper tries to examine the role of procedural justice in emergency management. The general perspective holds that efficiency should be stressed and the fairness is a second or third thing because the situation in emergence is different from usual situation. Actually, however, people still care about the fairness during the emergence management. This paper focuses on how procedural factors influence people's subjective feelings and cognition, and examines the relationship between procedural justice and government trust. The research shows that procedural justice not

only influences government trust, but also plays an important role in the cultivation of the latter. Based on the results, the final section of the paper proposes some advices to improve government trust in emergency management from the perspective procedural justice.

### **Other Noteworthy Articles**

[David Thacher, \*Perils of Value Neutrality, in INSTITUTIONS AND IDEALS: PHILIP SELZNICK'S LEGACY FOR ORGANIZATIONAL STUDIES\* 317 \(2015\).](#)

The vast majority of contemporary social scientists have distanced themselves from moral reflection and the academic disciplines that engage in it. Throughout his long career Philip Selznick took a different path, engaging deeply with the moral content of the concepts he employed. This paper argues that he had good reasons to do so. Value neutrality in social research can fatally sever inquiry's connection to the practical concerns that originally motivated it, and it can distort our understanding of those concerns by recasting them in a scientific mold. To make this case I draw from a long tradition of philosophical thought about the relationship between facts and values, and I illustrate it by examining the limitations of recent social science research about procedural justice in organizations and the order maintenance function of the police.

### **In The News/On The Web**

[Tina Rosenberg, \*The Simple Idea That Could Transform US Criminal Justice\*, THE GUARDIAN, June 23, 2015.](#)

[\*Procedural Justice: Taking the Ego Out of Policing\*, NPR radio broadcast, June 7, 2015.](#)

[Bob Bauder, \*DOJ Program Goal: Increased Trust Between Law Enforcement, Community\*, TRIBLIVE NEWS, May 21, 2015.](#)

[\*Justice Collaboratory Holds Inaugural Conference on Policing Post-Ferguson\*, Yale Law School website, May 7, 2015.](#)

[Mark Mellman, \*The Crisis of Police Legitimacy\*, THE HILL, May 5, 2015.](#)

[Megan Quattlebaum, \*Procedural Justice: Increasing Trust to Decrease Crime\*, OJP Diagnostic Center, May 26, 2015.](#)



**Now in Print**

Justin Nix, Scott E. Wolfe, Jeff Rojek, and Robert J. Kaminski, *Trust in the Police: The Influence of Procedural Justice and Perceived Collective Efficacy*, 61 CRIME & DELINQUENCY 610 (2015).

Marc Hertogh, *What Moves Joe Driver? How Perceptions of Legitimacy Shape Regulatory Compliance Among Dutch Traffic Offenders*, 43 INT'L J. L., CRIME & JUST. 214 (2015).

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