



Expectations versus experience: What do citizens demand when dealing with criminal courts?

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journals.sagepub.com/home/crj**Esther Fernández-Molina** 

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Abstract

There is a large body of evidence on how perceptions of procedural justice affect legitimacy and compliance. Despite the consistency of the findings, there is less research on the impact that citizens' experiences with courts may have on public perceptions. This article examines this issue through an online survey of a national sample of Spanish citizens, controlling for the effects of the individual's role in the process (defendant or victim) and membership of a vulnerable group. To this end, a two-dimensional measure of procedural justice was used. The results show that expectations towards the criminal justice system have differential effects, the quality of decision-making affects legitimacy and the quality of treatment affects compliance. Moreover, participation is a key element of satisfaction with the judicial experience, especially for defendants and members of minority groups. The findings are discussed within the framework of Tyler's process-based model and concepts of anticipatory and hermeneutical injustice.

Keywords

Courts, judicial experience, personal contact, procedural justice, public attitudes

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Introduction

Government officials can have a significant impact on people's quality of life (Pepinsky et al., 2017). Therefore, Guy (2021) argues that a crucial aspect for institutions is to determine the quality of encounters between citizens and the state (through their representatives), as these interactions can influence citizens' political behaviour, their participation in public affairs, the legitimacy of government and institutions and even the functioning of the bureaucracy itself (Guy, 2021; Pepinsky et al., 2017).

In the case of the criminal justice system (CJS), personal contact with institutions has been linked to compliance with the law, citizen cooperation, opinions about the law and legal culture (Akdeniz and Kalem, 2020; Tyler, 2006). Citizens' attitudes towards the CJS may be determined by prior expectations and may be diffuse (Benesh and Howell, 2001). However, there is also a flexible component to these evaluations, shaped in particular by the experience of contact with justice system agencies (Akdeniz and Kalem, 2020), as it is through such encounters that citizens experience first-hand how the CJS operates. Previous research suggests that for those who have not had contact with the justice system, abstract evaluations are more important, whereas those who have had contact with justice institutions value their own experiences more highly than previous expectations (Benesh and Howell, 2001).

Although research on public attitudes towards the CJS in recent decades has focused on assessing perceptions of procedural justice in different scenarios (police, courts and prisons), scholarly research has largely focused on the effects of citizens' contact with the police. In this respect, several studies have shown that what happens during these encounters plays an important role in shaping citizens' opinions of this institution (Frank et al., 2005; Hinds, 2009; Murphy, 2009) and that unsatisfactory contacts are associated with lower levels of trust in the police (Barrett et al, 2014; Skogan, 2005). Although the effect of contact has been shown to be moderated by other variables, such as ethnic minority membership (Sargeant et al., 2018) or the nature of the experience (Weitzer and Tuch, 2005), there is sufficient evidence to suggest that the police need to be particularly careful about how they interact with citizens in order to maintain their legitimacy.

When it comes to citizens' experiences with the courts, there are fewer and less conclusive studies. Previous research such as that of Akdeniz and Kalem (2020) and Sun and Wu (2006) found that personal contact with the courts is directly related to negative attitudes towards this institution, while Van de Walle (2009) found this negative effect to be relatively moderate. However, Benesh and Howell's (2001) findings suggest that experiences with the courts are crucial for public trust in this institution and that such interactions essentially polarise citizens' opinions, making them either more positive or more negative, that is, reducing neutral attitudes (Van de Walle, 2009).

In general, the experience resulting from the contact with the justice system is difficult to measure and operationalise (Van de Walle, 2009). As Akdeniz and Kalem (2020) suggest, experience is a dynamic category that can be influenced by prior expectations and knowledge, the outcome (positive or negative), what happens in the process and the individual's role in the interaction. This last factor will be discussed in more detail in the following section.

The role of the individual in the interaction with the justice system

Personal experiences have mostly been analysed in terms of the quality of the interaction. However, some researchers have also focused on the nature of the contact to understand its impact. Some differences have been reported between contacts initiated by citizens and those initiated by public authorities, particularly in whether they were voluntary or not. Studies have generally shown that the most negative effects on citizens' attitudes occur in involuntary contacts (Skogan, 2005), and that procedural fairness therefore becomes even more relevant to the quality of the interaction in authority-initiated contacts (Murphy, 2009). However, any encounter between the citizen and state involves an asymmetric balance of power (Guy, 2021), which carries an inherent risk of harm to citizens (Hamm and Wolfe, 2021).

Another crucial dimension in determining the impact of the contact is the role the citizen plays in the interaction. In this regard, Benesh and Howell (2001) distinguish between those who have a low stake in the contact and exercise a high degree of control, such as jurors, clerks and lawyers, and those who have a high stake in the contact and exercise a low degree of control, such as defendants and victims. Hamm and Wolfe (2021) take this point a step further, noting some nuances that depend on the personal experience and assessment of those involved in the interaction. They suggest that the potential harm that the encounter represents to an individual may determine the impact of the contact. This idea is in line with Akdeniz and Kalem (2020), who note that in order to evaluate the experience positively, the outcome achieved is more important for the defendant, who is in a defensive position and has more at stake, than for the victim.

Indeed, in terms of potential harm, Hamm and Wolfe (2021) recognise that the impact of the interaction varies according to the role, because in the case of victims, the harm has already been experienced (through victimisation), so the potential harm associated with the decision and the interaction is less clear. In contrast, in the case of defendants, the potential harm of the authority's decision is much greater. This distinction helps to explain why these authors find that it is more important for defendants to be heard and that victims, by contrast, place more value on being treated with respect. This latter finding, however, contradicts the findings of other studies (Murphy, 2009; Wells, 2007), according to which it is victims who are least concerned with the quality of the treatment they receive.

Regardless of which of the two groups values the quality of treatment (QT) more, there is evidence that in the case of victims, respectful treatment can mitigate the negative effects of victimisation and reduce its disruptive impact on quality of life (Barkworth and Murphy, 2016), and that treatment with dignity contributes to recovery and promotes a sense of validation (Elliot et al., 2014). Furthermore, for defendants, particular those in prison, respectful treatment may be related to better evaluations of the sentence received and the performance of justice system actors (Tatar et al., 2012; Tyler and Sevier, 2013), as well as to law-abiding behaviour (Fagan and Tyler, 2005).

Prior expectations versus personal contact with the institutions

As noted at the outset, citizens' attitudes towards justice system institutions can be shaped by prior expectations and abstract perceptions (Benesh and Howell, 2001). This may raise doubts as to whether what happens during an encounter is significant in influencing public opinion and the legitimacy of the system. However, although previous

evidence tends to point to the influence of these two variables, most studies have empirically assessed the effects of procedural justice without distinguishing the effect of personal contact. That is, they focus on the general population, most of whom have had no contact with the institutions of the CJS, and it is therefore to be expected that the results will show that the largest effects are based on expectations generated prior to contact.

Undoubtedly, one of the main limitations of procedural justice research is the overlap in the findings of Tyler's model between global attitudes towards authorities based on a variety of sources (e.g. exposure to the image of friends and the media) and specific attitudes based on interactions with authorities in which face-to-face contact has taken place (Gau, 2014). That is, while some people formulate their evaluations based on expectations, others define them based on personal experiences. In this sense, Pina and Brunton (2020) warn that the perceptions of procedural justice and legitimacy used in the literature are not objective measures, but subjectively constructed realities. This may be particularly true in the field of criminal justice research (Baker, 2017). Unlike the police, with whom there is more frequent contact, most citizens do not have first-hand experience with the courts, so the performance of this institution is generally unknown to the average citizen. This article therefore distinguishes between the attitudes of those who have no experience with the courts, who make their evaluations based on preconceived notions of what the courts are and should be, and the attitudes of those who have had experience with the courts, either as victims or as offenders.

Drawing on the above, our analysis examines the effect of personal contact on attitudes towards the criminal courts, taking into account the particular role of the individual in the interaction and controlling for the effects of perceptions and prior expectations, as well as other variables that might moderate this situation, such as belonging to a vulnerable group, sex or being a foreigner, all of which may individually influence both legitimacy and compliance with the law, as well as attitudes towards the criminal courts once contact has been established.

A novel aspect of our study is the use of a two-dimensional measure of procedural justice. Although it is widely accepted that procedural justice has two dimensions: quality of decision-making (QDM) and QT, most quantitative research tends to use a one-dimensional measure of procedural justice, meaning that the role of each dimension remains an under-explored¹ and under-discussed topic. Thus, the added value of the article is to identify the differential impact of these two dimensions.

Methodology

Research design and sample

In August 2018, 1001 individuals were recruited from an online panel of 470,000 people provided by Dynata, a globally recognised market research company.² The sample was stratified by sex and age, according to the demographic characteristics of the country. In addition, 20.9% of the respondents have ever had at least one experience with the criminal courts, either as a victim of crime (15.7%) or as a defendant (5.2%). Although a respondent may have experienced being both a victim and an offender, the survey forced the participant to choose only one option and reminded them to answer according to their chosen role.

The total sample consisted of 48.9% women and 51.1% men. The mean age was 37.4 years, with a minimum of 18 and a maximum of 69 years. Of the respondents, 4.6%

were foreigners, compared with 10.1% of the foreign population in Spain in 2018, according to the National Statistics Institute (NSI); 30.4% were university graduates, similar to the 29.6% reported by the NSI for Spain in 2018; and 64% were employed, with the employment rate for the 16–69 age group being 64.8% in 2018, according to the NSI. In terms of ideological self-assessment from 0 (left) to 10 (right), the average was 4.6, similar to the 4.7 obtained in other representative samples, such as that in the European Social Survey (Torcal, 2011). Finally, 24.5% considered themselves to be a member of a minority (ethnic, religious, sexual, disability), more than half of whom reported having suffered discrimination. A total of 5.5% identified themselves as belonging to an ethnic minority, which is almost double the percentage (2.3%)³ found in the data from the 9th Edition of the *European Social Survey*.

This article uses three subsamples of respondents. The first (V-S) consists of the 157 participants who responded on their court experience as victims. The second subsample (D-S) consists of the 52 participants who responded on their court experience as defendants. Finally, the third subsample (M-S) consists of 60 minority participants who had contact with the courts, either as victim or defendant.

The socio-demographic characteristics of the V-S subsample are similar to those of the total sample, with the only statistically significant difference ($\chi^2=6530$; $df=1$; $p\leq 0.005$) being found in the sex variable, as there are more men than women in the sample of victims. In the case of the D-S subsample, two statistically significant differences were found at the socio-demographic level: there are more men ($\chi^2=4.449$; $df=1$; $p\leq 0.035$), although the number of women is high for a sample of defendants; and there are more foreigners ($\chi^2=16.703$; $df=1$; $p\leq 0.000$) among respondents who had been in contact with the courts as offenders. Finally, there are more foreigners in the M-S subsample of minority members who had contact with the courts ($\chi^2=51,344$; $df=1$; $p\leq 0.000$).

Variables

Likert-type variables and scales were used and missing cases were replaced by the series mean. Two scales were used to assess the respondents' expectations of procedural justice.⁴ The first uses five items from the fifth edition of the European Social Survey to assess the QDM; it accounts for 48.1% of the variance with moderate reliability ($\alpha=0.67$). This scale asks respondents to rate the fairness or impartiality of decisions made by criminal judges (e.g. 'How often do you think judges make fair and impartial decisions based on evidence?' Or, 'How often do you think judges take bribes?'). In addition, an ad hoc QT scale was developed based on previous works. This scale explains 60.5% of the variance with good reliability ($\alpha=0.94$). Six items measure the QT of victims and six items measure the QT of offenders. In this case, respondents are asked about their expectations regarding the QT (e.g. 'How important do you think it is that defendants/victims are treated with respect by the authorities, that judges allow defendants/victims to express their point of view on the facts being judged, or that their opinions on the facts being judged are considered?').

Second, two scales were used to measure legitimacy and compliance with the law, in order to interact all the dimensions of Tyler's (2003, 2006) process-based model. Thus, based on the items identified in the scientific literature (Cheng, 2018; Jackson et al., 2015), a scale was designed to measure the perceived legitimacy of the CJS. According to the exploratory factor analysis, two items did not load as expected ('Judges usually make

Table 1. Descriptive statistics for the study variables.

Variables	N= 1001	V-S (N= 157)	D-S (N=52)	M-S (N=60)	Range
QDM	21.4	20.9	20.8	20.2	1–43
QT	91.5	95	87.9	87	0–120
Legitimacy	13.6	13.6	13.8	13.4	6–24
Compliance	18.4	17.9	15.6	15.5	5–20
Participation	–	17.2	17.7	16.8	0–30
Respectful treatment	–	22.7	17	19.8	0–30
Satisfaction	–	18.2	20	16.5	0–30
Sex (woman)	48.9%	39.5%	34.6%	36.7%	
Foreigner (yes)	4.6%	3.9%	16.3%	13.6%	
Minority (yes)	24.5%	27.4%	32.7%		

V-S: victim sample; D-S: defendant sample; M-S: minority sample; QDM: quality of decision-making; QT: quality of treatment.

decisions that are consistent with my own ideas about what is right and wrong' and 'You should try to obey the law even if it goes against what you think is right'). A confirmatory factor analysis (CFA) confirmed the convenience of removing these items from the original scale.⁵ Therefore, we used three items on moral alignment and three items on legal legitimacy, which explained 60.3% of the variance with good reliability ($\alpha=0.87$). To measure compliance, we used the scale developed by Reisig et al. (2014), which consists of seven items. As with the previous scale and after conducting a CFA, two items were eliminated ('breaking traffic laws' and 'illegally disposing of trash and litter').⁶ The final scale has five items, explaining 57.9% of the variance, and the Cronbach's alpha coefficient is 0.81.

We used three Likert-type variables, presented only to respondents who had contact as victims or as defendants, which allowed us to assess their judicial experience. Satisfaction was measured using a three-item scale (e.g. 'I am satisfied with the way the case was resolved'; 'in a similar situation in the future, I would like to see the situation to be handled in the same way'), which explained 77.8% of the variance with high reliability ($\alpha=0.86$). Perceptions of the possibility of participation were measured using a three-item scale: 'I was allowed to express my point of view on what happened', 'the judge took into consideration what I said about the facts', 'the judge explained the final decision to me'. The total amount of total variance explained by these three items is 65.6 and Cronbach's alpha is 0.73. Finally, perceptions of respectful treatment were measured using a three-item scale: 'the judge treated me politely and respectfully', 'the prosecutor treated me politely and respectfully' and 'the lawyer treated me politely and respectfully'. These items explain the 68.1% of the variance with good reliability ($\alpha=0.76$).

In addition, three variables are used to control for the possible effect of belonging to a vulnerable group on the evaluation of the system. The sex variable is used to control for the effect of being a woman; nationality is used as a dichotomous national/foreigner variable; and finally, a dichotomous variable is created to identify participants who consider themselves to be members of a minority group.⁷ Table 1 shows the descriptive statistics for the different groups of variables.

Analytic strategy

Statistical analysis was conducted using SPSS software version 24.0. Descriptive analyses were carried out to determine the distribution of the variables of interest. The Student's *t*-test was used to determine the differences in perceptions of the judicial experience between the different subsamples. In addition, multiple linear regression analyses were performed to predict legitimacy, compliance and satisfaction with the justice system experience of the different types of respondents.

Procedure and ethical issues

Dynata panellists were invited to participate via email from 8 August 2018, and were able to respond until the originally planned number of people (1000) was reached and the established stratification quotas were met. Panellists who completed the interview were awarded points for their participation, which could be redeemed for gifts. They were informed about the purpose of the study and were allowed to withdraw. Confidentiality and anonymity of data were assured, and all participants were provided with the contact details of the research team.

Results

First, two linear regression analyses were conducted to separately predict legitimacy and compliance. As mentioned above, a distinction was made between the expectations (QDM and QT). In addition, sex, foreigner and minority membership were included as control variables. The results in Table 2 show that the models for legitimacy and compliance

Table 2. Linear regression analysis on legitimacy and compliance, evaluating the effect of contact and belonging to a vulnerable group.

	Legitimacy		Compliance	
	B (SE)	β	B	β
QDM	0.317 (0.579)***	0.592	-0.017 (0.009)	-0.053
QT	0.008 (0.014)	0.040	0.022 (0.004)***	0.179
Contact as a victim (yes)	0.121 (0.005)	0.011	-0.800 (0.193)***	-0.122
Contact as a defendant (yes)	0.494 (0.484)	0.027	-2.606 (0.324)***	-0.237
Sex (woman)	-0.314 (0.288)	-0.039	0.436 (0.141)**	0.091
Foreigner (yes)	0.035 (0.211)	0.002	-0.580 (0.343)	-0.051
Minority (yes)	-0.323 (0.514)	-0.034	-1.275 (0.168)***	-0.227
R ² corrected	36.3		18.6	
N	1.001		1.001	

QDM: quality of decision-making; QT: quality of treatment.

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$.

differ in terms of expectations, and that personal contact (either as victim or defendant), sex and minority membership have an impact on compliance.

Our results suggest that legitimacy and compliance are predicted by different dimensions of procedural justice expectations. For legitimacy, QDM is significant ($\beta=0.592$) and is not mediated by contact or any other control variables. For compliance, however, QT is significant ($\beta=0.179$), but not QDM. Furthermore, the results show that having had contact (as a victim and as a defendant) can inversely predict compliance ($\beta=-0.179$ and $\beta=-0.237$), but not legitimacy. Similarly, the vulnerability control variables are not significant in the legitimacy model, but they are in the compliance model; positively with being female ($\beta=0.091$) and negatively with being a member of a minority group ($\beta=-0.227$). In other words, while women are more likely to comply with the law, members of minority groups are less likely to do so.

The variables introduced in the models account for 36.3% of the variance in the legitimacy model, and just under 20% of the variance in the compliance model, reflecting a medium effect size for legitimacy and an effect size on the border between medium and small for compliance (Cohen, 1998).

Satisfaction with the justice system experience

Using the group of respondents who had contact with the criminal courts, we analysed their satisfaction with the judicial experience considering their experiences of QT.

Table 3 shows that the different groups have similar levels of satisfaction, just above the mid-range, except for women and members of minorities, whose satisfaction is lower, while foreigners have the highest levels of satisfaction. However, these differences are not statistically significant compared with the reference group (men, non-minorities and nationals). A similar trend can be seen in the experience of participation.

The most notable finding in this test is in perceived respectful treatment, with minority group members and defendants perceiving that they are treated with less respect than victims and non-minorities. In these cases, the differences are statistically significant, and the effect size is medium ($d=0.504$ and $d=0.438$; Cohen, 1998).

Below we identify the variables that determine a satisfactory experience with the justice system for the respondents who have had contact as victims or defendants, and for members of a minority group, without distinguishing in the latter case the role of the individual in the experience, as Table 3 shows that they feel particularly disrespected in the justice system experience. Expectations of procedural justice were also included in each model to test how expectations and contact might play different roles in the final evaluation of the experience. Again, sex, foreigner and minority memberships were included as control variables.

According to Table 4, for victims, satisfaction depends on the positive experience of participation ($\beta=0.423$) and to a lesser extent on perceived respectful treatment ($\beta=0.248$). Nevertheless, the QDM continues to explain their level of satisfaction ($\beta=0.253$). Furthermore, women victims are more dissatisfied with the judicial experience ($\beta=-0.154$).

For defendants, a positive experience of participation is the best predictor of satisfaction ($\beta=0.582$). In addition, perceived respectful treatment also has a positive effect

Table 3. Student's *t*-test: differences in perceptions of judicial experience.

	Contact		Sex		Foreign		Minority	
	V (<i>n</i> = 157)	D (<i>n</i> = 52)	M (<i>n</i> = 129)	F (<i>n</i> = 80)	Yes (<i>n</i> = 190)	No (<i>n</i> = 14)	Yes (<i>n</i> = 60)	No (<i>n</i> = 149)
Satisfaction	18.2	17.7	18.8	16.8	20.1	17.8	16.5	18.7
SD	8.4	8.1	8.1	8.5	6.0	8.5	7.8	8.4
<i>t</i> (<i>d</i>)	0.346 (0.055)		1.726 (0.246)		-0.990 (-0.274)		1.752 (0.268)	
ExP	17.2	17	17.4	16.7	18.3	17	16.8	17.3
SD	7.7	8.0	7.7	7.9	7.2	7.9	6.8	8.1
<i>t</i> (<i>d</i>)	0.168 (0.027)		0.656 (0.093)		0.580 (-0.161)		0.479 (0.068)	
Respectful treatment	22.7	20	21.7	22.4	19.4	22.2	19.8	22.9
SD	6.0	6.1	6.1	6.2	7.8	6.0	6.6	5.8
<i>t</i> (<i>d</i>)	2.74** (0.438)		-0.748 (-0.107)		1.632 (0.452)		3.121** (0.504)	

V: victim; D: defendant.

p* < 0.05; *p* < 0.01; ****p* < 0.001.

Table 4. Linear regression analysis on satisfaction, considering experiences of victims, defendants and minorities.

	Victims		Defendants		Minorities	
	B (SE)	β	B (SE)	β	B	β
QDM	0.280 (0.067)***	0.253	0.087 (0.099)	0.085	0.145 (0.110)	0.128
QT	-0.020 (0.028)	-0.045	-0.064 (0.035)	-0.193	-0.14 (0.037)	-0.039
Participation	0.460 (0.70)***	0.423	0.572 (0.199)***	0.582	0.663 (0.133)***	0.584
Respectful treatment	0.344 (0.095)***	0.248	0.366 (0.159)*	0.278	0.213 (0.138)	0.182
Foreigner (yes)	4.76 (2.498)	0.110	0.201 (2.07)	0.009	1.05 (2.15)	0.047
Sex (woman)	-2.62 (0.990)**	-0.154	1.248 (1.63)	0.074	-0.88 (1.50)	-0.056
Minority (yes)	-1.92 (1.108)	-0.103	-0.460 (1.58)	-0.027		
R ² corrected	0.511		0.643		0.491	
N	157		52		60	

QDM: quality of decision-making; QT: quality of treatment.

p* < 0.05; *p* < 0.01; ****p* < 0.001.

($\beta = 0.278$) on the assessment of the experience. However, neither expectations – QDM or QT – nor the control variables have an effect on satisfaction.

Finally, for those who have had contact (as a defendant or as a victim) and belong to a minority group, only the positive perception of participation ($\beta = 0.584$) predicts their satisfaction with the judicial experience; therefore, for this group having a voice in the process is more important than any other variable in the evaluation of their experience, and similarly to defendants, neither expectations nor control variables play a significant role in the model.

The model fit is better for defendants ($r=0.643$), second for victims ($r=0.511$) and finally for minorities ($r=0.491$). Following Cohen (1998), the first two models have a large effect size, and the last model has a medium effect. Although it is acceptable to estimate regressions with a small sample (Austin and Steyerberg, 2015), it is possible that in the case of the defendant model there is an overestimation due to the small sample size.

To conclude, it is worth noting the effect of the positive experience of participation, as it is the only significant variable for the three groups and it is particularly relevant for defendants and for members of minority groups, as there are fewer significant variables in these models (the only one in the case of members of minority groups), which means that the explanatory power of this variable is greater for these two groups.

Discussion

The effect of personal contact on Tyler's process-based model

One of the aims of this work was to assess the effect of personal contact and the role played by each dimension of procedural justice within Tyler's process-based model. The results show that legitimacy is predicted exclusively and robustly by QDM expectations across all population groups, with no differences for those with prior court experience, either as victims or defendants. That is, assessments of the legitimacy of the legal authorities appear to be built upon citizens' expectations that the rule of law will be enforced (Hollander-Blumoff and Tyler, 2011), and personal experience does not affect citizens' expectations of the system's ability to make fair decisions (Benesh and Howell, 2001). The early research by Tyler et al. (1989) suggested that prior expectations about the legitimacy of institutions might even influence how people interpret their own experiences. However, as reported by Pina-Sánchez and Brunton-Smith (2020), no further empirical studies have been conducted on these dynamic relationships between procedural justice and legitimacy, until Nagin and Telep (2017) argued that reverse causality has not yet been ruled out. In other words, it is possible that the image that individuals have of authorities influences their perceptions of concrete experiences. In this sense, Bottoms and Tankebe (2012) consider that authorities and citizens are engaged in a perpetual discussion about legitimacy.

However, in the case of compliance, only QT expectations have explanatory power, while personal contact (as victim or as defendant) has a negative effect. The results of this research suggest a hitherto unexplored specificity of Tyler's model, namely that contact modifies the influence of both dimensions of procedural justice. When controlling for the experience with the courts, QDM becomes blurred and non-significant, while QT emerges as an aspect that may explain a part of compliance with the law. That is, after a judicial experience, citizens particularly value how people are treated by the criminal justice authorities. As mentioned at the beginning of this article, research on procedural justice rarely distinguishes between the two dimensions, and thus the nuances we have found are worth exploring in future research.

In addition, as Nagin and Telep (2017) highlight in their critique of Tyler's work, it is unfeasible and unrealistic to assume that a single experience with the police can influence perceptions built up over a lifetime, yet the effect of court experiences remains

under-explored in process-based model research (Baker, 2017). Contact with the courts is not a single event but an experience that is extended over time, involving multiple interactions with different legal authorities, and in which, regardless of the individual's role (victim or defendant), there is much more at stake than in encounters with the police, where the process-based model has primarily been examined. Longazel et al. (2011) emphasise that 'myriad of studies on courts specifically have noted the potentially devastating effects that an experience with court can have on one's attitudes' (p. 205). This seems particularly true in the case of ethnic minorities. Research has shown that such groups' expectations of receiving unfair or discriminatory treatment lead to more negative attitudes towards the CJS and to be less likely to comply with the law, in what is known as 'anticipatory injustice' (Woolard et al., 2008). In this sense, our results show that minority members tend to be less likely to comply with the law. In contrast, our findings confirm that women are more likely to comply as the previous literature sustains in different scenarios (Carreras et al., 2023; D'Attoma et al., 2020; Varet et al., 2023).

On the experience with criminal courts

Given the importance of QT for those with previous experience in criminal courts, we analysed which dimensions of QT were related to respondents' satisfaction with their court experience. We also examined whether these perceptions varied between the different subsamples available: offenders–victims, men–women, nationals–foreigners and minority–nonminority.

First, it should be noted that the level of satisfaction was not particularly high (above the mid-range) and it was especially unsatisfactory for women and members of a minority, since these two groups scored the lowest on both the satisfaction scale and the perception of participation. Moreover, minorities were among groups that feel least respectfully treated. In general, members of vulnerable groups tend to have worse perceptions of the CJS (Baker, 2014; Higgins et al., 2009; Longazel et al., 2011; Madon et al., 2017; Sun and Wu, 2006). Surprisingly, foreigners were more satisfied with the court experience and felt that they had the opportunity to participate in the process. Although their evaluations were not entirely positive, since they feel the least respectfully treated group. As this result contradicts previous findings, it needs to be explored in the context of the Spanish justice system. It is possible that these assessments are influenced by their expectations and previous experiences forged in their country of origin, but our results do not enable us to confirm this.

Second, it is worth highlighting that it is the experience of the possibility of participation that most robustly explains satisfaction. In this sense, previous research has shown that participation is the most important aspect in the dimension of the QT (Dai et al., 2011; Grijalva and Fernández-Molina, 2017; Grijalva, 2020; Sprott and Greene, 2010). Specifically, in the case of defendants, being heard during the trial and being made a participant in the decision was so central to the model that even the statistical significance of previous expectations disappeared. This suggests that when interaction takes place, one of the key aspects is for individuals to feel listened to and to have the possibility of telling their side of the story (Baker, 2014; Pennington and Farrell, 2019). This reinforces the findings of Benesh and Howell (2001) and Hamm and Wolfe (2021),

which allow us to reflect on the defendants' need to be heard, given what is at stake and the potential harm caused by the decision. In the case of minority groups, the finding was very similar, as previous expectations were not relevant in the model.

For victims, satisfaction is also largely explained by the perception of participation. The role taken on by victims in the process, who are the ones that turn to the authority to aid their recovery and obtain protection and redress for the harm suffered in a victimisation experience (Barkworth and Murphy, 2016; Elliot et al., 2014), seems to explain why this accountability of the authority is so significant. In addition, the fact that QDM also has explanatory power when controlling for personal contact, shows that victims continue to maintain their trust in the rule of law and have faith in the proper functioning of the CJS, which is not the case for the rest of the groups.

Finally, respectful treatment is significant only for victims and defendants. These findings highlight the importance of the interpersonal aspect of the interaction and the value placed on being treated politely and respectfully (Orth, 2002). Jonathan-Zamir et al. (2013) consider respectful and dignified treatment as a reflection of the demands for care and concern from the authorities. As mentioned at the beginning, previous research has noted that respectful treatment can be decisive for victims and their reintegration (Barkworth and Murphy, 2016; Elliot et al., 2014), but also for defendants, as it can influence the evaluations of the sentence and the performance of the criminal justice authorities (Grijalva and Fernández-Molina, 2017; Tatar et al., 2012; Tyler and Sevier, 2013), as well as law-abiding behaviour (Grijalva, 2020; Fagan and Tyler, 2005).

The importance of having a voice and encouraging communication. The results showed that participation was a crucial variable in explaining the satisfaction with the experience with the courts for all of those who had contact with the justice system. As the scale used to measure the experience of participation was constructed with three items measuring the perceptions of being listened to, being heard and being part of the process, this section discusses the symbolic and expressive effect of listening – in a broad sense – in the interaction between citizens and institutions, in our case, the criminal courts.

Since the first evaluations of procedural justice theory, it has been found that people who perceive that they can express themselves and participate feel valued as members of a community, which gives them a sense of identity and belonging (Lind et al., 1997; Pennington and Farrell, 2019). This has an even greater impact in the case of vulnerable groups (Madon et al., 2017), as our findings confirm (we found the larger effect for defendants and minorities). Ensuring the right to be heard, broadly defined, is perhaps not only a strategy of judicial efficiency but also of distributive justice, dignifying those populations that have been structurally neglected and disregarded (Stewart, 2014). Thus, participation in the judicial process may be a way to establish an effective dialogue between citizens and institutions, making individuals feel that they have a say, even if the final decision is beyond their control, and this may be a particularly important mechanism for members of socially disadvantaged groups (Pennington and Farrell, 2019).

Being listened to gives value to a person, especially for those who do not feel represented in everyday life, as equality is not part of the experience of all members of society. When a person is listened to in an interaction, it not only enables authorities to connect with their needs but also personalises the experience (Livingston, 2018).

Conversely, when there is no effective listening in an interaction, a form of social and institutional oppression occurs, often at a subtle and unconscious level (David and Derthick, 2014), which perpetuates and widens the social gap that existed before the contact took place. People from vulnerable groups may feel constantly stereotyped and discriminated against. They may perceive their treatment as lacking dignity, whereas the privileged population is unaware of their situation of privilege and therefore has a natural tendency to trust the decisions of the authorities (Swanson, 2001). The lack of listening in a justice system that reflects social inequality and does not give an effective voice to the socially disadvantaged can lead to what is known as ‘hermeneutical injustice’ (Fricker, 2017). This refers to the presence of structural identity biases that promote the unequal participation of certain individuals in institutions and social practices and the inability to communicate the significance of their social experiences (Mason, 2021). In this sense, such practices can create a situation of testimonial injustice, where a listener – in this case, court practitioners – gives to a speaker – in this case, those in contact with the system – a degree of diminished credibility because of their membership to a particular social group (Fricker, 2017).

The recommendation of increased listening may seem like an additional burden on the work of judges and officials, who may already be overburdened and lacking in resources and time. Ultimately, the decline in the QT is linked to the expansion of control policies and abandonment of the view of criminal law as the state’s *ultima ratio* for dealing with conflicts. However, there are strategies that can be easily implemented by officials and can help improve the communication that takes place when interacting with citizens and the public, such as making eye contact, paraphrasing, taking notes, asking additional and follow-up questions (Doss et al., 2015; Kolovou, 2011). This does not necessarily mean listening more, but listening better, and can actually make the work of the courts more efficient by achieving greater depth and even reducing the number of hearings. In essence, showing genuine interest can make people feel that they are important to the listener (Kolovou, 2011), and therefore, to the justice system.

In addition, there are two aspects that can improve the act of communication and user satisfaction: the first is planning (Doss et al., 2015), namely that officials have prior knowledge of the case and are clear about the essential aspects they need to know and that will influence the decision, and the second is that final decisions explicitly mention what the parties have said and how it has been taken into account. It should not be forgotten that communication is an essential aspect of a well-functioning justice system (Doss et al., 2015).

This study did not identify the type of minority to which those who self-identified as such belonged. However, it is essential that the justice system identifies the situations of vulnerability faced by people belonging to different minority groups. In this sense, it can be very useful to formulate protocols of action with the most representative minorities and to take the necessary *ex officio* measures in the criminal process so that judges make fair and balanced decisions that do not deepen structural inequalities.

It is important to recognise that this study is not without limitations. First, it was not possible to control the overlap between victims and offenders, which can certainly nuance the results obtained. Similarly, we asked the respondents if they had ever had experience with criminal courts, and we were not able to know whether, if they had had

several, they responded with the most recent or the most significant one. Future research with more complex designs is needed to further explore the effects of judicial experience. Second, this article aims to examine public attitudes, which is a controversial topic in the social sciences. The causal mechanisms of attitudes are complex and there can be problems of multicollinearity and bidirectionality. This research is not immune to these challenges, as people's expectations may be influenced by their experiences and level of satisfaction with their interactions with the courts. Conversely, their level of satisfaction may be shaped by their initial expectations. The cross-sectional nature of this study is insufficient to alleviate these uncertainties; hence, it is imperative to formulate intricate experimental designs capable of managing and controlling for these interactions. Third, the seriousness of the crimes for which the participants have been through the system is unknown; in the Spanish CJS, the so-called *juicios rápidos* (speedy trials) involve minimal contact with the courts while the rest of the criminal proceedings require a long and exhausting journey through the system. Fourth, the minority membership measure is actually a perception measure where respondents identified themselves in this category. As mentioned above, a list of vulnerabilities was offered and almost half of the respondents (46.9%) considered themselves to be members of a minority without specifying which one. It is therefore difficult to understand the specific effect that the type of vulnerability may have on their judicial experience. Finally, the experiences with the different CJS actors have not been differentiated and therefore it has not been possible to distinguish the impact that judges, prosecutors and lawyers can have on the concrete experiences of the participants. Thus, we are unable to provide targeted recommendations for each actor.

Conclusion

Our results allow us to extend the findings on Tyler's process-based model. First, our findings show that the two dimensions of procedural justice have different effects on legitimacy and compliance. This outcome is understandable in the sense that although these dimensions are related, they are not necessarily explained by the same variables. Legitimacy was linked to citizens' general perceptions of the ability of criminal courts to make fair decisions. In this case, these perceptions were uniformly shared across the sample, linking the legitimacy of the institution with its ability to uphold the rule of law. However, compliance was exclusively related to the expectation of QT. Also, having had contact with courts either as victim or as defendant negatively affected to compliance.

Second, respondents who have had court experience are not very satisfied with the judicial experience, especially women and minorities, and all of them attach more importance to participating.

These results deserve to be further explored and discussed in the field of access to justice, as members of some groups seem to be particularly sensitive to the treatment they receive in the interaction. In particular, our findings suggest that, in line with Simmons (2011), listening to those who do not feel in a privileged situation and who are structurally neglected may be an appropriate way to move closer to real justice. Future research will allow this analysis of the process-based model to be developed, considering aspects that could not be assessed in the present research, such as the effect of recidivism or re-victimisation, or as suggested by Akdeniz and Kalem (2020), whether the outcome of contact is

positive or not. In addition, qualitative and longitudinal research, such as that suggested by Pennington (2015), would allow us to assess how the expectations of citizens with no experience with the CJS evolve after a long and costly experience of justice.

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Notes

1. To our knowledge, these dimensions are distinguished in the studies by Baker et al. (2014), Dai et al. (2011), Jonathan-Zamir et al. (2013), Peterson-Badali et al. (2007) and Trinkner et al. (2017).
2. For details on how Dynata recruits respondents, see <https://www.dynata.com/panel-book-form/>
3. Data directly calculated using the database for Spain are available on the ESS website at https://www.europeansocialsurvey.org/about/country/spain/ess_spain.html (consulted in August 2023).
4. According to Hair et al. (1999), a high correlation between a dimension and the total additive scale indicates convergent validity. In this case, we found a high correlation with the procedural justice additive scale for quality of treatment ($r=0.927$) and a moderate correlation for quality of decision-making ($r=0.456$), suggesting partial convergent validity. In addition, the significant but low correlation between the two dimensions ($r=0.098$) indicated discriminant validity. These findings confirmed the need to use these two dimensions separately.
5. The model was significant ($\chi^2(9)=47,552$; $p<0.001$) and fit the data well (goodness-of-fit index (GFI)=0.977; root mean square error of approximation (RMSEA)=0.65; adjusted GFI (AGFI)=0.946; comparative fit index (CFI)=0.921).
6. The model was significant ($\chi^2(5)=10,142$; $p<0.001$) and fit the data well (GFI=0.977; RMSEA=0.32; AGFI=0.930; CFI=0.956).
7. A list was presented to respondents and 33.8% identified themselves as an ethnic minority, 13.9% as a sexual minority, 5.3% felt they belonged to a minority because they had a disability, while 46.9% considered themselves to be members of a minority without specifying which one.

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