

## Trust in the Justice System: Internet Survey after Introducing Mixed Tribunal System in Japan

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### Abstract

People obey the law because they think it is legitimate, and trust is the key that makes the legal system work. The jury system promotes public trust in the justice system through lay people's participation. In the current study, the authors investigated the relationships between citizens' trust in the social system, general trust, feelings of legitimacy for the justice system, and other social variables. The survey was conducted in March 2013 through the Internet and 1,609 Japanese people responded. With these data, the authors tested relational models of the factors that determine citizens' trust in the legal system, and relationships among these factors.

### Key words

Trust; legal system; social survey; jury system; Japan

### Resumen

Las personas obedecen la ley porque piensan que es legítima y confían en que es la clave que hace funcionar el sistema jurídico. El sistema de jurado promueve la confianza pública en el sistema de justicia a través de la participación de legos. En este estudio, los autores investigaron las relaciones entre la confianza de los ciudadanos en el sistema social, la confianza general, los sentimientos de legitimidad hacia el sistema de justicia y otras variables sociales. La encuesta se realizó en marzo de 2013 a través de Internet y respondieron 1609 japoneses. Con

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estos datos, los autores probaron los modelos relacionales de los factores que determinan la confianza de los ciudadanos en el sistema jurídico y las relaciones entre estos factores.

**Palabras clave**

Confianza; sistema jurídico; encuesta social; sistema de jurados; Japón

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## 1. Background

### 1.1. *Trust is the key for society*

Increasing trust in the justice system was one of the justifications for the introduction of lay participation in the mixed court system of *Saiban-in-seido* in Japan (Justice System Reform Council 2001). In this article, we explore the factors that influence the important function of trust. Trust<sup>1</sup> is essential for our society<sup>2</sup> (Putnam 2000). Contemporary societies require trust to allow people to collaborate with others, whom they do not know well through blood relations or regional ties, because the more mobile people are, the harder it is for people to maintain social ties. In societies like these, trust plays an important role, allowing people to connect with each other and to make society work. It is widely acknowledged that general trust is a key to making societies move, businesses succeed, and countries prosper (Fukuyama 1995). Putnam (1993) demonstrated that northern Italy has an efficient social system with high trust, whilst southern Italy has a less efficient social system with lower trust. And Putnam (1993) argued that participation in society promotes general trust.

Trust is the key to making social institutions work. Social institutions refer to formal systems that are required to govern society or regulate relationships among people, e.g. national or local governments, legal system, schools, and monetary systems. Yosano and Hayashi (2005) argued that social systems in general are based on citizens' general trust. General trust refers to people's belief in the reliability of others. General trust is measured without specifying the object of trust, especially regarding which people should be trusted, including significant others, family members, relatives, or people with whom a person interacts in everyday life (Yamagishi and Yamagishi 1994). A typical survey question is, "In general, can people be trusted?" This reflects people's trust in others who don't have social ties with them, but who live in the same community or society.

General trust can affect a person's attitudes related to trust. Yosano and Hayashi (2005) developed and tested a model including trust in the social system, general trust, and other social variables. This model is shown in Figure 1.

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<sup>1</sup> Trust here means people's positive attitudes toward others and expectation of positive reactions from others. In experimental studies, that is described as "cooperation" among participants (e.g. Yamagishi and Yamagishi (1994)).

<sup>2</sup> The term society here is understood to mean an aggregate of persons living together in a more or less ordered community.

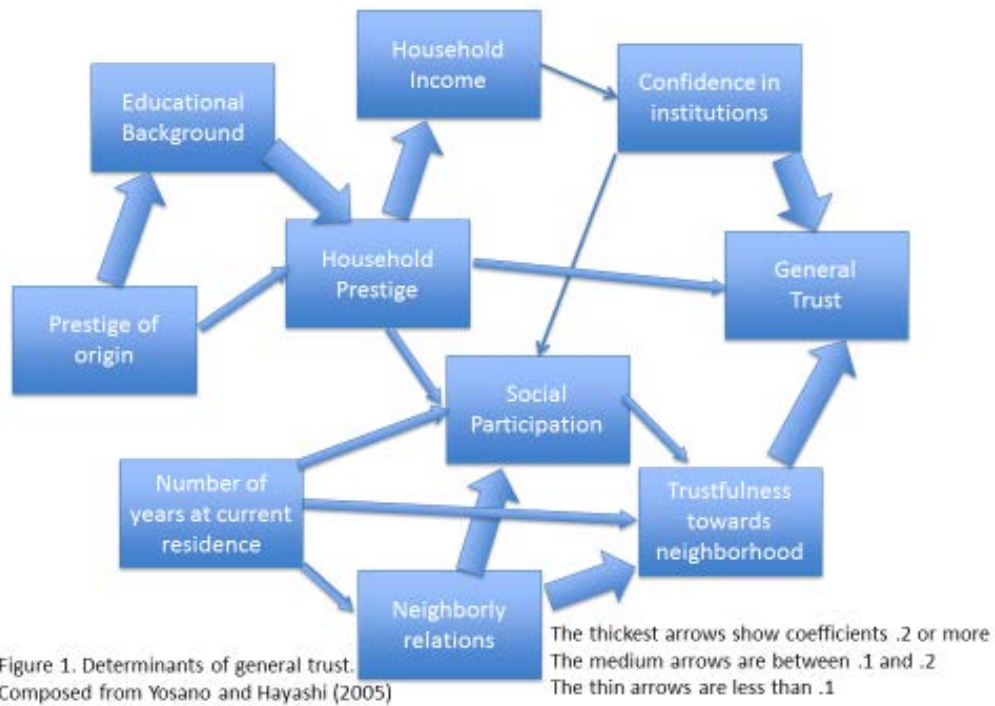


Figure 1. Determinants of general trust. Composed from Yosano and Hayashi (2005)

In that model, Yosano and Hayashi (2005) set “confidence,” that is, trust in social institutions as an independent variable, and general trust as a dependent variable. They confirmed the relationship between these two variables with their data. However, general trust comes before trust in institutions, because we form our thoughts about others before we think about abstract social institutions. Yosano and Hayashi tested their hypothesis with their data, and the data confirmed their hypothesis. It is reasonable that general trust is related to trust in more abstract objects, such as social institutions, as the trust held in the human mind can be derived from the same or similar mechanisms of the mind. In addition, we thought that there should be a path from general trust to trust in social institutions (Hypothesis 1), which we examine in this paper.

According to Yosano and Hayashi (2007), previous sociological studies have found relationships between trust in the social system and other social variables (see Figure 2). The model shown in this figure was composed of findings from prior studies. Yosano and Hayashi (2007) did not test this model with their data in that paper.

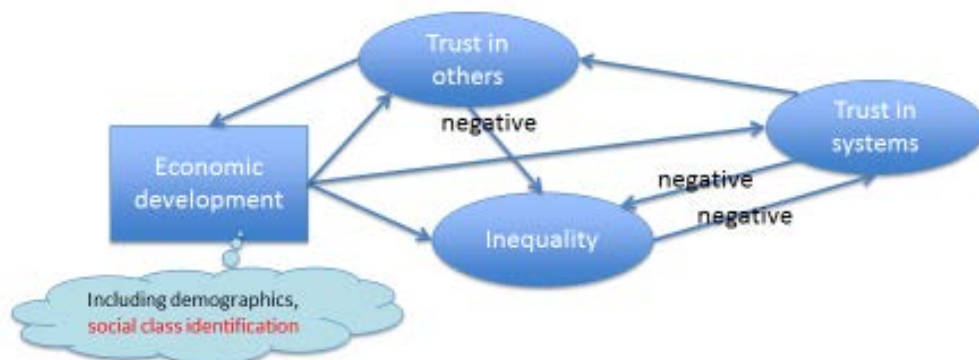


Figure 2. Relations among trust, inequality, and economic development. Composed from Yosano and Hayashi (2007)

Yosano and Hayashi (2007) concluded from the collected research that social institutions could work when the people who are living in the society trust them.

### 1.2. Trust in government and authoritarian personality

More concretely, trust in government is affected by many social variables. Ikeda (2007) investigated the factors that affect trust in national and local governments with a social survey in Japan. He assessed the effects of demographic variables, social attitudes towards government, and the reputation and evaluation of government, and how these variables related to trust in the government. With ordered logit regression analyses, he found that the following variables significantly affected a person's trust in the government: age, life circumstances, familiarity with government, professional ethics, fairness in administration, reputation of government, and evaluation of administrative reform. The current study includes the variables of authoritarian personality, life satisfaction, and fairness because these variables are also relevant to a justice system.

Ikeda (2010) discussed the reason why "age" apparently related to "authoritarian personality". Typically, it can be thought that age itself is not related to personality. Ikeda (2010) speculated that the relation between age and authoritarian personality could suggest that people get more positive attitudes towards authorities as they get older. He thought that people could develop more conservative attitudes as they get older. He did not test this assumption, as he had not asked questions which could provide with him the data that could test the assumption. Authoritarian personality refers to personality traits with nine characteristics that reflect generally conservative political and educational attitudes. Those nine characteristics are: (1) sticking to old customs, (2) authoritarian obedience, (3) authoritarian aggressiveness, (4) anti-introspective attitudes, (5) superstition and stereotype, (6) power and integrity, (7) destructiveness and cynicism, (8) projection, and (9) exaggerated interest in sexual issues (Adorno *et al.* 1950). Adorno *et al.* (1950) used the term "authoritarian" while they defined the typical characteristics in the authoritarian personality. More properly, (2) and (3) can be paraphrased as "obedience to the people in power" and "aggressiveness with rigid and conservative attitudes." Sticking to old customs and obedience to seniors and power are especially striking characteristics of the authoritarian personality. In the current study, we assess the effects of an authoritarian personality on trust in the justice system. We hypothesized that an authoritarian personality promotes trust in the justice system, as those who are inclined to an authoritarian personality would have respectful attitudes towards an authoritative social system like justice system (Hypothesis 2).

People in a higher social class would tend to have a more authoritarian personality because they would tend to think to preserve the society as it is, which is the same inclination that the authoritarian personality has. The authoritarian personality was originally developed as a description of the personality traits of the people who were raised in families in such middle, upper-middle, and upper classes.

As Ikeda (2007) found, life satisfaction and life circumstances may affect trust in a social system. More concretely, as Yosano and Hayashi (2005) wrote, life satisfaction affects general trust. When people are satisfied with their lives, they feel less cautious about their life circumstances (Isen and Means 1983, Schwarz 1990). So, it is reasonable for the people who are satisfied with their lives to be less cautious of others in general, and so they trust more people in general.

Based on these earlier findings, we hypothesized that life satisfaction affects general trust, and via general trust, life satisfaction has influence on trust in the justice system (Hypothesis 3). People in higher social classes are inclined to be more satisfied with their lives (Hypothesis 4).

We discuss fairness of trials in the justice system in the next section, with the importance of legitimacy in trust in the justice system.

### *1.3. Trust in the legal system*

Trust in the legal system has been long studied in a sub-discipline of social psychology, the study of procedural justice and legal consciousness (Tyler 1988, 2001, 2003, 2006b, 2007a, 2007b, Tyler and Bies 1990, Finkel 1995, Sunshine and Tyler 2003, Tyler and Fagan 2008). In this field of study, trust in the legal system is associated with people's willingness to accept decisions made by legal authorities and to follow the decisions and rules (Tyler 2006b). Trust in the legal system is an important factor that leads people to accept the law and legal decisions voluntarily. In that sense, what makes the legal system work is the public's trust in the system (Tyler and Huo 2002). It is desirable that people comply voluntarily with the law and decisions made by legal authorities because if people do not follow the law or accept decisions made by legal authorities voluntarily legal authorities need to monitor people's behavior more and give sanctions to those who do not obey the law (Tyler and Huo 2002). This increases the costs to legal authorities due to monitoring and sanctioning. It is important for the legal system to be trusted in order for it to function. In much of the literature on trust in the justice system, trust has been treated as an independent variable. Prior studies have investigated factors that affect feelings of fairness, perceptions of outcome favorability, willingness to accept decisions, and procedural justice (Tyler and Huo 2002). Trust in the justice system was treated as an independent variable, not as a dependent variable.

One exception was an analysis of trust in the justice system that treated it as a dependent variable (Tyler and Huo, 2002, p. 84). In this analysis, the authors conducted a regression analysis, and found that quality of decision making, quality of treatment, outcome favorability, and outcome fairness affected trust in the justice system. Regarding trust in the justice system held by the general public, for the current survey, we considered including question items concerning the quality of decision making, outcome favorability, and outcome fairness because quality of treatment cannot be estimated by the people who do not experience legal procedures.

As mentioned above, prior studies have examined factors that affect willingness to accept outcomes and satisfaction with decision making by legal authorities. In those studies, two factors, legitimacy and fairness, have been thought of as two important determinants. People obey the law not necessarily because of fear of punishment, but because the legal authorities are legitimate (Tyler and Bies 1990, Tyler 2006b). Feelings of fairness promote people's acceptance of legal decision making.

In the next two sections, we deal with those two important factors, legitimacy and fairness.

### *1.4. Fairness and trust in social institutions, and trust in the legal system*

Fairness is also a significant factor in trust in social institutions, especially legal institutions. Fairness refers to impartial treatment of people who are involved in important procedures. Procedural justice has been extensively studied, and it was found that fairness in the justice system is one of the important structural elements that influences people to follow the law.

There are two kinds of fairness, procedural fairness and outcome fairness (Tyler and Huo 2002). Procedural fairness refers to whether the people involved in the procedure perceive it as fair. Outcome fairness refers to the conclusion or outcome of the procedure and whether it is regarded as fair.

In this study, we included outcome fairness because we focused on the general public's sense of the justice system. Many citizens have limited experience in using legal procedures, especially criminal trial procedures. We are interested in the general public's acceptance of and attitudes towards the justice system, as this is one of the "popular bases" (Justice System Reform Council 2001) of the justice system. One major justification for lay participation in the legal system is that it promotes the people's trust in the justice system (Justice System Reform Council 2001).

On the point of the relationship between trust and fairness, one of the factors that affects trust in government, the formal social institutions, is a citizen's feelings of social fairness (Obuchi 2005). Feelings of social fairness are people's subjective evaluation that they are treated impartially by their government and administrative system (Obuchi 2005). The feelings are people's heuristic evaluation of public authorities (Lind, and Van den Boss 2002). When people perceive social fairness, they think their government's policies are right on the whole. Obuchi (2005) found that feelings of social fairness promote people's trust in the government. In this study, we expected that sense of fairness would affect trust in the justice system as the justice system is one of the system that is operated by state power.

Based on the expectations above, we included questions on the sense of fairness, including outcome fairness from the viewpoint of citizens, and the sense of fairness for the justice system in our questionnaire. We expected that sense of fairness would positively affect trust in the justice system (Hypothesis 5).

#### *1.5. Legitimacy and trust in the justice system*

People follow the law, and show their trust in the legal system because they believe the legal system is legitimate (Tyler and Bies 1990, Tyler 2006a, 2006b, 2007a, 2009, Tyler and Jost 2007). Legitimacy is one of the reasons that people obey the law (Tyler and Huo 2002).

Tyler (2006a, p. 375) argued that "Legitimacy is a psychological property of an authority, institution, or social arrangement that leads those connected to it to believe that it is appropriate, proper, and just." According to those arguments and findings, making people feel legitimacy in the legal system is important in operating a justice system. We expected that legitimacy in the legal system would positively influence trust in the legal system (Hypothesis 6). Fairness and legitimacy will be related. Specifically, a feeling of fairness brings about a belief in the legitimacy of the legal system (Hypothesis 7).

#### *1.6. Equality and trust*

Differentiation among people has the potential to destroy trust among people in the society (Kawachi *et al.* 1997). There is a correlation between equality and trust; in one study (Uslaner 2002) the correlation coefficient measuring the strength of the relationship between the two variables was .468. This coefficient is rather high as a result of the social survey, and this fact shows there is a strong relationship between equality and trust. Messick and Kramer (2001) argued that inequality in society may destroy people's trust in social institutions, which results in ruining people's general trust for others. Based on these findings, it is likely that when inequality emerges, trust will be undermined.

In this study, we expected that feelings of equality would have a relationship with trust in others, especially general trust. We thought that a question item that asks respondents about their feelings of inequality would be somewhat counterintuitive, so we asked respondents in this study about their feelings of equality in the society in which they live. Prior studies found that feelings of inequality or equality were influenced by general trust. Granted that, we expected that feelings of equality should be affected by general trust (Hypothesis 8).



Also, people in upper social classes feel that everybody in the society is equal, as they have less of a chance to face inequality in the society and they feel justification for their privileged circumstances. We expected that social class would have a positive effect on feelings of equality (Hypothesis 9).

### 1.7. Interest in the justice system

Before we trust in something, we have to know what we trust. We cannot trust in something that is out of range of our concern. In a Japanese context, the mixed jury system was introduced in 2004 “for establishment of the popular base” of the legal system (Justice System Reform Council 2001). In this system, citizens, who are randomly selected and chosen through the jury selection procedure, sit in criminal trials that deal with serious crimes. Citizens decide the cases with professional judges.

With the introduction of this system, civic involvement in the justice system has been much improved. Lay people’s interest in the justice system rose dramatically after the mixed jury system was introduced (Matsumura *et al.* 2012). This was because the mixed jury system was one of the most important issues in the justice system reform in Japan in the 2000’s. People began to think that they might be involved in the justice system as jurors. This encouraged people to think that matters of the justice system were their matters, not just other people’s matters or remote concerns. This led to the public’s general interest in the justice system.

In this context, we investigated whether interest in the justice system affects trust in the justice system. We expected that interest in the justice system might promote trust in the justice system (Hypothesis 10).

## 2. Current study

To examine Hypotheses 1 through 10, we gathered data by obtaining the responses of ordinary citizens. We designed a questionnaire to be able to test these hypotheses, and respond to our concerns. In Yosano and Hayashi (2005), legitimacy and trust were not distinguished from each other. The accumulation of findings from prior studies, especially regarding legitimacy and trust in the legal system (e.g. Tyler 2003, 2006a, 2007a), suggest the value of distinguishing between these two factors. Legitimacy is about the feeling concerning “the manner in which authorities exercise their authority.” (Tyler 2003, p. 286) And views about legitimacy are rooted in the judgment that the legal authorities are acting fairly when they deal with community residents. While Trust is confidence in the institutions of legal system, and trust elicits public compliance (Tyler 2003). So we distinguished these two factors and we included questions on legitimacy of social institutions and trust in social institutions in our questionnaire.

Yosano and Hayashi (2005, 2007) did not take personality traits into account in their studies. As Ikeda (2007) wrote, we can study personality traits, especially the authoritarian personality on trust in social institutions, and we can test the influence of age and authoritarian personality on trust in the legal system.<sup>3</sup> In our survey, we could separate the effects of age and authoritarian personality with statistical analysis, and investigate whether the argument by Ikeda is applicable to our data.

On the other hand, the literature on legitimacy and trust in the justice system has examined relationships among legitimacy, justice, fairness, trust in the persons in charge, and outcomes of the procedures in detail. However, there has seldom been an examination of the relationships between legitimacy, fairness, trust in the legal system, general trust, and feelings of equality. We thought that general trust might affect trust in the justice system and trust in the legal system. In this paper, “trust

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<sup>3</sup> Original statement was written in Japanese. This is a translation by Masahiro Fujita.

in the legal system” refers to people’s confidence in the normative system that consists of statutes. This was measured by one question in our questionnaire. And “trust in the justice system” refers to a latent variable that integrates some sort of public confidence in the system of statutes and legal authorities. We distinguish these two variables in this paper because we would like to distinguish a single question item from a latent variable, which integrates the results of several questions. So, we included questions on general trust, authoritarian personality, and trust in the justice system, and we examined relationships among those variables with our data.

## 2.1. Method

### 2.1.1. Overview of the survey

The authors planned an Internet survey in Japan. We had a private research company based in Tokyo, Nikkei Research, Inc., conduct a web-based survey. The survey was conducted in the Tokyo Metropolitan area and the surrounding prefectures. We did sampling and designed the questionnaire. The survey company set up a website that posted the questionnaire and recruited respondents. We received raw data from the survey company and analyzed it.

### 2.1.2. Sampling plan

The authors carried out quota sampling<sup>4</sup> in order to include samples from cities, suburbs, and the countryside. Without these efforts, major parts of our sample would have come from cities, with few respondents from the countryside, as residents in cities are more responsive to Internet surveys. Also, we made an effort to include samples of all age ranges from 20 to 60 and above.

In our sampling plan, we identified areas of residence as (1) large city area, (2) suburban area, and (3) rural area by respondents’ addresses. Ages varied from 20 to 60 and up, divided by every 10 years. At that time, we had a 5 x 3 table for sampling. Every cell of this quota had the same number of male and female samples. We planned each cell to include 40 males and 40 females. In this plan, we expected 1,200 people overall in this survey.

### 2.1.3. Respondents and procedure

The respondents were Japanese people who lived in the Kanto area. Kanto is located in the middle of Honshu, the main island of Japan. This area consists of the Tokyo metropolitan area and six prefectures: Kanagawa, Chiba, Saitama, Ibaraki, Tochigi, and Gunma. Before the survey, the participants voluntarily registered as respondents. The survey company and its partner companies held and maintained the information on respondents. The companies called for responses through the Internet, newspaper ads, advertising flyers posted in train stations, and by direct mail. All respondents were Japanese citizens.

Nikkei Research, Inc. requested that the candidates visit the website and answer the questionnaire posted on the website via email. The respondents voluntarily filled out the web-based questionnaire in response to the email. The respondents who finished the questionnaire were rewarded by lot. The respondents were informed that the research company would randomly select some of the respondents and give them a monetary award. The survey company waited for the responses to exceed at least 1,200, and expected each cell in our sampling plan to be filled by 40 or more respondents. The survey company stopped receiving responses through the website when the number of respondents exceeded 1,200.

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<sup>4</sup> Quota sampling is one of stratified sampling methods used in social surveys. In this method, the researcher divides the population into some subgroups according to some demographic characteristics (age, sex, or other traits of respondents). Then the researcher decides how many respondents should be sampled within each subgroup. After that, the researcher samples the numbers of the respondents that match characteristics of the subgroups.

One thousand six hundred and ten people responded to the survey. Their ages ranged from 20 to 70. The mean age was 44.78, the median age was 45, and the standard deviation for age was 13.98. There were 747 male respondents (46.4%) and 863 female respondents (53.6%).

As a result of quota sampling, the distribution of the prefectures where respondents resided almost resembled the distribution of population among the prefectures. The real population of each prefecture, city, town, and village is recorded by each local government. The numbers of the population are based on the National Census conducted every five years, as well as resident registration maintained by the local governments. Maintaining resident registration is required by law.

About half (49.4%) of the respondents graduated from college. This figure is similar to the proportion of college graduates in the Japanese population, which was 46% in 2011 (OECD 2013, p.38). Other respondents' educational backgrounds were elementary school (0.1%), junior high school (1.2%), senior high school (17.8%), technical college (2.3%), vocational school (10.5%), junior college (10.7%), and graduate school (7.9%).

Respondents' household annual income varied as follows: 0-2 million yen (6.5%), 2-4 million yen (17.9%), 4-6 million yen (20.3%), 6-8 million yen (16.1%), 8-10 million yen (12.0%), 10-15 million yen (10.5%), 15-20 million yen (3.1%), and 20 million and above (1.9%). A total of 11.7% of respondents refused to answer the question on household income. The distribution of answers for social class identification was upper (0.9%), upper-middle (14.5%), middle-middle (43.6%), lower-middle (32.5%), lower (8.4%). The respondents identified the class to which they belong.

#### 2.1.4. Measures

The questionnaire posted on the website included the following measures. All questions were answered through a five-point Likert scale. The scale ranged from 1 (Not at all agree) to 5 (Strongly agree). An option for "I don't know" was added after the Likert scale for each question item.

**Trust in social system and persons-in-charge:** This set of questions was based on JGSS 2008 (JGSS Research Center at Osaka University of Commerce 2011). The questions asked the extent of trust respondents have in large companies, scholars and researchers, the legal system, judges, prosecutors, attorneys, police officers, national governments' ministries, law courts, and local governments. We added an explanation of prosecutors to an instruction in the questionnaire, as we thought that general citizens were not familiar with the word "prosecutors."

**Sense of legitimacy about system and persons-in-charge:** This set of questions asked participants how they felt about the legitimacy of the system and the persons-in-charge mentioned above. As we thought that the meaning of the word "legitimacy" might be difficult for general citizens to properly understand, we created the question item, "To what extent do you think below mentioned items are acting in ways that can be thought as socially right?" We presented the respondents with the specific systems and persons-in-charge, and a five-point Likert scale to assess their responses.

**General trust:** We assessed respondents' trust in people in general, by asking, "Generally speaking, people can be trusted."

**Life satisfaction:** We assessed respondents' life-circumstances satisfaction by asking about respondents' satisfaction with their area of residence, household income, relationship with friends, and relationship with family.

**Expectation of trial fairness and quality:** To assess respondents' expectations about the fairness and quality of trials, we asked respondents, "Method of trial in law courts is fair", "Punishment which is declared in law courts is fair", "Quality of

decision making in law courts is high", and, "People who come to law courts are treated with dignity."

**Interest in the justice system:** This set of questions included, "I have been interested in mixed jury system", "My / General public's interest in trials rose after introduction of mixed jury system."

**Authoritarian personality (3 items):** These questions were taken from Adorno *et al.* (1950). We chose three question items from the California F scale to assess authoritarian personality. See appendix B for the specific items.

**Social Dominance Orientation (SDO, 6 items):** To assess a sense of equality, we employed the social dominance orientation measure (Pratto *et al.* 1994). Due to the length restriction of the questionnaire, we selected six items from this scale, especially regarding sense of equality, as we expected that feelings of equality would be important in relation to trust in the legal system and general trust. See appendix B for the specific items.

**Demographic variables:** This section included questions about respondents' age, sex, educational background, household annual income, social class identification, residence by prefecture, and ZIP codes.

#### 2.1.5. Combine variables to make potential variables

To identify latent variables within observable variables, we selected appropriate question items, as shown above, and we calculated Cronbach's alpha for each scale. To combine trust in the legal system, we selected responses to questions about trust in the legal system, judges, prosecutors, attorneys, police officers, and law courts. We found an estimation of Cronbach's alpha is very high, so we integrated the score of the sense of legitimacy in the legal system into the scale.

In SDO, the question, "some groups of people are simply not the equals of others," reduces the estimation of Cronbach's alpha of SDO scale. Because of this, this item was removed from the analyses that followed. As a result, three question items, "Increased economic equality," "equality," "If people were treated more equally, we would have fewer problems in this country," were combined into one variable. We called it SDO thereafter.

The estimated alphas are as follows: trust in the legal system (.92), Social Dominance Orientation (Pratto *et al.* 1994) (.68), interest in the legal system (.84), satisfaction with life circumstances (.74), authoritarian personality (.68), sense of fairness and quality of decision making in trials (.86).

These scales were used as latent variables in the analyses that followed.

## 2.2. Results

### 2.2.1. Correlations among variables

Table 1 shows Pearson's correlation coefficients among the combined variables shown above and the answers for general trust. All coefficients were statistically significant at the .1 percent level.

Table 1. Correlations among combined variables

	Trust in the justice system	Equality	Interest in the justice system	Life satisfaction	Authoritarian personality	Expectation of trial fairness and quality
Trust in the justice system	---					
Equality	.236**	---				
Interest in the justice system	.167**	.150**	---			
Life satisfaction	.318**	.232**	.235**	---		
Authoritarian personality	.180**	.266**	.097**	.141**	---	
Expectation of trial fairness and quality	.457**	.351**	.249**	.277**	.177**	---
General trust	.341**	.274**	.194**	.419**	.195**	.268**

\*\*  $p < .01$

$N=1535$  (Correlations between trust in justice system and other variables);  $N=1610$  (other correlations)

According to table 1, the highest correlation was found between "trust in the justice system" and "expectation of trial fairness and quality" (.457). The correlation between "trust in the justice system" and "life satisfaction" was the second highest (.318), followed by "equality" (.236), "authoritarian personality" (.180), and "interest in the justice system" (.167).

Concerning "general trust," the second highest correlation in this table was found between "general trust" and "life satisfaction" (.419). "General trust" and "trust in the justice system" were correlated (.341), and moderate correlations were found between "general trust" and "equality" (.274), and "expectation of trial fairness and quality" (.268).

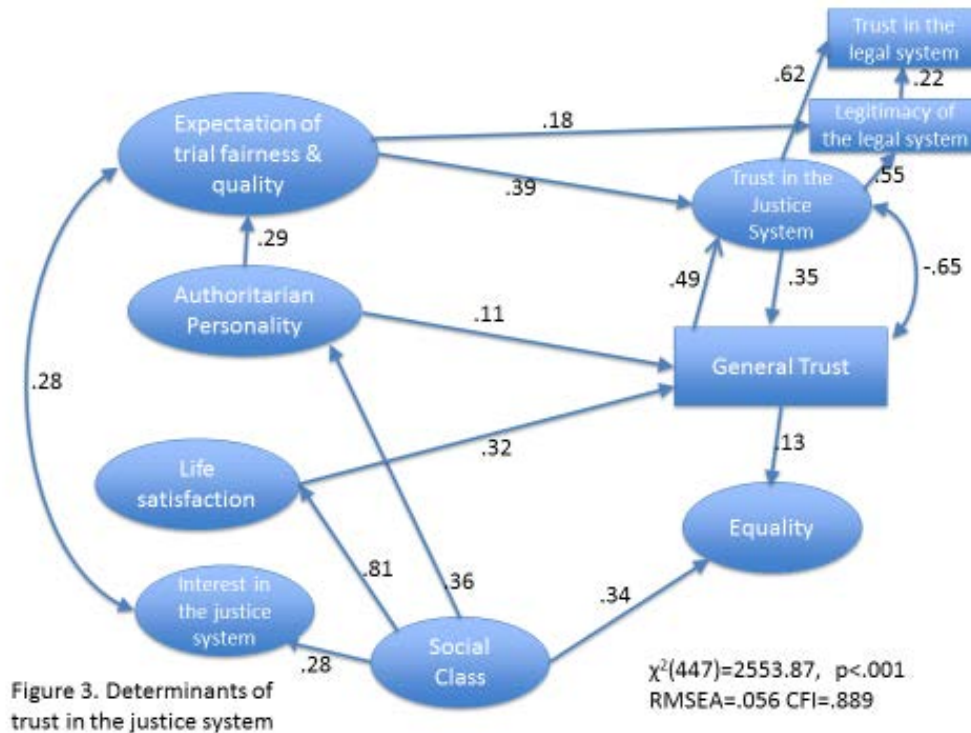
Among other correlations, a relatively high coefficient was found between "equality" and "expectation of trial fairness and quality" (.351). Other coefficients larger than .2 were correlations between "life satisfaction" and "expectation of trial fairness and quality" (.277), "authoritarian personality" and "equality" (.266), "expectation of trial fairness and quality" and "interest in the justice system" (.249), "interest in the justice system" and "life satisfaction" (.235), "equality" and "life satisfaction" (.232).

Other correlation coefficients were less than .2, but all of them were statistically significant.

### 2.2.2. Test of fit of model to data

Under our assumptions, we created and tested our model with Structural Equation Modeling. Figure 1 shows the relationship among latent variables and general trust. All paths and covariances shown in figure 3 were statistically significant at .1 percent level. The Arabic numerals that were put alongside of paths and covariances show standardized coefficients.

In figure 1, observed variables, standard errors, and paths among those variables were omitted for understandability. But single question items "trust in the legal system", "legitimacy of legal system", and "general trust" were depicted, as those items have importance in the results and following discussion.



Trust in the justice system affected general trust (.35), and the reverse path was also significant (.49). General trust had some impact from authoritarian personality (.11) and life satisfaction (.32). These variables had positive effects on equality (.13).

Regarding the expectation of trial fairness and quality, this expectation had positive effects on trust in the justice system (.39) and the legitimacy of legal system (.18). Legitimacy of legal system affected the single question item "trust in the legal system" (.22).

Social class widely influenced other variables in this model. Social class positively affected equality, authoritarian personality, life satisfaction, and interest in the justice system. Life satisfaction and authoritarian personality had effects on general trust, and trust in the justice system.

The direct path from interest in the justice system to trust in the justice system was not significant. In this model, interest in the justice system was an endogenous variable.

Overall, the fitness of this model to our data was acceptable ( $\chi^2(417)=2553.866, p<.001, RMSEA=.056, CFI=.889$ ).

### 3. Discussion

#### 3.1. What factors determine trust in the justice system?

##### 3.1.1. General trust

With a simple correlational analysis, we found that every latent variable and general trust correlated with trust in the justice system. The strongest correlation was found between trust in the justice system and expectation of trial fairness and quality. This confirms Tyler and Huo's (2002) finding that fairness affects trust in the justice system. Adding to it, general trust and life satisfaction had a relatively high correlation. This confirms the prior study (Yosano and Hayashi 2010), which found that trust in the social system is based on trust in human relationships.

Using Structural Equation Modeling, we confirmed Yosano and Hayashi's (2010) argument that trust in the legal system affects general trust. In addition, our data show a reverse path is significant. That is, general trust affected trust in the justice system with the coefficient, .49. In this way, our data show trust in the legal system and general trust influence each other.

We expected that trust in the justice system would affect general trust. This expectation was confirmed by our study. The relationship between trust in the justice system and general trust, especially the influence from trust in the justice system to general trust, seems to be robust. Thus, our Hypothesis 1 was supported.

We also found a reverse direction effect of general trust in our work. Thus, general trust has an influence on trust in the legal system, a correlation that was not found in prior studies. General trust and trust in the legal system affect each other. If people think they can trust other people, they have more trust in the legal system, and if they trust more in the legal system, they have more trust in other people. Our data suggest that general trust and trust in the justice system has a circular relationship.

Our study confirmed that life satisfaction affects general trust. This result supports Hypothesis 3. If people are content with their lives, their general trust will increase. This means that if some social circumstances promote satisfaction with their lives, their general trust will increase. For government or policymakers, promoting people's life satisfaction is important not only for the sake of people's welfare, but for stabilizing society by making people trust in one another.

But a direct path from life satisfaction to trust in the justice system was not statistically significant. We might expect that increasing life satisfaction would promote trust in the legal system directly. Rather, it increases general trust, and as a part of this, trust in the justice system increases. The indirect effect of raising life satisfaction on promoting general trust is .16 ( $.32 \times .49$ ), according to our data.

### 3.1.2. Legitimacy and trust

In this study, legitimacy of the legal system had such a high correlation with trust in the legal system that those variables could be combined into one latent variable with other trust in legal professionals (judges, prosecutors, and attorneys) and law courts. Combining the legitimacy of the legal system, trust in the legal system, and trust in legal professionals, the estimation of Cronbach's alpha was high (.92).

Given this result, many respondents would think legitimacy and trust are alike. In Tyler and Huo (2002), Chicago data showed that trust in institutions strongly affects legitimacy. This was true on both the occasions when they were measured two times (.85 and .90 respectively). Like the result cited above, essentially, legitimacy and trust are thought of as very similar concepts by the general population. Our study confirmed the similarity between these concepts.

From another standpoint, this result can be interpreted as trust in the justice system overall, as this consists of both trust in the legal system and trust in other legal professionals and legitimacy of the legal system. Here we need to distinguish "overall trust in the justice system" and "individual trust in the legal system".

With respect to the relationship between authoritarian personality and trust in the justice system, there was a path from authoritarian personality to general trust, and expectation of trial fairness and quality. But there was no direct path from authoritarian personality to trust in the justice system. Hence, Hypothesis 2 was not completely supported. However, authoritarian personality had an indirect effect on trust in the justice system via the "expectation of trial fairness and quality" and "general trust."

### 3.1.3. Fairness and quality of decision making

According to Tyler and Huo (2002), trial procedure and the quality of decision making affect trust in the legal system for those who have experienced treatment by the police and/or by judges. In this study, based on the results of our factor analysis, the fairness and quality of the trial were combined in one scale. Many respondents thought that these two factors were very similar to each other. This is partly because the majority of respondents had not participated in a real trial, while Tyler and Huo's (2002) respondents had experience with legal procedures. Respondents who had not been involved in legal procedures could answer questions using their imagination and their attitudes towards the questions. Thus, those respondents may have thought fairness and quality of trials is similar, based on their attitudes towards trials. As a result, these two variables are considered as one factor in our factor analysis.

To test this assumption, we could compare the answers from those who have experience with court procedures, and those who have not had this experience, ideally comparing SEM analyses among all respondents. However, in our data only a very small percentage of respondents had been exposed to a trial process, hence we could not conduct SEM analysis solely with respondents who had experienced trial procedures.

Given that respondents thought that fairness and quality of decision making were very similar, the latent variable "expectation of trial fairness and quality" positively affected trust in the justice system. In that sense, Hypothesis 5 was supported. (Refer to Hypothesis 5 in Appendix A.)

Feelings of fairness will affect feelings of legitimacy in the legal system (Hypothesis 7). In our study, we found that "expectation of trial fairness and quality" had positive effects on trust in the justice system and the legitimacy of the legal system. Our data indicated that "expectation of trial fairness and quality" affected trust in the justice system and trust in the legal system. This was an unexpected result of our study, but the latent variable including respondents' feelings of fairness directly affected legitimacy in the legal system, so Hypothesis 7 was partly supported.

### 3.1.4. Legitimacy

Based on our factor analysis, almost all of the scores for the legitimacy of social institutions and trust in social institutions consisted of one factor. We selected legitimacy of the legal system, judges, prosecutors, defense counsel, and police officers, and trust in those persons-in-charge for operating the justice system. The results of factor analyses suggested that our respondents thought that trust and legitimacy were very similar factors. So we identified a latent variable "trust in the justice system" overall, and we included all of the variables selected here. Legitimacy of the legal system and trust in the legal system are especially important from the point of view of our study, so we selected these two factors and gave them special attention in our analysis.

Hence, the majority of responses for legitimacy and trust in social institutions are combined and considered as one latent variable in our analysis. In our analysis, legitimacy of the legal system positively affected trust in the legal system (.22). Hypothesis 6 was supported.

## 3.2. *Effects of social class*

Social class had a broad effect in this model. The latent variable "social class" was combined with the observed variables of gender, age, annual household income, and the five-point scale of social-class identification. Based on the findings of prior studies, we expected that social class would have a positive effect on a sense of



equality (Hypothesis 9). This hypothesis was supported by our results, shown in Figure 3.

Overall, in our results, social class positively affected equality, authoritarian personality, life satisfaction, and interest in the justice system.

First, the reason social class affected equality positively is that the higher the social class to which people belong, the more resources people have. Thus, people in upper social classes may feel the need to justify their status. People in upper social classes may tend to perceive society as composed of equals. Also, their resources enable the people in upper social classes to do more things in society when they want to do them, resulting in fewer chances of facing limitations on their actions due to social circumstances. People in upper social classes may be less sensitive about recognizing inequality in the society. And another possibility is that they may be sensitive because they see how much they have and how little other people have.

Second, social class may have positive influences on life satisfaction, as people in upper social classes experience less emotional distress (Lorant *et al.* 2003), less psychological disorders (Bradley and Corwyn 2002), less physical illness (Adler and Snibbe 2003, Seeman *et al.* 2004), and experience more psychological well-being (Adler and Snibbe 2003, Seeman *et al.* 2004). Based on those findings, people in higher classes live physically and psychologically healthy lives. Self-rated health is a predominant variable of life satisfaction, and socio-economic variables influence life satisfaction (Palmore and Luikart 1972). Our data are consistent with those findings, indicating there is a positive causal relationship between social class and life satisfaction with a rather high coefficient (.81). Hypothesis 4 was supported.

Third, social class had positive influences on interest in the justice system. This may be because people in upper social classes have more power in social institutions such as in local or national governments, or have connections with members of the Diet, the Japanese legislature, or with other people who have power in the society. Thus, people in upper social classes may have efficacy in social institutions, and are hence more interested in those institutions. The justice system is theoretically, ideally, and constitutionally independent of other governing powers, but the general population may think of the justice system as being only one of the several governing systems.

### *3.3. Sense of equality and trust in the legal system*

According to Messick and Kramer (2001), inequality undermines trust among people. This is because "as the level of economic inequality increases, these bonds are increasingly frayed and trust in others declines" (Uslaner 2002, p. 4).

In our data, "inequality" is considered the opposite of "equality." Equality was a latent variable combined with the answers from the SDO scale. Equality was affected by general trust and social class. Regarding the relationship between equality and general trust, people in upper social classes tend to feel that people in society are equal, because they may feel the need to justify their status. The relationship that feelings of equality are affected by general trust seems rather robust, based on prior studies and our data. This result supports Hypothesis 8, which argues that the feeling of equality should be affected by general trust.

### *3.4. Interest in the justice system*

We expected that interest in the justice system would promote trust in the justice system (Hypothesis 10). The Justice System Reform Council in Japan expected the same thing in their opinion paper (Justice System Reform Council 2001). According to simple correlation analysis, interest in the justice system and trust in the legal system positively correlated. This result matched our expectation mentioned above. But with SEM analysis, the direct path between those two variables, interest in the

justice system and trust in the legal system, was not significant. This means that even though those two variables have a positive relationship, the direct path between interest in the justice system and trust in the legal system was not found with our data.

Based on the findings shown here, interest in the justice system does not promote trust in the justice system by itself. Hypothesis 10 was not supported by our data. According to our data, interest in the justice system and expectation of trial fairness and quality were positively correlated. But the data did not indicate the direction of the relationship between those two variables.

### 3.5. Limitations

A major limitation of this survey comes from the samples of the study. We made efforts to include respondents from rural areas. However, due to our efforts, we could not have rigid random sampling. Also, due to our practical restrictions, we just had samples from the metropolitan area of Japan. We think the data from the metropolitan area are representative of Japan because the population and people's origins vary more in the metropolitan area compared to other parts of Japan. Just 25 of the 1,610 respondents participated as lay judges in Japan's *saiban-in* system. Most respondents (1,459) had no experience with using lawsuits to solve the problems in their lives. The majority of respondents, then, may have based their thoughts about the quality of decision making in trial processes and procedural justice on their imagination, impressions from the media and other sources of information, and their attitudes towards the justice system.

### 3.6. Implications and future directions

#### 3.6.1. Social class

Regarding social class, people in the upper class have more positive attitudes towards life satisfaction, interest in the justice system, equality, and a higher score with respect to authoritarian personality. In recent years, social differentiation keeps expanding, the middle-class is decreasing, while the lower class population is growing. Under these circumstances, a feeling of equality among people may decline and life satisfaction may become lower. As the number of dissatisfied people increases, general trust and a sense of equality will likely be reduced. Society may become unstable and there may be less trust in people and in social institutions.

#### 3.6.2. Trust in the legal system and general trust

Our data showed that trust in the legal system promoted general trust. This is consistent with prior studies demonstrating that trust in the social system promotes general trust, and general trust increases trust in the justice system. Trust in the justice system was affected by expectations about trial fairness and quality. If we are trying to increase trust in the justice system, raising general trust among people and raising expectations concerning trials could be two good choices for policymakers. In addition, to cultivate general trust among people, our study suggests that raising life satisfaction among people would increase general trust, and trust in the justice system.

#### 3.6.3. Interest in the justice system

Interest in the justice system itself did not promote trust in the legal system. But that does not mean it is useless to promote public interest in the legal system. According to Figure 3, public interest in the legal system positively correlated with the expectation of law courts' fair actions. From this data, we can assume that promoting one of these variables may lead to promoting another. For example, promotion of public interest in the legal system promotes the expectation of law courts' fair actions. People in a society may be expected to have an interest in, monitor, and judge the activities of social institutions that hold state power.

Therefore, cultivating interest in the justice system is important, even if this does not have a direct relationship on increasing trust in the justice system, as we had expected before a mixed jury system was initiated.

#### 3.6.4. Equality

Feelings of equality were affected by general trust. This brings about some practical lessons for policymakers. Trust in the justice system positively affects general trust and general trust positively affects feelings of equality. Given this, increasing trust in the justice system may increase the feelings of equality in a society, and make the society more stable.

#### 3.6.5. Future directions and implications for lay participation

In this study, we investigated the sociological factors that determine trust in the justice system. We identified a circular relationship between general trust and trust in the legal system. "Trust in the justice system" was determined by "the expectation of trial fairness and quality." These results tell us that we need to enhance people's expectations and their sense that trials are fairly managed if we want to increase people's trust in the justice system.

In a Japanese context, this can be related to the reasons why the Japanese Government introduced the mixed jury system in 2004. The mixed jury system was introduced in order to build a popular base for a justice system (Justice System Reform Council, 2001). The Japanese Government thought that introducing the mixed jury system would increase people's trust in the justice system. Recent Japanese history tells us that the more remote the justice system gets, the more the people's trust in the justice system declines. The Japanese pure jury system was suspended in 1943, during the middle of World War II. Since then, for more than a half of a century, the general public in Japan was not allowed to participate in trials. This has kept the people remote from the legal system, and many people may not have had much chance to observe the real processes that are carried out in the law courts. With this situation, people can only imagine what is done by the law courts and how professional judges handle their jobs. Due to the fact that the trial processes have been isolated from the general public, the judgments resulting from the trials and the behaviors of professional judges have become less and less understandable to the public. To improve this situation, the Japanese Government implemented the Justice System Reform at the beginning of the 21st century. It wanted to increase the public's understanding of the justice system.

After introducing the new lay participation system in Japan, the lay participants positively evaluated the system, at least according to the Court's survey (The Supreme Court of Japan 2014). The general public are more interested in the justice system than before, as they feel the possibility that they have become more involved in the processes of the trial. With the involvement of ordinary people in the justice system, for example, professional judges seem to be more people-friendly. Increasing people's interest in the justice system may lead to more just criminal procedures. It might lead to improvements, such as introducing audiovisual recordings during investigative interviews. If these changes promote people's sense that criminal trials are fair, these changes can also enhance people's trust in the justice system, as our data showed that people's sense of justice is related to their trust in the justice system.

To enhance people's trust in the justice system, we need to encourage the growth of general trust among people. Putnam (1993) argued that social participation promotes trust. We expect participation in the justice system may promote trust in the justice system, so we should compare the responses between people who have served as jurors and those who have not had such experience. If lay participation in the justice system has the same effects as the social participation that Putnam described, lay participation may increase trust in the justice system. This might affect general trust among people in the society. However, because only a small

number of our respondents had been lay judges, these relationships are not tested by this study. We need to complete further studies to test these assumptions.

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Some parts of the questionnaire used in this study were taken from Japanese General Social Surveys (JGSS) 2008. The following paragraph is an explanation of JGSS, taken from instructions of usage of the JGSS dataset / questionnaire.

"The Japanese General Social Surveys (JGSS) are designed and carried out by the JGSS Research Center at Osaka University of Commerce (Joint Usage / Research Center for Japanese General Social Surveys accredited by the Minister of Education, Culture, Sports, Science and Technology), in collaboration with the Institute of Social Science at the University of Tokyo."

This study was carried out by the three authors. The analyses were done by Masahiro Fujita during his Foreign Residency Research Program as an Academic Researcher at Kansai University in the academic year 2013-14. Preliminary results of the analyses were discussed at the University of California, Berkeley, USA, where Masahiro Fujita resided as a visiting scholar during the program. Masahiro Fujita deeply appreciates the feedback from the members of the social psychology lab under the supervision of Professor Victoria Plaut. Round trip travel expenses between Berkeley and Oñati, Spain were provided by a grant of the Foreign Residency Research Program. The main conclusions of this paper were also presented in Japanese at the 78th Annual Conference of the Japanese Psychological Association, held at Doshisha University, Kyoto, Japan, in September 2014.

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## Appendix A: Hypotheses

- Hypothesis 1: There should be a path from general trust to trust in social institutions.
- Hypothesis 2: Authoritarian personality promotes trust in the justice system, as those who are inclined to authoritarian personality would have respectful attitudes towards authoritative social system like justice system.
- Hypothesis 3: Life satisfaction affects general trust, and via general trust, life satisfaction has influence on trust in the justice system.
- Hypothesis 4: People in higher social class are inclined to be more satisfied with their lives.
- Hypothesis 5: Sense of fairness positively affect trust in the justice system.
- Hypothesis 6: Legitimacy in the legal system positively influences on trust in the legal system.
- Hypothesis 7: Feeling of fairness brings about feeling of legitimacy in the legal system.
- Hypothesis 8: Feeling of equality should be affected by general trust.
- Hypothesis 9: Social class has a positive effect on feelings of equality.
- Hypothesis 10: Interest in the justice system may promote trust in the justice system.

## Appendix B: Questions selected

*Three items from California F scale (Adorno et al. 1950)*

1. The most important thing to learn for children is obedient attitude toward their parents.
2. The young are too weak in these days. They need more strict discipline and strict regulation.
3. It is polite to be patient to listen to our seniors even they say the things that we don't like.

*Six items from Social Dominance Orientation scale (Pratto et al. 1994, p. 760)*

(Words between parentheses are back-translated from paraphrased Japanese items, which are used in our questionnaire)

1. Some groups of people are simply not the equals of others.
2. Increased economic equality. (Economic equality in our society is increasing.)
3. Increased social equality. (All humans should be treated equal.)
4. Equality. (The world is equal.)
5. If people were treated more equally we would have fewer problems in this country.
6. It is important that we treat other countries equal.