

# THE ROLE OF PERCEIVED INJUSTICE IN DEFENDANTS' EVALUATIONS OF THEIR COURTROOM EXPERIENCE

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The purpose of this study is to explore the role of perceived injustice in generating dissatisfaction with legal authorities. Using data collected in interviews with a sample of defendants in traffic and misdemeanor court, I compare the influence of case outcomes upon attitudes toward judges and courts to that of distributive and procedural justice. The results suggest that among the defendants studied the major determinant of satisfaction with legal authorities is perceived fairness. Once the influence of perceived fairness is considered, case outcomes explain no additional variation in attitudes toward courts and judges. In the conclusion, possible implications of this finding are discussed.

## I. INTRODUCTION

Political and legal theorists have generally agreed that government authorities can only function effectively when citizens support them enough to comply willingly with their directives (Easton, 1965; 1968; 1975; Engstrom and Giles, 1972; Gamson, 1968; Kelman, 1969; Parsons, 1963; 1967; Sarat, 1977; Scheingold, 1974). In the case of legal authorities, for example, it has been suggested that both the ability of courts to influence the structure of law (Murphy and Tanenhaus, 1969; Murphy *et al.*, 1973) and the ability of the police and other government officials to enforce the law depend upon public satisfaction with, confidence in, and trust of legal authorities. The assumption that trust plays a key role in the authoritativeness of government, i.e., in the willingness of citizens to cooperate with government decisions and leaders, has been validated by research suggesting that a lack of public support leads to a

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willingness to disobey the law and to engage in anti-system behaviors such as riots (Muller, 1979; Muller and Jukam, 1977; Seligson, 1980).

Citizen support for political and legal authority is a particular problem because authorities—whether police officers, judges, members of Congress, or members of the executive branches of government—often act to restrict the freedom of action or level of resources available to citizens. It is a basic tenet of political theory that to some extent citizens' behavior must be restricted and that citizens can never be provided with everything they want or feel they deserve (Gamson, 1968). In other words, authorities can never provide satisfactory distributional decisions to all of the parties pressing claims for outcomes. Judges, for example, must find some defendants guilty, while the police must often issue citations to citizens. Because of their interest in maintaining public support, legal authorities have been centrally concerned with minimizing the hostility that such unsatisfactory government decisions might engender (Murphy and Tanenhaus, 1969; Wahlke, 1971). As Thibaut and Walker suggest, decisions that regulate citizen conduct or allocate resources should operate "in such a way as to bind up the social fabric and encourage the continuation of productive exchange between individuals" (1975: 67). For this to occur, affected citizens must continue to grant legitimacy to the authorities responsible for regulation and allocation.

Recent survey research evidence suggests that legal authorities have been unsuccessful in maintaining citizen support. In reviewing the literature on the police and courts, Sarat found that, since the 1960s, there has been a "crisis of confidence" in legal authorities, characterized by widespread citizen dissatisfaction with the police, courts, and lawyers. These low levels of support represent the end product of a twenty-year period of steadily declining trust in government (Miller, 1979; Wright, 1981), including a lessening confidence in Congress, the Presidency, and the courts ("A Nation's Trust," 1979) and declining belief in the government's responsiveness to the people (Bennett, 1982). Because of the importance of citizen satisfaction to the effective functioning of our legal and political system, recent writers have expressed alarm over these low levels of trust (Caddell, 1979; Shaver, 1980), arguing that they raise doubts about the ability of authorities to

function.<sup>1</sup>

In an effort to understand why support for legal authorities is declining, social scientists have examined the effects of direct encounters with legal authorities (e.g., courts, police) upon attitudes toward those authorities (see Sarat, 1977, for a review). This research reveals that, as expected, attitudes are affected by encounters with authorities. In particular, those who have unsatisfactory experiences tend to think less well of the authorities they have encountered. Studies that show this do not, however, adequately identify what it is about such encounters that determines satisfaction and mediates the effects of satisfaction upon support for authorities. In particular, little is known about the psychological underpinnings of satisfaction and continued support.<sup>2</sup>

Past studies of the police and courts have assumed that citizen satisfaction is based upon the absolute level of outcomes provided by the authorities involved. Studies of the police have examined the relationship between satisfaction with the police and factors such as criminal victimization, police response time, and whether the police solve the problem for which they are called (Kelling *et al.*, 1974; Parks, 1976; Skogan, 1975), while studies of courts have related case outcomes to satisfaction (Jacob, 1969). Not only have researchers implicitly assumed that outcome level will determine satisfaction, but actors in the legal arena have tended to adopt this view as well. Judges assume that defendant evaluations of their courtroom experience are linked to the sentences they receive, while police officers assume that ticketing motorists leads to citizen disapproval of the police.

Linking outcomes received to outcome satisfaction and attitudes toward leaders and institutions reflects the concept of specific system support (Citrin, 1974; Miller, 1974; 1979). According to this view, citizens support leaders who solve their problems, provide them with benefits, and/or share their views on appropriate public policies (Citrin, 1974; Miller, 1974; 1979; Wright, 1981). In the case of defendants in court the

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<sup>1</sup> Studies similarly indicate that the American public expresses very low levels of satisfaction with, confidence in, and trust of political authorities and political institutions (Miller, 1974; 1979). In 1978, for example, only 23% of adult Americans expressed "a great deal" of confidence in the United States Supreme Court, while only 13% expressed that level of confidence in the Congress or the Executive Branch of the Federal Government. Over half of respondents blamed major American problems on poor leadership (52%), while 51% blamed court permissiveness ("A Nation's Trust," 1979).

<sup>2</sup> This failure to focus upon psychological variables parallels a similar failure to consider psychological factors in the study of dispute transformation (Coates and Penrod, 1980-81; Felstiner *et al.*, 1980-81).

implication is that those whose cases are dismissed or who are acquitted will be more likely to approve of judges and the judicial system than those who are convicted and receive fines or jail sentences. This view of support is consistent with the deterrence perspective, which links obedience to law to the severity and certainty of punishment, i.e., to outcome levels (Becker, 1976; Brigham and Brown, 1980). It is also consistent with the application of economic models to leadership endorsement within the context of public choice theory (Downs, 1957; Laver, 1981; Stover and Brown, 1975; Shapiro, 1969).

The purpose of this study is to focus upon the psychology of citizen experiences with authorities by developing and testing psychological alternatives to the previously outlined outcome-driven model. In particular, this study examines the relationship of perceived injustice to dissatisfaction with legal authority. Legal authority in this study is represented by judges in traffic and misdemeanor court, while the respondents are citizens who come into traffic and misdemeanor court as defendants.

Over the course of their lives many people have at least one experience as a defendant in traffic or misdemeanor court. The focus of the study is on the experiences of these "ordinary" citizens rather than upon a special population, such as those charged with felonies. The findings of this study may not generalize to trials where serious crimes are charged since, in such trials, the procedures are likely to be more formal and costly, the defendants face potentially severe sentences, and those who are defendants may have markedly different background characteristics. By the same token, studies of those charged with serious crimes may not generalize to the more mundane encounters which form the bulk of the contacts that ordinary citizens have with legal authorities.

## II. PSYCHOLOGICAL MODELS

Psychological models of outcome satisfaction and leadership approval have typically focused upon one of two inputs: the level of outcomes received relative to some standard of comparison or the fairness of the allocation. Two aspects of fairness have been distinguished: distributive fairness, i.e., the fairness of the outcomes received; and procedural fairness, i.e., the fairness of the procedures by which the outcomes are distributed.

Some psychological theories have linked outcome satisfaction and leadership support not to absolute outcomes but to the relationship between outcomes and expectations. For example, adaptation-level theories (Brickman and Campbell, 1971; Brickman *et al.*, 1978; Helson, 1964) suggest that people, on the basis of their own past experience or the experience of others, come to associate certain outcomes with certain situations. If an outcome is worse than expected, dissatisfaction ensues. If an outcome is as good as expected or better, satisfaction should result. From this perspective, one would predict that a driver who anticipates a \$20.00 fine for speeding will be unhappy if fined \$50.00 but satisfied if fined \$20.00 or less.

A second perspective on outcome satisfaction suggests that satisfaction is linked to the perception that outcomes are fair in the sense of being deserved (i.e., to concerns about distributive fairness). Judgments of deservedness are based upon how one's own outcomes compare with the outcomes of others. This suggestion forms the basis of equity theories (Adams, 1965; Walster *et al.*, 1978). A focus upon distributive fairness is supported by Sarat's review (1977) of the literature on citizen contacts with the police and courts. This literature leads Sarat to conclude that it is "the perception of unequal treatment [which] is the single most important source of popular dissatisfaction with the American legal system" (1977: 434). Support for Sarat's conclusion can also be found in research on anti-social behavior. Muller (1980) directly compares expectancy violations and feelings of unfairness as sources of input into anti-social behavior and finds that feelings of unfairness predict anti-social behavior more effectively than do expectancy violations.

While the expectancy and distributive fairness perspectives have been presented separately, the two perspectives do not necessarily yield inconsistent predictions, since expectancies may be based largely on how one thinks others have been treated. In addition, the two types of judgment may act together or separately to influence outcome satisfaction and leadership endorsement. When satisfaction with economic outcomes is at issue, for example, past researchers have characterized the relationship between absolute outcomes, expectancies, and perceived fairness as both additive (Lawler, 1977; Strumpel, 1976) and interactive (Curtin, 1977). An example of the interactive argument is provided by Curtin, who examined data from three surveys and

suggested: "A sense of wage inequity can only be expected to be translated into a more general type of economic dissatisfaction or alienation when income levels are seen as unsatisfactorily low as well as inequitable" (1977: 55).

Finally, Thibaut and Walker (1975) have suggested that outcome satisfaction is linked to the fairness of the procedures by which outcomes are distributed. They argue that perceptions of procedural justice affect satisfaction regardless of the level or fairness of the outcomes obtained. From this perspective, legal authorities can expect citizen support when they use fair procedures to resolve disputes.

A number of political theorists share the procedural justice perspective. For example, Murphy and Tanenhaus argue: "People may believe specific decisions are wrong, even wrongheaded, and individual judges unworthy of their offices and still continue to support the court if they respect it as an institution that is generally impartial, just and competent" (1969: 275). Similarly, Edelman notes: "Men may dislike a winning candidate, law or judge's decision, yet be reassured by the forms of the election, legislature, and court. They may approve a particular administrative ruling, yet be repelled by what they see as the arbitrary manner in which it was reached and issued. So government not only confers benefits; its forms also placate or arouse spectators" (1964: 12). Citizens, in other words, are concerned with the procedures of governmental decision-making and not just the outcomes produced (cf. Ophuls, 1977).

### III. ISSUES TO BE ADDRESSED

The existence of these various perspectives on outcome satisfaction and leadership approval suggests two issues for study. The first concerns the relationship between perceptions of absolute outcomes, relative outcomes, distributive fairness, and procedural fairness. The question to be explored is whether the receipt of desired legal outcomes in either an absolute or a relative sense is associated with judgments of outcome or procedural fairness. The traditional view is that fairness judgments are largely dependent upon outcomes, suggesting that the growth of distrust in authority is an inescapable consequence of authoritative decisions that yield unwelcome results. The proposed research will test the null hypothesis that fairness judgments are unrelated to absolute or relative outcome levels. It will also examine the possibility that individuals take an increasingly self-interested view of justice

when the outcomes involved are personally important (Greenberg, 1978). According to this view, fairness judgments are relatively unaffected by outcomes of only trivial importance. However, as outcomes become increasingly consequential, people come more and more to link their judgments of fairness to the outcomes they receive.

The second issue to be explored concerns the influence of outcome levels and of judgments of distributive and procedural fairness upon outcome satisfaction and attitudes toward legal authorities. Here the question is whether satisfaction with authorities is a result of outcome level, outcome fairness, procedural fairness, or some combination of these factors. In other words, when citizens lower their evaluations of legal authorities following an encounter with the law, do they do so because of the unpleasant consequences of that encounter or because they feel that they have been unjustly treated? This study tests two forms of the hypothesis that perceived injustice influences attitudes toward authorities. The first hypothesis is that the effect of concerns about justice on the evaluation of authorities is independent of the effects of outcome level. This form of the hypothesis tests the absolute role of justice. The second hypothesis, suggested by Tyler and Caine's (1981) study of attitudes toward teachers and political leaders, is that measurable differences in concerns about justice affect attitudes toward legal authorities more strongly than measurable differences in outcome level. This form of the hypothesis tests the relative influence of justice and outcome concerns.

#### IV. PREVIOUS RESEARCH

There is already a body of research concerned with the relationship between outcome levels and perceived fairness. This research has not, however, yielded consistent results. Some studies suggest that judgments of what is fair are independent of judgments of personal gain or loss (Greenberg, 1978; Lane and Messe, 1972; Reis and Gruzen, 1976), while others find that views of justice are linked to personal gains or losses under some circumstances (Greenberg, 1981; Kahn *et al.*, 1982; Lane and Messe, 1972; Tyler and Griffin, 1982). In the area of courts, a recent study by Walker *et al.* (1979) suggests that judgments of outcome fairness are related to judgments of procedural fairness. The hypothesis that individuals will be more self-interested when outcomes matter more has been tested by Heinz (1982), who looked at defendant evaluations of



courts. Heinz tested the hypothesis that defendants facing potentially severe sentences would be more likely than defendants facing less severe sentences or third parties (i.e., police officers, victims, etc.) to evaluate the justice of their trial in light of the outcomes they received. This hypothesis is supported by her data.

Several efforts have also been made to examine the role that perceptions of justice play in the evaluation of authorities and institutions. Baker and his coauthors (1979) studied attitudes toward the police in four Midwestern cities and found that they were related both to feelings that the police were effective in resolving complaints (outcome level) and to feelings that the police treat everyone equally (distributive or outcome fairness), while Tyler and Folger (1980) report that both outcome level and procedural fairness influenced evaluations of the police. Outcome level and procedural fairness have also been found to affect student evaluations of teachers and citizen evaluations of political leaders (Tyler and Caine, 1981), while outcome level and distributive fairness have been found to influence trust in government (Katz *et al.*, 1975) and attitudes toward the leaders of small groups (Michener and Lawler, 1975). Finally, in a study that reports the views of actual defendants, Casper (1978) looked at the relative influence of absolute outcomes (sentences), outcome fairness (equity of sentences), and procedural fairness (mode of case disposition) upon judgments of treatment fairness. He found that outcome fairness was the most influential of his independent variables.

The most serious weakness of the studies described is that none of them adequately assesses relative outcome judgments. This is particularly troubling since relative outcome judgments have been found to be more important predictors of dissatisfaction than absolute outcomes in the areas of job satisfaction (Lawler, 1977) and political discontent (Muller, 1980). In addition, in some of the cited studies there is the possibility that effects attributable to outcome fairness are at least partly the result of expectancy violations. This study avoids the difficulties of previous research by separately assessing absolute outcome level, expectancy violation, feelings of distributive unfairness, and feelings of procedural unfairness. It then examines the relationship of these factors to each other and seeks to ascertain their influence on outcome satisfaction and attitudes toward legal authorities.



## V. METHODS AND PROCEDURES

The data for this study were collected in telephone interviews with 121 defendants who had appeared in traffic or misdemeanor court in Evanston, Illinois, during the spring of 1982. Of those interviewed, 100 were defendants in traffic court and 21 in misdemeanor court. Defendants whose cases were heard while an interviewer was present were approached outside the courtroom after the conclusion of their case and asked to participate in a study of citizen satisfaction with the courts. Those who consented were later interviewed over the telephone. To ensure that those approached were a random sample of defendants, interviewers went to the courtroom on random days.<sup>3</sup> During days in which they were present in the courtroom, interviewers approached each defendant whose case was heard. They did so outside the courtroom as the defendant exited. Of those approached, 75 percent gave their phone numbers and agreed to be interviewed. However, some respondents could not be reached, despite at least five callbacks, so interviews were only completed with 57 percent of those initially approached. Seventy-one percent of those interviewed and 65 percent of those approached were white, while 65 percent of those interviewed and 66 percent of those approached were male. This suggests a slight race bias, but no sex bias.<sup>4</sup> The more significant bias, which cannot be measured, is the possibility that some citizens were unreachable because of their dissatisfaction with the court.

Because many traffic and misdemeanor defendants can avoid going to court by paying a fine, forfeiting bail, and the like, those who appear in court are not a random sample of

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<sup>3</sup> The study was conducted over a five-month period. During that period traffic court generally met three days a week and misdemeanor court one day a week. During those periods when school was in session, random days were chosen each week based upon the availability of interviewers and the schedule of the court. If court was in session four days and sufficient interviewers were available, all four days were covered. If not, only some days were covered. Those days were randomly chosen.

<sup>4</sup> To test the possibility that bias in the demographic characteristics of defendants might influence the results of the study, the effect of such characteristics on the dependent variables was examined. Six demographic characteristics were explored: age, sex, race, education, and prior experience as a defendant or juror. In general, the effects found were small. Among those actually interviewed, demographic characteristics had no significant influence upon outcome satisfaction ( $F(1,114) = 1.17$ , n.s.), a marginal influence upon evaluations of the judge ( $F(1,114) = 2.25$ ,  $p < .05$ ,  $R^2 = .08$ ), no significant influence upon evaluations of the court ( $F(1,114) = 0.56$ , n.s.), and no significant influence upon distributive fairness judgments ( $F(1,114) = 1.76$ , n.s.). Only in the case of procedural justice judgments was a strong effect found ( $F(1,114) = 3.47$ ,  $p < .01$ ,  $R^2 = .14$ ). To directly test for demographic influences, an analysis of the data was conducted with demographic controls. That analysis leads to substantially the same conclusions as does the analysis reported here.

those prosecuted for law breaking. Among those interviewed, 66 percent indicated that the law provided options that would have allowed them to avoid going to court. In addition, some misdemeanants who received jail sentences went directly to jail and could not be approached by interviewers. As a result, the misdemeanor portion of our sample was not fully representative of those appearing in misdemeanor court. These limitations are best viewed as limitations on the population to which one can safely generalize. It is a population of traffic and other petty offenders who are particularly interested in the outcomes of their cases or the opportunity to prove their innocence, and it includes a disproportionately small share of those misdemeanants who receive the most serious outcomes. The interrelationship of the variables we have identified within this population is of substantial theoretical interest and, since the number of people who defend petty offenses is large, it may also be of practical importance.

## VI. QUESTIONNAIRE

In this study absolute outcome level was assessed by case disposition. In 32 percent of cases the charges were dismissed or the defendant found innocent; in 3 percent the defendant was found guilty, but the sentence was suspended; in 9 percent of cases the defendant was sentenced to serve a supervised sentence; and in 56 percent of cases the defendant was fined and/or given probation or a suspended jail sentence. Of those fined, 40 percent were fined over \$30, while 34 percent also received probation or a suspended sentence.<sup>5</sup>

Outcome level was assessed in relative terms by having defendants compare their outcome to four reference points: the outcome they expected prior to trial, the outcomes they thought others generally received for the same charge, the outcomes of cases they observed while waiting for their trial,

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<sup>5</sup> In addition to case disposition, six other aspects of the case were also assessed. These included: whether defendants had prior advice from others on how to handle their cases, whether they were represented by an attorney, whether they had a choice about whether to appear in court, whether they came to court planning to have a trial, the strength of the evidence against them, and whether their case was settled through pleading guilty, case dismissal, or a trial verdict. These other case characteristics were not examined in depth because, as a group, they were not found to have any substantial influence upon outcome satisfaction ( $F(1,114) = 2.54, p < .05, R^2 = .12$ ), evaluations of the judge ( $F(1,114) = 1.43, n.s.$ ), evaluations of the court system ( $F(1,114) = 1.11, n.s.$ ), judgments of outcome fairness ( $F(1,114) = 2.48, p < .05, R^2 = .12$ ), or judgments of procedural fairness ( $F(1,114) = 2.03, p < .05, R^2 = .08$ ). While some significant influence was found, its magnitude was small.

and the outcomes of friends or relatives who had been in court.<sup>6</sup> Fifty percent of respondents received the outcome they expected prior to the trial, with 22 percent receiving a better outcome than expected and 29 percent doing worse than expected. Most believed that they received the same outcome as others charged with the same crime (56 percent), but 30 percent thought that they did better than most and 14 percent thought that they did worse. Those who observed the cases of others (75 percent of defendants) either generally thought that others received a similar outcome (53 percent) or were uncertain about others' sentences (31 percent). Finally, 41 percent had friends or relatives who had been charged with similar offenses. Of this group, 58 percent either felt they received a similar sentence or were uncertain about others' sentences, while 21 percent thought they had received a better sentence and 21 percent a worse sentence than those they knew about. Overall, therefore, half the respondents received the outcome they expected, and most received an outcome similar to that which they believed was received by others.

Distributive fairness was assessed by asking respondents about the fairness of the outcome they received. Fifty percent felt that the outcome was "very fair," 29 percent that it was "somewhat fair," 8 percent that it was "not very fair," and 12 percent that it was "not fair at all." In general, therefore, outcomes were viewed as fair. Procedural fairness was assessed by asking how "just and impartial" the procedures utilized were. Of those interviewed, 58 percent felt that the procedures were "very just," 25 percent that they were "somewhat just," 9 percent that they were "not very just," and 9 percent that they were "not just at all." The procedures of the court, therefore, were also generally seen as fair.

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<sup>6</sup> To assess expectancy violations, respondents were asked to compare the outcome they received to the outcome they expected to receive before they appeared in court ("better," "worse," "about what expected"). To assess outcome perceptions relative to the general run of cases, respondents were asked to compare the outcome of their case to that of most people charged with the same crime ("better than most," "worse than most," "about the same as most"). Those respondents who indicated that they observed other cases while in court (75%) were asked whether the outcomes were more favorable, less favorable, or about the same as in their case. Finally, respondents were asked if they knew others involved in similar cases on other occasions and, if they did (41% yes), whether the outcomes were more favorable, less favorable, or about the same as their own. Since less than half of the respondents knew others who had had cases in court, the items relating outcomes to cases observed and cases known were combined to form a single measure of outcome perception relative to the outcomes of specific others. Prior expectations were found to be related to general views about other cases ( $r = .39, p < .001$ ) and to specific knowledge of other cases ( $r = .40, p < .001$ ). General views and specific knowledge were, however, only weakly related ( $r = .13, n.s.$ ).

In addition to directly assessing judgments of distributive and procedural fairness, respondents were asked a series of questions about aspects of their trial that might be related to judgments of distributive and procedural fairness. Seven questions focused upon behaviors during the trial: whether the judge had sufficient information to support a decision, took the evidence into account, listened to the respondent's side of the story, took enough time to consider the case carefully, weighed the evidence for both sides equally, and was unbiased; and whether police officers gave testimony they knew to be false. In addition, respondents were asked to assess their opportunities to present evidence, their control over the way in which the evidence in their case was presented, and their control over the decision in their case. Respondents were also asked the open-ended question, "What about the way your case was handled was fair (or unfair)?"

Three dependent variables were used.<sup>7</sup> The first was overall satisfaction with the "outcome" of the case. Forty-nine percent were "very satisfied" with the outcome of their case, 25 percent "somewhat satisfied," 8 percent "not very satisfied," and 18 percent "not satisfied at all." The second dependent variable was a summated scale based upon six items tapping attitudes toward the judge who heard their case. The scale included an overall rating of the judge and a general evaluation of the "fairness" of the manner in which the judge handled the case. In addition, the judge was rated on overall performance of duties, courtesy, honesty, and fairness. Seventy-seven percent of respondents indicated overall satisfaction with the judge; 82 percent said that the judge had been fair; 88 percent rated the judge favorably on performance of duties, 91 percent on courtesy, 96 percent on honesty, and 87 percent on fairness. The third dependent variable was an evaluation of the general court system. Respondents were asked "how good a job" they

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<sup>7</sup> Overall satisfaction was assessed by asking respondents if they were "very satisfied," "somewhat satisfied," "not very satisfied," or "not satisfied at all" with the outcome of their case. Six items were utilized to assess satisfaction with the judge. First, respondents indicated how satisfied they were with the manner in which the judge handled their case ("very satisfied," "somewhat satisfied," "not very satisfied," "not satisfied at all"). Second, they rated the fairness of the judge's handling of their case ("very fair," "somewhat fair," "not very fair," and "not at all fair"). Third, respondents rated four aspects of the judge's performance: overall performance of duties, courtesy, honesty, and fairness. Each aspect of performance was rated "very favorably," "somewhat favorably," "not very favorably," or "not favorably at all." The six items rating the judge were highly related (mean  $r = .64$ ), so they were summed to form a single scale. Evaluations of the general court system were assessed by asking respondents how good a job the courts were doing in handling cases such as theirs ("very good," "good," "not so good," or "not good at all"). Evaluations of the judge and court were related ( $r = .58, p < .001$ ).

felt that the courts were doing in handling cases such as theirs. Twenty-nine percent rated the court system as "very good," 41 percent as "good," 17 percent as "not good," and 14 percent as "not good at all." In other words, respondents were generally quite favorable toward the six judges who heard their cases but were less favorable toward their own outcomes and toward the court system as a whole. These three dependent variables were found to be highly interrelated. The correlation between outcome satisfaction and feelings about the judge was  $r = .74$ ,  $p < .001$ , between outcome satisfaction and feelings about the court  $r = .54$ ,  $p < .001$ . The correlation between feelings about the judge and about the court system was  $r = .58$ ,  $p < .001$ .

## VII. RESULTS

The first issue examined was the relationship between absolute and relative outcome level, distributive fairness, and procedural fairness. The results, shown in Table 1, indicate that both absolute and relative outcome levels are clearly distinguishable from distributive and procedural fairness, although they are not independent of them (mean  $r = .39$ ,  $p < .001$ ). The results also indicate that distributive and procedural fairness are highly related ( $r = .77$ ,  $p < .001$ ). In addition, respondents who feel that their case outcomes are more important are more likely to adopt a self-serving view of justice, equating outcome level and fairness (mean  $r = .46$  if important,  $.33$  if not important). This difference in the magnitude of the relationship between outcome level and justice judgments at high and low levels of outcome importance is not, however, statistically significant ( $z = 0.82$ , n.s.).

The second issue we are concerned with is the relationship between judgments of outcome level, distributive and procedural fairness, and citizens' attitudes toward their case outcomes, the judge who heard the case, and the courts more generally. Regression analysis was used to assess these relationships. Separate analyses were conducted for defendants who said that the outcome of their case was very important and for those who said that it was of lesser importance. Outcome importance did not significantly affect the results, so only the overall analysis is discussed here.

The results of the overall analysis, shown in Table 2, indicate that, taken as a bloc, judgments of outcome fairness and procedural fairness independently affect attitudes toward received outcomes, toward the judge, and toward the court. An

Table 1. The Relationship Among Defendant Judgments

Overall					
	Outcome Level			Fairness	
	Absolute	Relative to Expectations	Relative to Others	Outcome	Procedural
Outcome Level					
Absolute	—				
Relative to Expectations	.31***	—			
Relative to Others	.22*	.40***	—		
Fairness					
Outcome	.41***	.61***	.24**	—	
Procedural	.34***	.51***	.21*	.77***	—
Respondents indicating outcome is very important					
Outcome Level					
Absolute	—				
Relative to Expectations	.19*	—			
Relative to Others	.24*	.34***	—		
Fairness					
Outcome	.43***	.65***	.29**	—	
Procedural	.35***	.52***	.33***	.80***	—
Respondents indicating outcome is less important					
Outcome Level					
Absolute	—				
Relative to Expectations	.56***	—			
Relative to Others	.23	.11	—		
Fairness					
Outcome	.34*	.50***	.15	—	
Procedural	.33*	.50***	.05	.73***	—

NOTE. All entries are Pearson correlations. Entries involving outcome level relative to others are the average correlation for the two indices of that construct.

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

examination of the unique variance explained by fairness judgments (i.e., a “usefulness analysis”), also shown in Table 2, indicates that in each case fairness has a significant influence beyond that of outcome level. In each case, therefore, the absolute form of the procedural justice hypothesis is supported. On the other hand, only in the case of outcome satisfaction does outcome level explain a significant amount of variance beyond what can be explained by outcome fairness. In other words, only judgments of fairness uniquely influence

Table 2. Outcome Concerns and Defendant Attitudes Toward Authorities

	Outcome Satisfaction			Evaluation of the Judge			Evaluation of the Court		
	Beta (1)	B(S.E.) (2)	R <sup>2</sup> (3)	Beta (1)	B(S.E.) (2)	R <sup>2</sup> (3)	Beta (1)	B(S.E.) (2)	R <sup>2</sup> (3)
Outcome Level									
Absolute	.02	.02(.07)	.13***	.03	.09(.28)	.12**	.02	.16(.10)	.03
Relative to expectations	.16	.25(.15)	—	.02	.10(.56)	—	-.01	-.02(.20)	—
Others—general	.21	.38(.15)*	—	.10	.67(.56)	—	.17	.26(.20)	—
Others—specific	.08	.19(.18)	—	.09	.82(.67)	—	.16	.33(.24)	—
Relative to expectations as a bloc	—	—	.42***	—	—	.27***	—	—	.09*
Total for outcome level variables	—	—	.44***	—	—	.30***	—	—	.09*
Fairness									
Outcome	.48	.55(.14)***	.62***	.45	1.98(.52)***	.64***	.12	.12(.18)	.19***
Procedural	.18	.22(.13)	.47***	.41	1.92(.50)***	.61***	.38	.40(.18)*	.24***
Total for fairness variables	—	—	.63***	—	—	.70***	—	—	.24***
Total for all variables	—	—	.67***	—	—	.70***	—	—	.24***
Usefulness Analysis									
Outcome variables beyond fairness			.04***			.00			.00
Fairness beyond outcome variables			.23***			.40***			.15***

NOTE. Entries in columns 1 and 2 are the standardized and unstandardized regression coefficients for an equation including all variables. Numbers in parentheses are the standard error of the regression coefficient. Entries in column 3 are the adjusted square of the multiple correlation coefficient for variables entered singly or as a group.

- \*p < .05
- \*\*p < .01
- \*\*\*p < .001

views about the judge and courts. Once the influence of the joint association with fairness judgments is controlled, judgments of absolute or relative outcome level have no significant direct influence upon the evaluation of legal authorities. In addition, in each case a comparison of the relative influence of outcome levels and justice concerns shows



justice concerns to be more important.<sup>8</sup>

While a direct influence of outcomes upon attitudes toward judges and courts was not found, it is possible that a full causal model would show assessments of justice to be partially dependent on outcomes. To examine the possibility that outcome variables indirectly affect outcome satisfaction and attitudes toward the legal system, the structural equation models shown in Figure 1 were tested. Only those paths with statistically significant beta weights are presented. The results reveal that both the absolute outcome level, i.e., case disposition, and the relationship of the outcome to what was expected affect judgments of distributive and procedural fairness. By affecting these judgments, these outcome variables indirectly influence outcome satisfaction and attitudes toward the judge and court.<sup>9</sup> In addition, there is a direct path between how one's outcome relates to what others are thought generally to receive and outcome satisfaction. Finally, the path analysis indicates that while judgments of both distributive and procedural fairness affect evaluations of the judge, only distributive fairness judgments affect outcome satisfaction and only procedural fairness judgments influence attitudes toward the court.

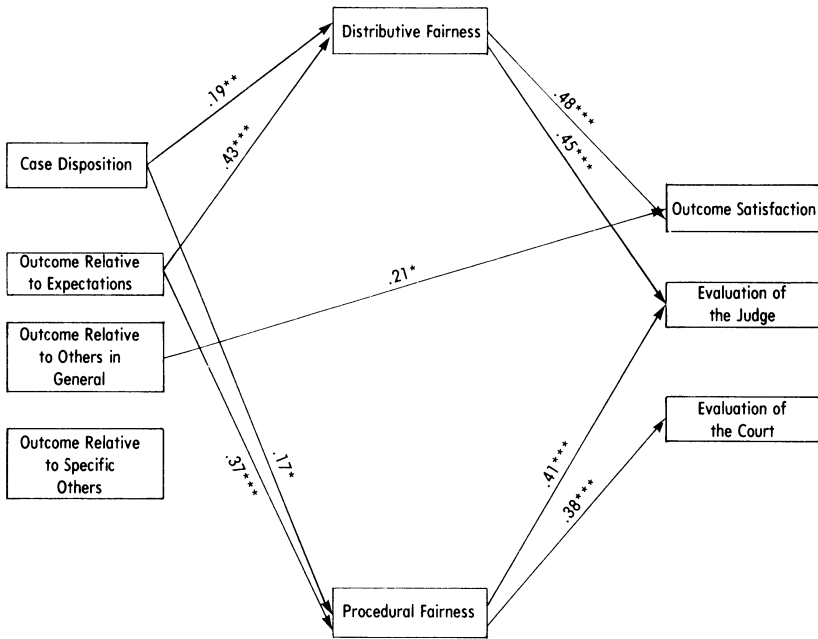
In interpreting these results, it is important to remember that we have imposed a causal model on the data; the correlations reported do not necessarily imply a causal direction. Although the attitude variables have been treated as dependent, it may be that those with initially favorable attitudes toward the court are more likely to behave in ways that lead to favorable outcomes and are more likely to feel fairly treated, irrespective of outcomes. The cross-sectional nature of the data precludes a test of this alternative causal model.

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<sup>8</sup> To test for the possibility that the results differ for the traffic and misdemeanor cases, the analysis was performed separately for the two groups. Fairness judgments were found to have a nonsignificantly greater influence on attitudes in misdemeanor court (mean  $r = .75$  vs.  $.64$  for traffic court), while the influence of outcomes on attitudes was basically the same for both groups ( $r = .35$  for misdemeanor cases,  $.31$  for traffic cases). In addition, the relationship between outcomes and fairness judgments was the same in both groups ( $r = .39$  for misdemeanor cases,  $.35$  in traffic court). Overall, no clear differences were found between the two types of court experience.

<sup>9</sup> While outcomes clearly are related to fairness judgments ( $R^2 = .31$ ), they have less impact upon such judgments than do trial characteristics such as whether the judge is thought to have weighed the evidence equally and whether he or she was seen as unbiased. These explain 43% of the variance in fairness judgments.

Figure 1. Direct and Indirect Outcome Influences



(Entries are beta weights, \*p < .05, \*\*p < .01, \*\*\*p < .001.)

Given the apparent role of perceived fairness in shaping attitudes toward legal authorities, it is interesting to consider what features of the trial experience lead to judgments of outcome and procedural fairness. To do so, we can examine responses to the open-ended question, “What about the way your case was handled was fair (or unfair)?” as well as responses to more specific questions asked about the trial. Defendants responding to the open-ended question most frequently mentioned having the opportunity to present evidence (26 percent), the nature of the outcome received (12 percent), and the judge’s “manner” (12 percent). The relationship between the closed-question responses and judgments of distributive and procedural justice is shown in Table 3. Column 1 presents zero-order correlations and columns 2 and 3 give the results of multivariate regression analyses. Since many of the judgments are correlated, the regression analyses are a severe test of influence. They suggest that perceived procedural fairness is linked primarily to whether the judge is seen as having taken enough time to consider the case carefully and as unbiased. Perceived

Table 3. Trial Characteristics Associated with Distributive and Procedural Fairness

	Distributive Fairness			Procedural Fairness		
	Correlation (1)	Beta		Correlation (1)	Beta	
		No Outcome Controls (2)	Outcome Controls (3)		No Outcome Controls (2)	Outcome Controls (3)
Did the judge have enough information to adequately make his decision?	.39***	.02	.05	.50***	.10	.12
Did the judge take the evidence into account?	.39***	.09	.08	.35***	.00	-.02
Did the judge listen to your side of the story?	.23**	-.01	-.02	.30***	.17	.16
Did the judge take enough time to consider your case carefully?	.52***	.17	.01	.67***	.42***	.34*
Did the judge weigh the evidence equally for both sides?	.57***	.18	.12	.53***	.02	-.01
Was the judge unbiased?	.60***	.36***	.28*	.54***	.33***	.30*
Did any of the police officers who testified give knowingly false testimony?	.08	.03	.04	.14	.04	.05
How much opportunity did you have to present evidence in your case?	.38***	.11	.13	.31***	-.20	-.19
How much control did you have over the way in which the evidence in your case was presented?	.32***	.01	.04	.35***	.13	.13
How much control did you have over the way your case was decided?	.29***	.00	-.02	.32***	.04	.03
Total	—	.42***	—	—	.52***	—

NOTE. Entries in column 1 are the zero-order correlation. The column 2 entries are standardized regression coefficients with all variables in the regression equation. In column 3 the outcome variables are also included in the equation as controls. In column 2 the "Total" row indicates the adjusted multiple correlation coefficient.

\*p < .05  
 \*\*p < .01  
 \*\*\*p < .001

outcome fairness is most influenced by the belief that the judge was unbiased.

## VIII. DISCUSSION

Two issues are addressed in this study: the relationship between outcome levels and judgments of distributive and procedural fairness and the role of each in mediating citizen

reactions to experiences in court. Based upon psychological theory, four potential inputs into citizen evaluations were identified: absolute outcome level (case disposition), expectancy violations relative to the past/others, judgments of distributive fairness, and judgments of procedural fairness. Of particular interest was the role of injustice—distributive or procedural—in citizen evaluations.

The results suggest that people differentiate between absolute and relative outcome level, distributive fairness, and procedural fairness. First, judgments of outcome level and of fairness are distinct. While favorable outcomes are associated with judgments of fairness, those who receive favorable outcomes in either absolute or relative terms will not necessarily feel the outcome is fair, and those who receive poor outcomes will not necessarily feel the results are unfair. At the same time, the significant correlation between outcome levels and judgments of fairness suggests that people who are treated better, both absolutely and in relation to how they believe others are treated, are more likely to think an outcome is fair. A similar, although slightly weaker, relationship exists between outcomes received and judgments of procedural fairness. It may also be the case that the sense that one has received a fair outcome leads to the belief that the procedures that generated that outcome are fair or vice versa. The correlation between outcome and procedural fairness is  $r = .77$ .

Based upon previous studies, it was hypothesized that judgments of outcome fairness are more closely linked to personal gain and loss when the outcomes involved are of greater personal importance. This hypothesis received only limited support in this study. Among respondents who indicated that the outcome of their case was very important, the association between outcome level and outcome fairness was higher than it was among respondents who said the outcome was not very important. However, the difference between the two correlations was not statistically significant. In addition, there is a causal direction problem since those who received worse outcomes may have convinced themselves that their outcomes were not important. Such attitude change might be particularly likely among those who thought the outcome fair.

The study also examined the relative contributions of outcome levels and judgments about fairness in shaping attitudes toward specific judges and the courts in general. Outcome levels, whether absolute or relative, had no direct

effect on assessments of the judge or of the court system beyond what could be explained by perceptions of fairness. This finding is not affected by the importance of the outcome to the defendant. One implication of this finding is that defendants charged with minor offenses who fare poorly at trial will not denigrate the judge or the system so long as they believe their outcomes are fair ones reached by fair procedures. However, this does not mean that outcomes have no implications for how defendants view judges and courts. They affect judgments of fairness and, hence, indirectly affect attitudes.<sup>10</sup> If the crimes involved were more serious, it is possible, as Heinz (1982) speculates, that outcome effects would be stronger.

The results of this study not only suggest that justice is important; they point to procedural justice as a key element in explaining support for legal authorities. From a system-maintenance perspective, the most important dependent variable in this study is our measure of attitudes toward the courts, since this variable required respondents to generalize from their experience as defendants in particular cases to the trial court system. This generalization was more responsive to views about procedural justice than to either outcome level or outcome fairness. This finding is important both in its own right and because, contrary to the suggestion of Anderson and Hayden (1980-81), it gives us some confidence in the external validity of those laboratory studies (see Thibaut and Walker, 1975) that have reported a direct relationship between procedural justice and measures of legitimacy.

The finding that attitudes toward judges and courts are only weakly and indirectly linked to case dispositions calls into question the conventional wisdom that citizens who fare poorly

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<sup>10</sup> Possible conceptual or methodological problems that might render the failure to find outcome effects suspect include difficulties in adequately operationalizing the concept of outcome level or measurement flaws in that variable. Conceptually, however, the measurement approach in this research is consistent with prior efforts to assess outcome levels, and its adequacy is suggested by the facts that the outcome level measures have reasonable levels of variance and have their expected zero-order association with outcome satisfaction.

In the case of the evaluations of the judge, one possible explanation for fairness effects is that the six-item scale indexing attitudes toward the judge includes two items assessing judicial fairness. It is possible that this leads to a wording artifact. To test this possibility, a four-item scale was created. That scale excluded evaluations of the judge's fairness. A repetition of the regression analysis shown in Table 2 using this reduced scale produced similar results. When combined, absolute and relative outcome judgments explained 32% of the variance in judicial evaluations (as opposed to 30% in Table 2), while fairness judgments explained 62% of the variance in judicial evaluations (as opposed to 70% in Table 2).

in court will dislike the judge involved and will generalize this dislike to the court system. In the court studied this view apparently led judges to render verdicts that did not explicitly inform defendants that they had been convicted. For example, judges would tell some defendants that they had to pay "court costs" without indicating that they, in fact, were being found guilty of the charges against them. One result was that the defendants we interviewed were sometimes unaware that they had been found guilty. Similarly, although 75 percent of defendants heard other cases while waiting for their case to be called, 31 percent of them could not say whether others received sentences similar to their own. The results of this study suggest that efforts to obscure outcomes are not as necessary as some judges believe, and they may be counterproductive if they lead to lower assessments of distributive and procedural justice.

The results also have more general implications for those concerned with effective policy implementation, the study of which has been dominated by economic models. Recent discussions of policy implementation have focused on the use of incentives and punishments to implement public policy (see Brigham and Brown, 1980), but this study suggests that a concern for fairness may also be important. Similarly, the deterrence doctrine, which is based upon the assumption that citizen behavior is governed by outcome level considerations, might explain behavior more effectively if it were supplemented by variables relating to fairness. Of course, these conclusions must be tentative because of the special characteristics of our sample respondents and the range of offenses studied.

Overall, these results suggest two influences upon attitudes toward authorities, a direct influence of perceived fairness and an indirect influence of outcome level which operates by influencing judgments of fairness. Since outcome level appears to explain a relatively small portion of the variance in fairness, other determinants of fairness, many of which are procedural, appear to play the major role in explaining the attitudes of traffic violators and other petty offenders toward the legal system.

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