
Procedural Justice and the Assessment of Civil Justice in Japan

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In analyzing the data from a structured interview survey with Japanese litigants of civil trials, we examined the relationships between their perceptions of outcomes and process of the trials, responses to the trials, and evaluation of the judicial system. The results showed that both favorability of trial outcomes and procedural fairness of trials increased satisfaction with the trial outcomes and evaluation of the judicial system. Satisfaction was largely determined by perceived favorability, while the evaluation of the judicial system was largely determined by perceived procedural fairness, suggesting a justice bond effect that justice fortifies people's societal commitment. Consistent with procedural justice theories, the perception of procedural fairness was increased by the sense of control and the appraisal of relational factors, though both were affected by favorability.

For the civil judicial system to work as a social device for conflict resolution, it is crucial that it is trusted by people and gives satisfaction to those who use it. In analyzing the data from an interview survey with Japanese litigants, we attempted to examine whether perception of procedural fairness evokes positive responses to civil trials and the judicial system in a non-Western society.

Perception of Procedural Fairness for Civil Trials and Its Determinants

A naive theory predicting litigants' responses to civil trials is a self-interest model. A trial decision often divides litigants into winners and losers. If the winner is always satisfied with the trial while the loser is always unsatisfied with it, the outcome of the trial may

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decisively determine the litigants' responses to the trial and the judicial system. Against this naïve model, justice researchers have argued that the perception of justice or fairness influences litigants' responses to trials (e.g., Lind & Tyler 1988; Thibaut & Walker 1975). They assume that when a litigant perceives a trial as fair, he or she is likely to be satisfied with the trial, accept the decision, and regard the judicial system as legitimate. The researchers suggest that trust in the judicial system is not impaired even among the losers if they perceive a trial as fair.

When analyzing litigants' experiences in courts, researchers have especially focused on the litigants' judgment of the procedural fairness of trials. Both laboratory studies conducted by Thibaut and Walker (1975), who used students as participants, and field studies conducted by Lind and Tyler (1988; compare with Lind et al. 1990), who used people involved in real conflicts, have found a positive association between the perception of procedural fairness and a satisfaction with conflict resolution. For example, Lind et al. (1990) interviewed participants who were involved in four different procedures for conflict resolution (trial, court-annexed arbitration, judicial settlement conference, or bilateral settlement). Although satisfaction with an outcome was strongly determined by the subjective perception of its favorability, the researchers found that satisfaction was increased by the judgment of procedural fairness, and this effect was commonly seen among the participants, regardless of the procedure for conflict resolution.

Regarding the determinants of the perception of procedural fairness, Thibaut and Walker (1978) argued that litigants view those procedures that give them control over the litigation process (e.g., the presentation of evidence and arguments) as fair because high process control is seen as leading to fairer outcomes. In analyzing participants' responses to different procedures of conflict resolution, Lind et al. (1990) indeed found that among the process perception variables, those measuring the sense of control are most closely and most consistently related to outcome satisfaction.

In addition to control, Lind and Tyler (1988) have argued that the apparent fairness of a procedure depends largely on symbolic features of the procedure. In the interview study, Lind et al. (1990) found that participants rated trial as fairer than bilateral settlement and suggested that the participants may have perceived more self-dignity in trial than in bilateral settlement. Tyler and Lind (1992) called this class of process variables "relational factors" because they reflect perceived behavioral qualities of legal authority. They include litigants' perception that the legal authority is neutral and trustworthy, or treats them in a respectful and dignified manner. The idea that being treated with respect and dignity

is critical to the perception of fair process is also found among legal theorists (Mashaw 1985).

Japanese Litigants' Responses to Civil Trials

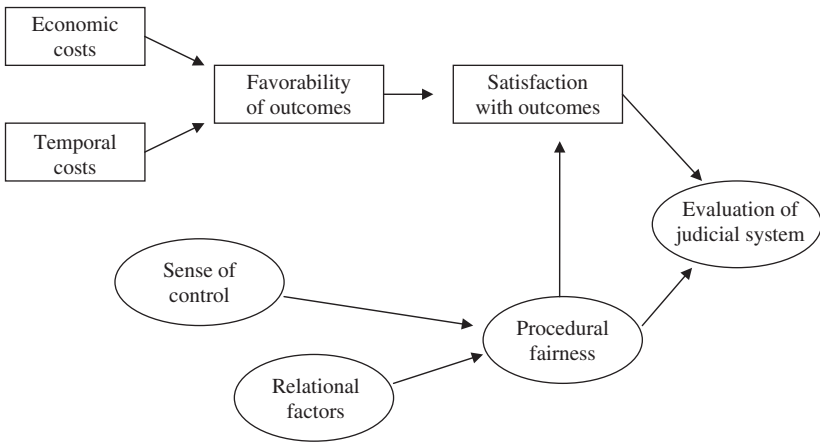
Research with Western participants has established that the perception of procedural fairness of trials increases satisfaction with trial outcomes and trust for the judicial system (Barrett-Howard & Lamm 1986; Lind et al. 1978; Lind et al. 1976). Thus the main concern of the present study was to examine if this is also seen among Japanese, who are the members of a collectivistic society. In a scenario study with Hong Kong Chinese students, Leung and Lind (1986) found that, similar to Western participants, they preferred a procedure that provided them with control over the process of conflict resolution. In non-Western cultures, however, there is little empirical research that directly examines this issue using litigants of civil trials.

The number of civil trials and cultural values of non-Western cultures may explain this relative lack of research. Japan can provide us with an example. Although Japan is a highly industrialized, modern country, it has preserved important aspects of its traditional culture. Japan has a similar civil trial system to Western countries, but the number of civil trials per 100,000 people in Japan was only one-tenth of those in Western countries such as the United States, Germany, and France in 1999 (The Japanese Supreme Court 1999). This suggests a possibility that Japanese perceptions and responses to civil trials differ from those of Westerners. Assuming that justice or fairness is an individualistic value that plays a central role in supporting human rights and autonomy of the individual, some cultural scholars maintain that fairness is not important to Japanese because they are collectivists, and consequently individualistic values do not substantially influence their social judgments and behaviors (Smith & Bond 1998; Triandis 1995). Since a cultural value emphasizing the maintenance of social hierarchy and harmony is dominant in Japan, Kidder and Muller (1991) argued that Japanese do not take individual rights seriously and, therefore, their concern for fairness is low compared to those in Western countries. Consistent with this cultural value perspective, Ohbuchi, Fukushima, and Tedeschi (1999), in a cross-cultural study on interpersonal conflicts, found that Japanese are more concerned with the maintenance of social relationships and less concerned with fairness than Americans in conflict resolution.

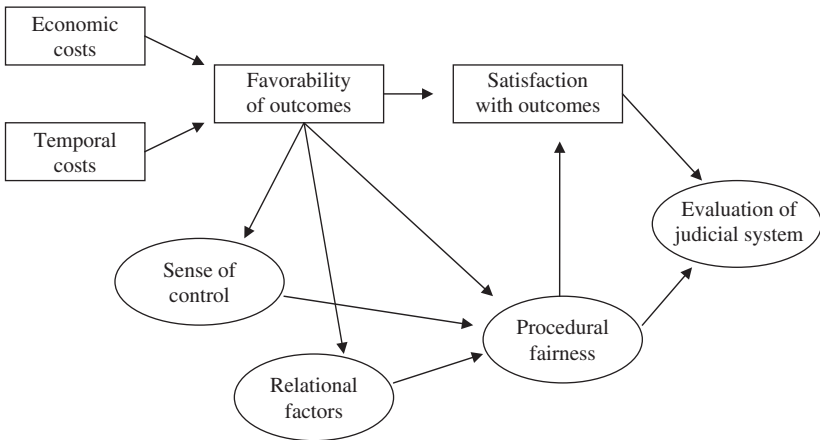
However, there is some evidence suggesting that Japanese care about fairness. When presenting Japanese and American students

with conflict scenarios, Sugawara and Hue (1994) found that both groups showed a high level of concern for procedural fairness when the conflicts were resolved by a trial. Thus, there is an inconsistency in empirical evidence regarding this issue. Therefore, in the present study we attempted to examine whether fairness influences Japanese litigants' appraisals of and responses to civil trials.

Specifically, we analyzed Japanese litigants' appraisals of civil trial in terms of outcome and process in order to examine the effects of perceived procedural fairness on satisfaction with trial outcomes and evaluation of the civil judicial system. For the analysis,



(a) Separate effects model



(b) Combined effects model

Figure 1. Theoretical Models for Analysis with Litigants' Responses to Civil Trial

we made two hypothetical models. Figure 1a represents the separate effects model. It consists of two separate sets of predictions: that is, one set of predictions was made based on the self-interest theory and the other on the procedural justice theory. According to the self-interest theory, we predicted that if the litigants perceived trial outcomes as favorable, they would be more satisfied with the trial outcomes and evaluate the judicial system more positively. Assuming that economic and temporal costs for trial determine the perception of favorability of outcomes, we further predicted that if the litigants perceived economic and temporal costs as relatively low, they would be more satisfied with trial outcomes. However, according to the procedural justice theory, we predicted that if the litigants perceived trial processes to be fair, they would be more satisfied with trial outcomes and more positively evaluate the judicial system. Further, we predicted that if the litigants strongly felt a sense of control and positively appraised the relational factors in a trial process, they would rate the fairness of the trial process at higher levels. In short, the separate effects model assumes that self-interest variables and procedural fairness variables independently affect litigants' responses to civil trials and evaluations of the judicial system.

However, some researchers suppose a causal relationship between these two classes of variables: that is, those who received favorable outcomes may tend to perceive the decision process as fair (Tyler et al. 1997). Revising the separate effects model, then, we constructed the combined effects model (Figure 1b). In this model, we added a set of predictions to the separate effects model: that the perceived favorability of outcome would increase both the perception of procedural fairness and its determinants (the sense of control and the appraisal of relational factors).

By analyzing the research data from an interview survey with Japanese litigants, we attempted to examine these two models, both of which postulated that perceived procedural fairness influences litigants' responses to civil trials and evaluation of the judicial system.

Method

Research Procedures and Respondents

In 1999, the Japanese government set up the Judicial Reform Council (JRC) to amend the judicial system to be more available to the public. Given this purpose, it is necessary to know how people perceive the current judicial system and what they want it to be. Consequently, the JRC conducted an interview survey in which civil trial litigants were asked about their views and opinions about civil trials and the civil judicial system.

The present study analyzed the data of the survey conducted by the JRC in June 2000.¹ The respondents were civil trial litigants from 16 district courts in Japan. There are 46 district courts in Japan, with the districts differing in population, industry, lifestyle, income, and natural circumstances. Among them, the 16 districts were selected to obtain unbiased samples considering these local characteristics. The districts selected were Sapporo, Akita, Fukushima, Maebashi, Tokyo, Toyama, Kofu, Shizuoka, Otsu, Osaka, Matsue, Okayama, Takamatsu, Fukuoka, Miyazaki, and Naha. Respondents to the survey were plaintiffs and defendants of civil cases that finished in the first instance² either by judgment, settlement, or withdrawal during three weeks beginning on June 5, 2000 (10 days in the Tokyo and Osaka district courts because of their especially large number of cases). In cases with multiple plaintiffs or defendants, only the first one appearing in the list was selected. Default cases were eliminated from the survey because most participants of these cases did not attend the court and it was difficult to make contact with them.³ In Japanese civil trials, cases were categorized into two types: ordinary or personal affair cases. Ordinary cases included disputes over money, personal injuries, land, buildings, and intangible property rights, while personal affair cases included disputes related to divorce and confirmation of kinship (paternity).

To evoke public concern and appeal to potential respondents, the JRC announced the survey purpose, procedures, and schedule by use of the mass media, the Internet, and notices in the courts. The JRC sent 1,612 respondents a letter to ask for participation in the survey, and then interviewers visited them. The number of final respondents was 591.

Survey Items

The structured interview was conducted based on a list of 101 items, divided into six parts. On average, it took one hour to interview each participant. Not all of the items were analyzed for the

¹ The present study was conducted using the data registered at the Institute of Social Science, Tokyo University, Tokyo, Japan: Data Base No. 0198, "Research Survey with Litigants of Civil Trials" (The Judicial Reform Council of Japan 2001).

² There are two levels of trial courts in Japan. The lower level of trial courts, called first instance, is district court, which is primarily the court for general and original jurisdiction. It handles all cases in the first instance except those specifically under the exclusive jurisdiction of other types of courts. Judgments rendered by the first instance can be appealed to the higher-level trial courts—that is, the high courts.

³ Excluding those who ended with default judgment cases, the present study sought to include respondents from litigants who finished trials by either judgment, settlement, or withdrawal. We felt that responses to our interview items by such litigants would be reliable since they had substantial experience with legal actions, communication with judges, and court procedures.

present study, but here we include a description of an outline of the interview to understand the context of the survey. Part 1 consisted of items regarding the respondents' status (plaintiff or defendant; individual or party), categories of the cases (sales, undertakings, traffic accidents, divorce, etc.), and the amount of claims. Part 2 consisted of items regarding the circumstances of the filing (the time the incident happened, bargaining before filing, reasons for filing and hesitation in the litigation, and reasons for hiring lawyers). Part 3 consisted of items regarding the process of trial (the process of hearing, costs and duration of the litigation, judges, court personnel, and lawyers). Part 4 consisted of items regarding outcomes of the trials—that is, disposition of the cases (judgment, settlement, or withdrawal), results of the proceedings, obligations after the litigation, and fulfillment of the obligation. Part 5 consisted of items regarding the law and the judicial system, and Part 6 consisted of items regarding attributes of the respondents (gender, age, vocation, education, attendance at trial, income, and prior experiences of trials; types of industry, size, and capital in the case of an commercial party). The interviewers asked the respondents to answer to the items according to the rating scales described below.

Among these items, we analyzed responses to Parts 3 through 5, which were designed to measure perceived favorability of and satisfaction with the trial outcome, fairness of the trial process, and evaluation of the civil judicial system. These items are presented in Table 1. To measure perceived favorability of trial outcomes, we asked the respondents how favorable the outcome of the trial was and to show their responses on a five-point scale ranging from “Definitely unfavorable” (1) to “Definitely favorable” (5). To measure satisfaction with trial outcomes, we asked the respondents how much they were satisfied with the outcome and to rate their feelings on a five-point scale ranging from “Very unsatisfied” (1) to “Very satisfied” (5). To measure economic and temporal costs, we used two five-point rating scales: the scale for economic costs ranged from “Very cheap” (1) to “Very expensive” (5), and that for temporal costs ranged from “Very short” (1) to “Very long” (5).

Since fairness is a multiple-meaning concept, we attempted to measure multiple appraisals involving the procedural fairness of the process of trial. In addition to the fairness of the trial process, we focused on how reasonable and comprehensive it was because we assumed that these appraisals signal whether the trial process was appropriate. We asked the respondents to rate each of the three items on a five-point scale ranging from “Not at all” (1) to “Definitely” (5).

To measure the sense of control, we constructed two items, each focusing on the presentation of evidence and assertion of

Table 1. Means and SDs of the Interview Items and Composite Variables

Items and Variables	Mean	Standard Deviation
Interview variables and items		
Favorability of outcomes	2.89	1.43
How favorable or unfavorable was the outcome of the trial for you? (Item A)		
Satisfaction with outcomes	3.00	1.42
How much were you satisfied with the outcome of the trial? (Item B)		
Economic costs	3.39	0.89
How costly was the trial for you? (Item C)		
Temporal costs	3.14	1.27
How did you feel about the length of the trial? (Item D)		
Procedural fairness	3.29	1.50
Was the procedure of the trial fair, regardless of the outcome? (Item E)		
Was the procedure of the trial reasonable? (Item F)	3.18	1.45
Was the trial comprehensive? (Item G)	2.88	1.44
Evaluation of the civil judicial system		
Do you think that the civil judicial system of Japan is effectively working for conflict resolution? (Item H)	2.98	1.22
Do you think that the civil judicial system of Japan is fair? (Item I)	3.13	1.27
Do you think that the civil law of Japan is fair? (Item J)	3.22	1.23
Do you think that the civil law of Japan is well adapted with the current Japanese social environment? (Item K)	2.57	1.03
Sense of control		
Were you able to thoroughly assert yourself in the process of the trial? (Item L)	3.36	1.49
Were you able to provide sufficient evidence in the process of the trial? (Item M)	3.73	1.39
Relational factors		
Was the judge neutral in the process of the trial? (Item N)	3.56	1.41
Was the judge trustworthy in the process of the trial? (Item O)	3.59	1.31
Did the judge treat you with respect in the process of the trial? (Item P)	3.35	1.35
Composite variables		
Perceived procedural fairness	3.12	1.31
Evaluation of the civil judicial system	2.99	0.99
Sense of control	3.56	1.30
Appraisal of relational factors	3.52	1.21

Note: Labels in parentheses (Item A to Item P) are the names of the observed variables used in the structural equation analysis.

arguments. To measure the relational factors, we constructed three items, based on the concepts by Tyler and Lind (1992), that address neutrality and trustworthiness of the judge and respect given by the judge. We asked the respondents to rate each of these items on a five-point scale ranging from “Not at all” (1) to “Definitely” (5).

In evaluating the civil judicial system, people may be concerned with not only whether the system itself is designed to be fair and work well for conflict resolution, but also whether the civil law underlying the system is fair and properly adapted to the current Japanese social environment. We assumed, therefore, that an evaluation of the civil judicial system should include the following four appraisals: the fairness and functionality of the civil judicial system, and the fairness and social appropriateness of the civil law. We asked the respondents to rate the four items to measure these appraisals on a five-point scale ranging from “Not at all” (1) to “Definitely” (5).

Results and Discussion

Litigants' Characteristics

In order to examine whether the sample of the research survey was unbiased, we first compared the characteristics of the respondents of the present study with those of civil trials found in a public report, the 1999 *Annual Report of Judicial Statistics in Japan* (The Japanese Supreme Court 2000). It indicates that 94.2% of the civil cases in Japan were ordinary cases, and most of the cases finished either by settlement (40.2%) or judgment (38.4%). Withdrawal occurred less frequently (17.1%). The statistics of the present sample were very similar to the above report—that is, most of the cases were ordinary cases (95.5%), and the most frequent types of dispositions were settlement or judgment (54.4% and 35.7%), while withdrawal was relatively infrequent (9.9%). This suggests that the respondents of the survey research can be regarded as an unbiased sample of Japanese civil litigants.

The respondents included more plaintiffs than defendants, but the difference was not large (54.3 % vs. 45.7%). In the rating of favorability of outcomes, 35.7% of the respondents rated the outcome as unfavorable, 32.4% favorable, and 31.9% undecided (neither favorable nor unfavorable). The difference in the numbers between the respondents who rated the outcomes as favorable and those who rated the outcomes as unfavorable was not significant, chi-square (1) = 0.93, $p > 0.20$, meaning that there was no sampling bias in which either only those who obtained favorable outcomes or only those who obtained unfavorable outcomes participated in the present study.

The means and standard deviations of all items and variables for the 591 respondents are presented in Table 1. Scores for perceived procedural fairness, evaluation of the civil judicial system, sense of control, and appraisal of relational factors were computed by averaging the scores of the interview items to measure each of the variables. Reliability of these measurements was established by the results of structural equation analysis, as shown below.

As Table 1 shows, the mean scores of perceived favorability of trial outcome, perceived procedural fairness, and evaluation of the civil judicial trial system were almost equal to the middle point (3) of the rating scale. Among the interview items, the scores for social appropriateness of the civil law were not only the lowest, but were also well below the middle point of the scale, implying that most respondents did not regard the civil law of Japan as being well adapted to the current social environment. In comparison, the ratings of the determinants of procedural fairness were relatively high, meaning that the respondents perceived trial processes positively. The scores for economic and temporal costs were above the middle point of the rating scale, but not very far above. This may be the result of the respondents' anticipation of a certain level of costs for trials, so the actual costs might have been in line with their expectations.

Examination of the Models

We tested the two theoretical models in Figure 1 by structural equation analysis using AMOS software. In the analysis, economic costs (Item C in Table 1), temporal costs (Item D), favorability of outcomes (Item A), and satisfaction with outcomes (Item B) were observed variables, while sense of control, appraisal of relational factors, perceived procedural fairness, and evaluation of the judicial system were latent variables. For sense of control, the observed variables were argument assertion (Item L) and presentation of evidence (Item M). The observed variables for appraisal of relational factors were neutrality (Item N), trustworthiness (Item O), and respect (Item P), while the observed variables for perceived procedural fairness were fairness (Item E), reasonableness (Item F), and comprehensiveness (Item G). Finally, the observed variables for evaluation of the judicial system were functionality (Item H) and fairness of the system (Item I), and fairness (Item J) and social appropriateness of the law (Item K).

The statistics of the separate effects model were chi-square = 773.30, $df = 99$, $p < 0.01$, $NFI = 0.84$, $CFI = 0.85$, $AIC = 879.30$, meaning the goodness-of-fit indexes were not satisfactorily high. Since a causal path from temporal costs to favorability of outcomes was not significant, we reanalyzed the model after we eliminated

this variable, but the indexes were not substantially improved, chi-square = 714.68, $df = 86$, $p < 0.01$, $NFI = 0.84$, $CFI = 0.86$, $AIC = 812.68$. These results suggest that the separate effects model was not sufficient to explain the Japanese litigants' responses to civil trials.

We then tested the combined effects model. The goodness-of-fit indexes were moderately high, chi-square = 416.98, $df = 96$, $p < 0.01$, $NFI = 0.91$, $CFI = 0.93$, $AIC = 528.98$. However, as Table 2 shows, the causal paths from temporal costs to favorability of outcomes, from favorability of outcomes to procedural fairness, and from satisfaction with outcomes to evaluation of the judicial system were not significant. After revising the model by dropping temporal costs and eliminating the path from favorability of outcomes to procedural fairness and that from satisfaction with outcomes to evaluation of the judicial system, we reanalyzed the model. Figure 2 represents the resultant diagram, in which all causal paths were significant and all factor loadings were satisfactorily high (0.63 to 0.86). The goodness-of-fit indexes were substantially improved, chi-square = 360.83, $df = 85$, $p < 0.01$, $NFI = 0.92$, $CFI = 0.94$, $AIC = 460.83$. The revised combined effects model was better than the separate effects model because the AIC was remarkably reduced. Consequently, the improvements in the revised combined effects model (Figure 2) gave us the basis to begin discussion about Japanese litigants' responses to the civil trial survey.

These results suggest that when economic costs for the trial were small, the litigants perceived the trial outcome as favorable. Furthermore, the perceived favorability of outcomes not only directly increased satisfaction with trial outcomes, but also indirectly contributed to satisfaction by influencing the determinants of perceived procedural fairness (sense of control and appraisal of relational factors). However, sense of control and appraisal of relational factors increased the perception of procedural fairness of trial, which, in turn, increased both satisfaction with outcomes and evaluation of the judicial system. Satisfaction with trial outcomes did not influence evaluation of the judicial system, but favorability of trial outcomes indirectly increased favorable evaluations of the judicial system via the determinants of perceived procedural fairness.

As justice researchers have maintained (Lind & Tyler 1988; Thibaut & Walker 1975), the litigants' responses to civil trials (e.g., satisfaction with outcomes of the trial) were affected by the perceived procedural fairness of trial as well as the favorability of outcomes. However, Figure 2 indicates that the effects of the perceived procedural fairness on satisfaction with outcomes were contaminated with those of the perceived favorability of outcomes. Therefore, we used AMOS to compute the standardized total effects of the procedural fairness and the favorability of outcomes on

Table 2. Parameter Estimates of Causal Coefficients in the Original and Revised Combined-Effect Models

Causal Paths	Original Combined Effects Model				Revised Combined Effects Model			
	Causal Coefficients		Standard Errors		Causal Coefficients		Standard Errors	
	Standardized	Unstandardized	t-values	t-values	Standardized	Unstandardized	t-values	t-values
Temporal costs	-0.01	-0.01	0.05	-0.21	0.14	0.23	0.07	3.28**
Economic costs	0.13	0.22	0.07	3.07**	0.59	0.50	0.04	13.98**
Favorability of outcomes	0.59	0.49	0.04	13.67**	0.55	0.51	0.04	13.15**
Favorability of outcomes	0.55	0.51	0.04	13.06**	0.43	0.37	0.04	10.05**
Sense of control	0.42	0.36	0.04	8.32**	0.67	0.64	0.04	15.52**
Relational factors	0.66	0.63	0.05	13.53**	0.49	0.48	0.03	14.46**
Favorability of outcomes	0.02	0.02	0.04	0.44	0.69	0.51	0.04	12.86**
Favorability of outcomes	0.49	0.48	0.03	14.12**	0.43	0.52	0.05	11.29**
Procedural fairness	0.42	0.51	0.05	10.83**	0.69	0.69	0.04	12.86**
Procedural fairness	0.62	0.46	0.05	8.64**	1.43			
Satisfaction with outcomes	0.09	0.05	0.04	1.43				

**p < 0.01.

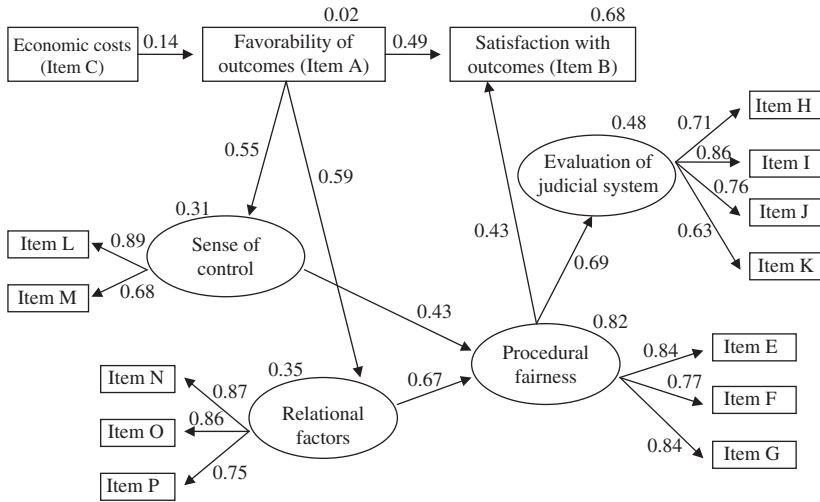


Figure 2. Revised Combined Effects Model

Notes: “Item A” to “Item P” refer to the interview items shown in Table 1. The numbers on the paths are standardized causal coefficients, and those attached to the observed and latent variables were R^2 .

satisfaction. The results indicated that the effect of favorability was larger than that of perceived procedural fairness on satisfaction (0.76 versus 0.43), though the perceived procedural fairness was also influential to a lesser degree. However, the standardized total effect of perceived procedural fairness on evaluation of the judicial system was larger than that of favorability of outcome (0.69 versus 0.44). The finding that satisfaction with trial outcomes did not directly influence evaluation of the judicial system and that the total effect of favorability on the evaluation was small suggests that what the litigants obtained from the civil trials was not the primary influence on their evaluation of the judicial system. Instead, their perception of procedural fairness of the trials was more influential in this regard.

Tyler (1990) found that people who perceive procedural fairness in their contact with social authorities develop trust and acceptance of the legitimacy of the authorities. Organizational research has revealed a justice bond effect in that organizational members strongly commit to organizations when they perceive procedural fairness in organizational resource allocation and conflict resolution (Moorman et al. 1993; Ohbuchi et al. 2001). The present results indicate that perception of procedural fairness of civil trials not only evoked satisfaction with outcomes, but also led to positive evaluations of the judicial system. This suggests a justice bond effect among the Japanese litigants in that perception of

procedural fairness of civil trials increased their trust in the judicial social institutions.

Determinants of Procedural Fairness

The results of the structural equation analysis (Figure 2) also supported the prediction of the combined effects model that favorability of outcomes would influence the determinants (sense of control and appraisal of relational factors) of procedural fairness. Consequently, we interpreted the results as indicating that litigants who obtained favorable outcomes felt that the arguments and presentation of evidence in the trial process were effective, and therefore they felt a sense of control. Further, the litigants might have perceived that favorable outcomes implied a positive treatment by the judges, which increased their positive relational appraisal of the judges.

Sense of control and relational factors contributed to the perception of procedural fairness of the trials, though their effects were partly contaminated by the self-interest concerns, as Figure 2 indicates. Therefore, we examined the extent of the unique effects of these determinants on perception of procedural fairness. The standardized total effects of sense of control, appraisal of relational factors, and favorableness of outcomes on perceived procedural fairness were 0.43, 0.67, and 0.63. Given that the combined effect size of the two determinants (1.10) was almost twice the effect of favorability of outcomes, it appears that sense of control and appraisal of relational factors substantially increased perception of procedural fairness. These results suggest that the theories of procedural fairness, the control model (Thibaut & Walker 1975) and the group value model (Lind & Tyler 1988), which were construed from research evidence with Western people, have validity with the Japanese litigants' responses to the civil trial.

In Figure 2, a causal coefficient of the appraisal of relational factors on procedural fairness was significantly larger than that of sense of control (0.67 versus 0.43: $Z = 4.30$, $p < 0.01$). It suggests that the perception of procedural fairness depended more on how the litigants perceived the behavior of judges in the trial process. That is, when the litigants perceived the judge as neutral and trustworthy, or when they felt they were being treated with respect by the judge, they were especially likely to perceive the trial process as fair. An explanation for this can be found in the work of cultural psychologists. For example, Markus and Kitayama (1991) portrayed Japanese people as being collectivists and strongly relationship-oriented, which would make Japanese litigants particularly sensitive to the relational factors.

Conclusions and Implications

In the present study, we attempted to investigate whether the perception of procedural fairness evokes positive responses to civil trials and the judicial system in a non-Western society. Specifically, in analyzing the data from a structured interview survey with Japanese litigants in civil trials, we examined two models that predicted the effects of self-interest concerns and perceived procedural fairness on litigants' responses to the civil trials and evaluation of the judicial system. The results supported the combined effects model—that is, both the perceived favorability of trial outcomes and the perception of procedural fairness of trial processes increased satisfaction with trial outcomes and evaluation of the judicial system, though the perception of procedural fairness was biased by favorability of trial outcome. The litigants' immediate response to the trials, e.g., the satisfaction with trial outcomes, was largely determined by the perceived favorability of trial outcomes. However, their attitudinal response to the trials, e.g., evaluation of the judicial system, was largely determined by the perceived of procedural fairness, suggesting a justice bond effect. As procedural justice researchers (Lind & Tyler 1988; Thibaut & Walker 1975) have postulated, the perception of procedural fairness of trials is strongly determined by a sense of control and appraisal of relational factors, though the perceived favorability of trial outcomes also affects these factors. The findings in the present study are generally consistent with social psychological theories of fairness that have been developed in individualistic cultures.

Here, we should note that the participants of the present study were a subpopulation of Japanese who chose to be parties to civil law suits. In other words, they might be more likely than the average Japanese to be similar to their Western counterparts in their attitudes toward procedural fairness. A future study must examine this possibility. With such a limitation, the present results strongly suggest that fairness is an authentic concern among litigants of civil trials even in collectivist cultures, such as Japan, and it influences their responses to the civil trial in the same fashion as among individualist cultures.

The present study provides some practical implications for amendments to the civil judicial system. Judges are highly concerned with justice and try to make trials as fair as possible. In order to do so, they may attend to both the outcomes and processes of trials. To make a fair decision, judges must find a well-balanced solution by defining the legal rights and duties of both parties. Since evidence for rights and duties is different from case to case, judges must carefully reach a fair decision considering the idiosyncrasies of each case. By contrast, procedural devices such as

providing litigants with adequate opportunities to voice their views or treating them with courtesy can be uniformly applied in almost all cases, irrespective of their specific circumstances. It seems that it is relatively easy for judges to administer fair procedural devices, since procedural devices are controllable for legal authorities. Therefore, the findings of the present study, showing that litigants' positive responses to outcomes and evaluations of trials depend on perceived procedural fairness, which in turn is prompted by control and relational variables involved in the trial process, provides practical implications to the revision and amendment of judicial systems.

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