

Procedural justice

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Procedural justice is the idea of fairness in the processes that resolve disputes and allocate resources. One aspect of procedural justice is related to discussions of the administration of justice and legal proceedings. This sense of procedural justice is connected to due process (U.S.), fundamental justice (Canada), procedural fairness (Australia), and natural justice (other Common law

jurisdictions), but the idea of procedural justice can also be applied to nonlegal contexts in which some process is employed to resolve conflict or divide benefits or burdens. Other aspects of procedural justice can also be found in social psychology and sociology issues and organizational psychology.^{[1][2]}

Procedural justice concerns the fairness and the transparency of the processes by which decisions are made, and may be contrasted with distributive justice (fairness in the distribution of rights or resources), and retributive justice (fairness in the punishment of wrongs). Hearing all parties before a decision is

made is one step which would be considered appropriate to be taken in order that a process may then be characterised as procedurally fair. Some theories of procedural justice hold that fair procedure leads to equitable outcomes, even if the requirements of distributive or restorative justice are not met.^[3] It has been suggested that this is the outcome of the higher quality interpersonal interactions often found in the procedural justice process, which has shown to be stronger in affecting the perception of fairness during conflict resolution.

In relation to

communication

In relation to communication, procedural justice deals with the perceptions of fairness regarding outcomes. It reflects the extent in which an individual perceives that outcome allocation decisions have been fairly made. The use of fair procedures helps communicate that employees are valued members of the group. Procedural Justice can be examined by focusing on the formal procedures used to make decisions. Procedural justice, a subcomponent of organizational justice, is important in communication and in the workplace because it involves fair procedures, it

allows the employees to have a say in the decision process, it gives employees fair treatment, and allows them to have more input in the appraisal process.

Additionally, research by Tom R. Tyler and colleagues found that giving disgruntled group members a voice regardless of whether it is instrumental (i.e., a voice that affects the decision-making process) or non-instrumental (i.e., a voice that will not have any weighting on the decision-making process) is sometimes enough for a process to be viewed as fair.^{[4][5]}

The ability and right to a voice is linked with feelings of respect and value, which

emphasizes the importance of the interpersonal factors of procedural justice.^[6] This is important in the workplace because employees will feel more satisfied and respected, which can help to increase job task and contextual performance. There is an emphasis on the interpersonal and social aspects of the procedure, which result in employees feeling more satisfied when their voices are able to be heard. This was argued by Greenberg and Folger. Procedural justice also is a major factor that contributes to the expression of employee dissent. It correlates positively with managers' upward dissent. With procedural justice there is a greater deal of fairness in the

workplace. There are six rules that apply to procedural justice, "Leventhal's rules", are consistence, bias suppression, accuracy, correctability, representativeness, and ethicality. With procedural justice in the workplace and in communication, things need to be fair to everyone, when something is applied it has to be applied to everyone and procedures need to be consistent with the moral and ethical values.

Perfect, imperfect, and pure

In *A Theory of Justice*, philosopher John Rawls distinguished three ideas of procedural justice:^[7]

1. *Perfect procedural justice* has two characteristics: (1) an independent criterion for what constitutes a fair or just outcome of the procedure, and (2) a procedure that guarantees that the fair outcome will be achieved.
2. *Imperfect procedural justice* shares the first characteristic of perfect procedural justice—there is an independent criterion for a fair outcome—but no method that guarantees that the fair outcome will be achieved.
3. *Pure procedural justice* describes situations in which there is no

criterion for what constitutes a just outcome other than the procedure itself.

Models of procedural fairness

The theory of procedural justice is controversial, with a variety of views about what makes a procedure fair.

Traditionally these views tend to fall into three main families, which can be called the outcomes model, the balancing model, and the participation model.

Outcomes model

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The idea of the outcomes model of procedural justice is that the fairness of process depends on the procedure producing correct outcomes. For example, if the procedure is a criminal trial, then the correct outcome would be conviction of the guilty and exonerating the innocent. If the procedure were a legislative process, then the procedure would be fair to the extent that it produced good legislation and unfair to the extent that it produced bad legislation. This has many limitations. Principally, if two procedures produced equivalent outcomes, then they are equally just according to this model. However, as the next two sections

explain, there are other features about a procedure that make it just or unjust. For example, many would argue that a benevolent dictatorship is not (as) just as a democratic state (even if they have similar outcomes).

Balancing model

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Some procedures are costly. The idea of the balancing model is that a fair procedure is one which reflects a fair balance between the costs of the procedure and the benefits that it produces. Thus, the balancing approach to procedural fairness might in some circumstances be prepared to tolerate or

accept false positive verdicts in order to avoid unwanted costs (political) associated with the administration of criminal process.

The participation model

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The idea of the participation model is that a fair procedure is one that affords those who are affected by an opportunity to participate in the making of the decision. In the context of a trial, for example, the participation model would require that the defendant be afforded an opportunity to be present at the trial, to put on evidence, cross examination witnesses, and so forth.

Group engagement model

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Models have also been proposed to understand the psychological basis of justice. One of the more recent of these models is the group engagement model.^[8] The group engagement model (GEM), devised by Tom R. Tyler and Steven L. Blader, incorporates past psychological theories to explain the underlying psychological processes of procedural justice. Based on social identity theory and relational models of procedural justice, this model suggests that a group's procedural justice process influences members' identification with

the group, which in turn influences their type of engagement within the group.

According to the model, group engagement is seen as either mandatory or discretionary behavior. Mandatory behavior is defined by Tyler and Blader as behavior that is required by the group and thus is motivated by incentives and sanctions. Conversely, discretionary behavior is motivated by internal values and is seen as more cooperative and therefore ideal within a group. Depending on the procedural justice processes of the group, the social identity of the members will be influenced accordingly and different values will be emphasised.

The more a member agrees with the type of procedural justice employed, the more they will identify with their group. This increased identification results in the internalization of the group's values and attitudes for the group member. This creates a circular relationship as the group's procedural justice processes will affect group members' levels of identification and, as a consequence, this level and type of identification will affect their own values of what is fair and unfair. This, in turn, will then affect how the individuals will engage with their group, with higher identification leading to discretionary and more desirable behavior.

Due process and natural justice

The idea of procedural justice is especially influential in the law. In the United States, for example, a concern for procedural justice is reflected in the Due Process clauses of the United States Constitution. In other common law countries, this same idea is sometimes called natural justice.

Natural justice generally binds *both* public and private entities, while the U.S. concept of due process has a "state action" requirement which means it applies only to state actors. But in the

U.S., there are analogous concepts like fair procedure which can bind private parties in their relations with others.

See also

- Distributive justice
- Interactional justice
- Organizational justice
- Service recovery paradox

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