

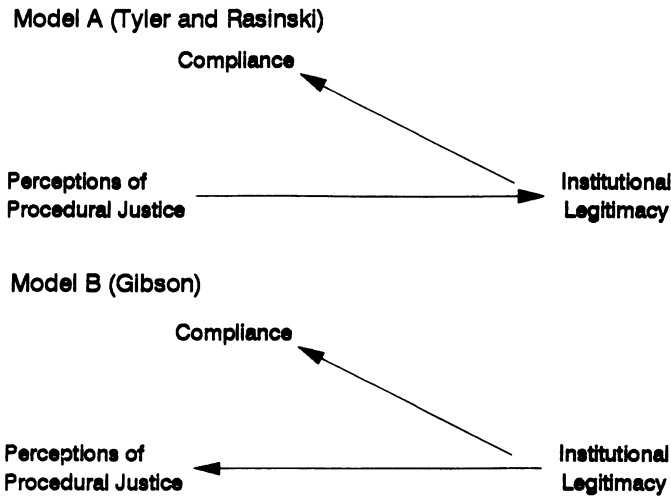
Institutional Legitimacy and Procedural Justice: Reexamining the Question of Causality

Jeffery J. Mondak

Tyler and Rasinski (1991) challenge Gibson's (1989) contention that perceptions of procedural justice do not influence citizens' compliance with unpopular Supreme Court rulings. Noting a significant correlation between procedural justice and institutional legitimacy, Tyler and Rasinski argue that perceptions of procedural justice exert indirect influence on compliance. In response, Gibson (1991) questions Tyler and Rasinski's interpretation of the causal relationship linking institutional legitimacy and perceptions of procedural justice. Although both sides in this dispute offer persuasive discussion, neither can advance conclusive empirical evidence regarding the question of causality. This note presents a reexamination of the relationship between institutional legitimacy and procedural justice, with data drawn from an experiment designed specifically to address the question of causality. Results do not enable conclusive assessment of the Gibson hypothesis. However, in contrast to the Tyler-Rasinski hypothesis, no evidence is found supporting the contention that perceptions of procedural justice influence perceptions of institutional legitimacy.

Study of the relationship between the Supreme Court and its constituents has shown considerable progress in recent years. In particular, much has been learned regarding the ability of the Court to use its institutional support to engender positive public response to its rulings. For example, examination of aggregate opinion data suggests that public opinion shifts in response to the Court's actions under certain circumstances (Marshall 1987, 1989). Likewise, results from a series of laboratory experiments demonstrate that the Supreme Court's institutional legitimacy functions as a political capital with which the Court can confer policy legitimacy (Mondak 1990, 1992). Further, the study of individual-level opinion data indicates that the Supreme Court's institutional support influences the propensity for public compliance with unpopular rulings (Gibson 1989).

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Source: Gibson (1991:633)

Figure 1. Alternative models of the relationships among compliance, institutional legitimacy, and procedural justice

Increased understanding of the essential dynamics of legitimation has led to concern regarding more subtle features of the legitimation context. For example, Tyler and Rasinski (1991) challenge Gibson's (1989) contention that perceptions of procedural justice do not influence compliance. Gibson considers data from the 1987 General Social Survey (GSS), along with supplementary data collected in his own national opinion survey, and finds that procedural justice produces no *direct* influence on public acceptance of unpopular Supreme Court rulings. However, reexamining the same data, Tyler and Rasinski (1991) identify a significant correlation between procedural justice and institutional legitimacy, and thus argue that procedural justice exerts *indirect* influence on compliance. In rejoinder, Gibson (1991) disputes Tyler and Rasinski's interpretation of the causal relationship linking procedural justice and institutional legitimacy. Specifically, Gibson argues that opinion concerning the fairness of the Court's procedures is most likely deduced from more general attitudes about the Court; hence, the correlation between institutional legitimacy and procedural justice reflects the influence of the former on the latter.

As Figure 1 reveals, we are left with competing hypotheses regarding the link between procedural justice and institutional legitimacy. Tyler and Rasinski (1991) and Gibson (1991) concur that institutional legitimacy influences compliance, and that perceptions of institutional legitimacy and procedural justice are correlated. At question is the direction of causality. The

Tyler-Rasinski hypothesis holds that procedural justice affects institutional legitimacy. Conversely, the Gibson hypothesis posits that institutional legitimacy influences perceptions of procedural justice. A third possibility is that the relationship is bidirectional, with procedural justice and institutional legitimacy each exerting influence upon the other.

Gibson notes (1991:632) that the GSS and supplementary data he and Tyler and Rasinski analyze do not facilitate statistical differentiation of the competing hypotheses regarding the relationship between perceptions of institutional legitimacy and perceptions of procedural justice. Instead, specialized data are required to address the question of causality. Examination of the Tyler-Rasinski hypothesis necessitates a means to directly induce variance in perceptions of procedural justice; evidence will support the Tyler-Rasinski hypothesis if direct manipulation of procedural justice produces corresponding change in perceptions of institutional legitimacy. Similarly, if the Gibson hypothesis is correct, then direct manipulation of institutional legitimacy should affect perceptions of procedural justice. This note reports the results of a two-part experiment conducted in an attempt to shed new insight on the lingering question of causality.

Method

The experiment was conducted on 20–24 April 1992. The 150 participants were randomly assigned to three treatment groups. The experiment was conducted in the form of a telephone survey, with respondents drawn from the Pittsburgh metropolitan area.¹ One alternative to the selected procedure would have been to conduct a more conventional laboratory experiment, with subjects drawn from the college classroom. The decision to sample from among the general population reflects my desire to maximize the comparability of current data with those examined in the Gibson (1989, 1991) and Tyler and Rasinski (1991) studies. Still, it is important to note that current data are drawn from one metropolitan area and, more important, that respondents participated in an experiment rather than in a conventional opinion survey. All respondents were asked the five institutional legitimacy items and the four procedural justice items analyzed by Gibson (1989, 1991) and Tyler

¹ A sample of 450 telephone numbers was compiled through a random-digit technique. From this sample, it was determined that there were 253 eligible working numbers. Thus, the 150 completed interviews represent a 59.3% completion rate. Interviewers were directed to speak to the person at each number who was at least 18 years old and who had had the most recent birthday. The latter requirement was introduced as a simple means to randomize selection within each household. Among respondents, 58% are female; 24% are Republicans, 49% Democrats, and 27% independents or other; and the average age is 46, with a range of 19 to 84.

and Rasinski (1991), with the nine questions presented in random order. Following the procedure used in the earlier studies, the five legitimacy items were combined to create a single scale, with items weighted by their factor loadings. A comparable procedure was used in constructing the procedural justice scale.² Additional items measured partisanship, ideology, education, age, and sex.

In the first cell of the experiment, the control group, questioning was preceded by a very brief introduction:

In recent years there has been a good bit of discussion about the role of the Supreme Court in American politics. Now, I would like to hear your opinion.

Institutional legitimacy and procedural justice results for the respondents in this cell provide a baseline. The Tyler-Rasinski hypothesis will be examined by comparing control group results with results from the second cell of the experiment, the procedural justice condition. Similarly, the Gibson hypothesis will be examined by comparing control group results with those from the third cell, the institutional legitimacy condition.³

My objective in devising the second cell was to construct an introductory statement that would directly induce positive perceptions of procedural justice without directly addressing the question of institutional legitimacy. Further, I preferred to remain as true as possible to the meaning of procedural justice as defined by the survey items analyzed in the Gibson and the Tyler and Rasinski studies, because any deviation in meaning would decrease the utility of the experiment as a mechanism for resolving the lingering question of causality. Toward this end, I have used the actual wording of the four procedural justice questions to form a brief defense of the Court, with that defense attributed to national political leaders:

There has been a good bit of discussion in recent years about the role of the Supreme Court in American politics. In response to some of the Court's critics, a public statement in defense of the Court has recently been released. This statement strongly supported the Court, reminding us that the guiding force of decision making on the U.S. Supreme Court is procedural justice: That the Supreme Court gives interests an opportunity to express their views, and that it considers all

² The respective alpha coefficients for the institutional legitimacy and procedural justice scales are .66 and .61. Similarly, Tyler & Rasinski (1991:625) report .72 alpha coefficients for their institutional legitimacy and procedural justice scales. Although the coefficients are not exceedingly low, a note of caution is warranted in interpreting results. Also, to facilitate assessment of the relative magnitude of effects associated with the institutional legitimacy and procedural justice scales, these variables are standardized when included in regression equations.

³ Tyler & Rasinski (1991:626) report a .41 correlation between institutional legitimacy and procedural justice. For the control-group cell of the experiment, the comparable correlation is .43.

sides to an issue before handing down a decision. The statement also reminds us that although some may find fault with an occasional Supreme Court decision, it is important to remember that the members of the Supreme Court make their decisions only after they assemble all relevant information on an issue.

In short, the statement avers that even though politics may change over time, Americans can count on the Supreme Court to make decisions in a fair way. This statement was signed by over 800 political leaders, including all four living ex-presidents, and numerous retired federal court judges and justices, as well as many current and former congressional members representing both major political parties. And, now, I would like to hear your opinion.

I used a two-step procedure to test the Tyler-Rasinski hypothesis. First, procedural justice is regressed on cell group, using data from the control group and procedural justice cells of the experiment. This manipulation check is used to determine if the second cell's introductory statement succeeded in bringing the intended effect, an increase in respondents' perceptions of procedural justice. Second, provided that the manipulation proves effective, institutional legitimacy is regressed on cell group, again using data from the control group and procedural justice cells. Thus, the experiment should allow us to determine if a direct increase in perceptions of procedural justice brings with it a corresponding increase in perceptions of institutional legitimacy.

The second portion of the experiment tests the Gibson hypothesis by comparing control-group results with those from the third, or institutional legitimacy, cell of the experiment. Construction of the introductory statement for the third cell was complicated by the fact that four of the five institutional legitimacy items are phrased in the negative (e.g., "The right of the Supreme Court to decide certain types of controversial issues should be limited by the Congress"). In the introduction, these claims are attributed to unnamed critics, and then the Court is defended by national political leaders:

There has been a good bit of discussion in recent years about the role of the Supreme Court in American politics. Some critics of the Court have argued that it would make little difference to most Americans if the powers of the Court were reduced. Some have even argued that the power of the Court to declare acts of Congress unconstitutional should be eliminated. Some have proposed that Congress should limit the right of the Supreme Court to decide certain controversial issues, while others have suggested that we would be better off if we did away with the Court altogether.

In response to some of the Court's critics, a public statement in defense of the Court was recently released. This statement strongly supported the Court, saying, basically,

that in order for democracy to flourish in this nation, Americans must make every effort to reject such proposals. The statement concluded that the American people must make sure that any proposal to abolish the Supreme Court is defeated. This statement was signed by over 800 political leaders, including all four living ex-presidents, and numerous retired federal court judges and justices, as well as many current and former congressional members representing both major political parties. And, now, I would like to hear your opinion.

Using data from the first and third cells, institutional legitimacy is regressed on cell group to determine the success of the institutional legitimacy manipulation. Then, by regressing procedural justice on cell group for the control and institutional legitimacy cells, we can ascertain whether variance in perceptions of institutional legitimacy leads to comparable variance in perceptions of procedural justice.

Results

Descriptive statistics for the unstandardized institutional legitimacy and procedural justice variables are reported by cell in Table 1. Broadly, these data reveal strong support for the Supreme Court. However, specific consideration of the Gibson and Tyler-Rasinski hypotheses requires further analysis.

Beginning with the Tyler-Rasinski hypothesis, the first step is to determine whether the procedural justice manipulation included in the second cell of the experiment was successful. Regression results are shown in Table 2. The procedural justice manipulation quite clearly worked as intended; the coefficient for the cell-group dummy variable indicates that perceptions of procedural justice are substantially higher among participants in the procedural justice cell of the experiment than among control group respondents.⁴

The Tyler-Rasinski hypothesis holds that perceptions of

⁴ Although data were collected in a single study, my procedure is to treat empirical examination of the Gibson and Tyler-Rasinski hypotheses as two separate experiments sharing a common control condition. That is, data from Cell Three are excluded from analyses focusing on the Tyler-Rasinski hypothesis, and data from Cell Two are excluded from analyses concerning the Gibson hypothesis. I use this approach merely to facilitate clear presentation of results. Regression coefficients for the cell group dummy variables are identical to those reported in Tables 2–4 when data from all cells of the experiment are examined simultaneously. In Table 2, for example, the Cell Two variable produces a .541 coefficient ($t=2.790$). For the model $\text{Procedural Justice} = a + b_1 \text{ Cell Two} + b_2 \text{ Cell Three}$, the same .541 coefficient results ($t=2.586$).

Similarly, bivariate regression results are reported in Tables 2–4 because my objective is to estimate between-group differences in perceptions of institutional legitimacy and procedural justice rather than to account for all factors potentially influencing the dependent variables. Addition of controls for demographic characteristics of respondents would improve the overall quality of the regression models. However, random assignment of respondents to treatment groups means that such controls would not affect analysis of the Gibson and Tyler-Rasinski hypotheses. For example, a

Table 1. Mean Results, Procedural Justice and Institutional Legitimacy

	Cell One (Control)	Cell Two (Procedural Justice Manipulation)	Cell Three (Institutional Legitimacy Manipulation)
Procedural justice	7.133 (1.780) <i>n</i> =43	8.204 (1.817) <i>n</i> =45	7.552 (2.228) <i>n</i> =39
Institutional legitimacy	8.851 (2.730) <i>n</i> =42	9.061 (2.573) <i>n</i> =43	8.926 (3.169) <i>n</i> =42

NOTE: Numbers in parentheses are standard deviations.

Table 2. Regression Estimates, the Procedural Justice Manipulation

	Coefficient	<i>t</i> -value
Constant	-.257*	-1.716
Cell Two	.541**	2.790
<i>R</i> ²	.08	
Adj. <i>R</i> ²	.07	
<i>N</i>	88	

NOTE: The dependent variable is procedural justice (standardized). Cell Two = 1 (procedural justice cell of the experiment) or 0 (control group).

p* < .1 *p* < .01

procedural justice influence perceptions of institutional legitimacy. Consequently, the increase in procedural justice induced by the experiment's manipulation should produce a corresponding increase in institutional legitimacy. Regression results are shown in Table 3. Results provide strong negative evidence for the Tyler-Rasinski hypothesis. The coefficient for the cell-group variable is negligible, and the effect falls far short of conventional levels of statistical significance. If Tyler and Rasinski's explanation regarding the causal relationship linking procedural justice and institutional legitimacy were correct, the coefficient for the cell-group dummy variable in Table 3 would exceed .20. In contrast with this expectation, the experiment has produced no evidence that perceptions of procedural justice exert influence on perceptions of institutional legitimacy.⁵

multivariate model comparable to that reported in Table 2 yields a .498 coefficient for the Cell Two dummy variable (*t* = 2.618).

⁵ I believe that the best and safest interpretation of current results is that procedural justice exerts no meaningful influence on institutional legitimacy; the coefficient for the cell-group dummy variable is essentially zero, providing stark evidence against rejection of the null hypothesis. Still, the procedural justice optimist might note that the .075 coefficient in Table 3 leaves open the possibility that perceptions of procedural justice affect perceptions of institutional legitimacy. However, recall that the baseline correlation between procedural justice and institutional legitimacy is .43, and that the coefficient for Cell Two in Table 2 is .541; thus, the expected relationship is $.43 \times .541 = .233$. Hence, at absolute best, the influence of procedural justice on institutional legitimacy would appear to account for under one-third of the correlation between the two variables. Importantly, if we were to cast aside all concern for statistical

Table 3. Regression Estimates, the Tyler-Rasinski Hypothesis

	Coefficient	<i>t</i> -value
Constant	-.034	-.235
Cell Two	.075	.365
R^2	.00	
Adj. R^2	-.01	
<i>N</i>	88	

NOTE: The dependent variable is institutional legitimacy (standardized). Cell Two = 1 (procedural justice cell of the experiment) or 0 (control group).

Table 4. Regression Estimates, the Institutional Legitimacy Manipulation

	Coefficient	<i>t</i> -value
Constant	-.034	-.211
Cell Three	.027	.117
R^2	.00	
Adj. R^2	-.01	
<i>N</i>	88	

NOTE: The dependent variable is institutional legitimacy (standardized). Cell Three = 1 (institutional legitimacy cell of the experiment) or 0 (control group).

Turning to the Gibson hypothesis, the central empirical question is whether experimental manipulation of perceptions of institutional legitimacy produces corresponding change in perceptions of procedural justice. Unfortunately, analysis is complicated by the apparent failure of the institutional legitimacy manipulation. Regression estimates depicted in Table 4 indicate no differences by cell group in perceptions of institutional legitimacy. That is, respondents provided with an introductory statement defending the Supreme Court were collectively unswayed by that defense. The failure of the manipulation may in itself be somewhat revealing; one interpretation of this result is that perceptions of institutional legitimacy possess such substantial stability that they are able to stave off a deliberate persuasive campaign. The experiment's opening segment offers a strong defense of the Court, and one that is comparable in tone and style to the procedural justice manipulation, a manipulation that did prove effective. Hence, it may be the case that perceptions of institutional legitimacy are simply less flexible than perceptions of procedural justice.

Although this interpretation is admittedly conjectural, it is consistent with Gibson's (1991:633) suggestion that perceptions of institutional legitimacy reflect the influence of early socialization and fundamental political values. In support of this perspective, Caldeira and Gibson (1992) demonstrate that in-

significance and grant the procedural justice camp the .075 coefficient, the indirect influence of procedural justice on compliance suggested by Tyler & Rasinski (1991:26) would still essentially vanish (see Gibson 1991:n. 2 for additional discussion).

stitutional legitimacy stems largely from fundamental beliefs regarding liberty, social order, and democracy. Importantly, ambiguity in assessment of the possibility that perceptions of institutional legitimacy affect perceptions of procedural justice is the consequence of the experiment's design, not the Gibson hypothesis. That is, the experiment has produced no evidence inconsistent with the Gibson position.⁶

Conclusions

In this note, I have attempted to answer a simple question of causality. Previous studies have found perceptions of institutional legitimacy and procedural justice to be correlated, but there has been considerable disagreement regarding the causal relationship linking these two variables. Specifically, Tyler and Rasinski (1991) contend that perceptions of procedural justice influence institutional legitimacy, whereas Gibson (1991) suggests that causality runs in precisely the opposite direction. The experiment reported here sheds new insight on this dispute. Most importantly, in direct conflict with the expectations of the Tyler-Rasinski hypothesis, results indicate that variance in perceptions of procedural justice does not produce variance in perceptions of institutional legitimacy. Viewed from a scientific perspective, we are not able to reject the null hypothesis. Simply put, this study has produced absolutely no evidence that causality runs from procedural justice to institutional legitimacy. Consequently, the Tyler-Rasinski hypothesis provides neither a general nor a comprehensive explanation of the correlation between these two variables. It remains conceivable, of course, that the Tyler-Rasinski hypothesis holds true in some specialized contexts. However, it is the burden of the procedural justice camp to isolate those contexts. At minimum, current results indicate that if perceptions of procedural justice

⁶ A second interpretation of the failure of the institutional legitimacy manipulation results when we consider the possibility that this manipulation simply had an effect different from what was intended. The introductory statement for the third cell was designed to induce an increase in the perceived legitimacy of the Supreme Court. However, because the statement also offers various critiques of the Court, it may be that the experimental manipulation actually served to polarize results. This possibility can be tested by determining whether the probability that a respondent offered a relatively extreme judgment concerning the Court's legitimacy is affected by the experiment's institutional legitimacy manipulation. One indication that such polarization may have occurred is found in Table 1, where standard deviations for institutional legitimacy and procedural justice are both somewhat higher for Cell Three than for the experiment's other two cells. Logit results reveal further support for this position. Specifically, perceptions of institutional legitimacy are somewhat more polarized for respondents exposed to the institutional legitimacy manipulation than for control group respondents ($b = .941$; $t = 2.012$). Similarly, perceptions of procedural justice are also slightly more polarized ($b = .794$; $t = 1.700$). Although these findings underscore the point that the experiment has not produced evidence inconsistent with the Gibson hypothesis, I also do not view this post hoc analysis as sufficient evidence to justify acceptance of that hypothesis.

do, in actuality, exert influence on perceptions of institutional legitimacy, that influence is much less pervasive and much less forceful than suggested by the Tyler-Rasinski hypothesis.

Unfortunately, no clear evidence is available to evaluate the Gibson hypothesis. However, given competing explanations regarding the direction of a causal relationship, negative findings regarding one of those explanations provides de facto support for the other. That is, the Gibson hypothesis at least remains in the running as a viable explanation for the relationship between perceptions of institutional legitimacy and procedural justice. In contrast, current findings indicate that the Tyler-Rasinski hypothesis must either be reformulated or discarded.

Ultimately, the question of causality is significant as it relates to our understanding of the relationship between the Supreme Court and its constituents. Like Gibson (1991:634), I am persuaded by the contributions of the procedural justice school regarding public compliance with the edicts of local authorities. However, for the Supreme Court, institutional legitimacy is apparently not the consequence of public support for the Court's procedures (see also Mondak 1991). The bottom line, as Gibson demonstrates in his initial study (1989), is that the Supreme Court's institutional legitimacy enables the Court to elicit some degree of public acceptance of otherwise unpopular policy actions (see also Mondak 1990, 1992). By addressing the relationship between institutional legitimacy and procedural justice, current results help to describe the context in which this process of legitimation operates.

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