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Introduction

Distributive and Procedural Justice

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Introduction

Distribution of scarce resources permeates almost all spheres and levels of social life. Scarce resources are not only distributed in the family, but also in the contexts of work, sports, friendship relations, the political arena, public organizations, legal settings, and more. Distribution of scarce resources is a problem affecting society at the micro, meso and macro levels. The micro level includes the family, friendship relationships, school, sport and work teams; the meso level includes work organization, the court, while the macro level includes political bodies, national economy, and others. In the family, for instance, problems with regard to the distribution of household tasks are common. In school, teachers have to decide how much attention to give to each student. On the meso level, public administrators are faced with the problem to determine whether or not to construct a new bus lane (see the chapter by Markus Müller and Elisabeth Kals in this volume) or how to tax different categories of citizens in the municipality for costs for water cleaning. The distribution and redistribution of income via taxation is an example of a distribution issue on the macro level.

People frequently evaluate the distribution of scarce resources in terms of justice or fairness. A child may evaluate the amount of his/her household chores as unfair, and citizens may evaluate their tax burden as fair. A well established finding is that fairness is of great importance and affect people's feelings and actions in social interaction. For instance, fairness has been linked to satisfaction with and acceptance of decisions, perceived legitimacy of authorities, task performance, organizational citizenship, anti-social behavior, employee theft, use of influence tactics, responses to layoffs, work satisfaction, commitment to groups and society, and more. It is not surprising that the social sciences spend considerable time, energy and financial resources to the study of scarce resource distribution and people's evaluation of it.

Traditionally, psychology focusses mainly on distribution processes at the micro level, while sociology leans toward the macro level approach. On the micro level, psychologists are concerned with the antecedents and consequences of justice evaluations. Chapters in the present volume are concerned with structural antecedents

of people's justice evaluation of resource distribution (Kjell Törnblom and Ali Kazemi), motivational antecedents (Celia Gonzalez and Tom Tyler), cognitive and emotional antecedents (Elizabeth Mullen) as well as the attitudinal and behavioral consequences of people's justice evaluations (Markus Müller and Elisabeth Kals; Ali Kazemi; Karen Hegtvædt). The studies represented in those chapters are descriptive in nature in that they analyze how people form justice judgments and what the attitudinal and behavioral effects are of perceived fair or unfair resource distributions. Within the sociological tradition the normative approach to justice has received considerable attention. This approach is concerned with the question what a just distribution is or should be. The chapters by Steffen Mau and Sonja Wrobel, and Laurence French and Nancy Pichall-French are examples of the normative justice approach.

A resource distribution or allocation process frequently consists of an authority (a person or an institution possessing varying amounts of discretionary power to allocate resources) and one or more recipients of the allocated resource. The authority divides the resource between him/her and one or more others or between others. In making the allocation decision authorities use distributive rules like equality (everyone receives the same amount), equity (the received amount of the resource matches contributions), or need (outcomes satisfy needs). A young child gets relatively more parental care than an older child because the young child needs it more; children doing more household chores will receive a higher allowance than those doing fewer chores; all children are taken to the movies by their parents irrespective of their age or gender. Thus, the received share of the resources may be evaluated in terms of various justice principles. Parents give a needy child more care than a less needy child because they find this distribution of care just.

In making allocation decisions authorities apply procedural rules—as distinct from distributive rules—to arrive at the decision. Three aspects of procedural rules maybe distinguished (see Vermunt, Van der Kloot and Van der Meer, 1993). The *structural* aspect refers to whether or not the procedural rule is part of the legal body of a country, family or organization. An example is the works council. In some countries works councils are formally arranged in the entrepreneur-bill, indicating that companies are obliged to install a works council. In other countries the entrepreneur-bill does not contain rules about the legal position of the works council. It might be assumed, therefore, that in countries with a legally regulated works council, workers have more say in some of the decisions of management than do workers in countries without a formally established works council. Another example is the presence or absence of a court or committee of appeal which citizens may attend in order to challenge an institutional decision. French and French (this volume) mention the installation of the Constitutional Act in 1982 in Canada to guarantee rights of Native Americans. Angola, for instance, has no separate juvenile justice system that offers protection against child labor.

However, it is generally agreed that legal arrangements are sometimes not applied in practice. We may label this aspect of procedural rules the *cultural* aspect. Management of companies with a works council may fully use the opportunities of the works council, try to reduce its influence, or even obstruct its ideas and advice. More concretely, management may or may not apply rules such as the accuracy

rule, a rule that dictates that decisions are based on as much correct information as possible. Management in the works council may ask employees to voice their opinion, or they may refuse to do so (Leventhal, 1980). Most nations have laws that prohibit child labor, but world wide the percentage of child labor in 2004 was 15.8 per cent, which means that 218 million children from 5 to 17 years are forced to work and do not receive proper education. The third aspect of procedural rules is the *personal* aspect which includes the way decisions are communicated to the persons involved. Decisions may be communicated in a way that does or does not do justice to the persons involved (Bies and Moag, 1986).

Scarce resources are often partitioned into material resources, like money and goods and immaterial resources like respect and attention. Resources may have positive valence (e.g., a financial bonus or a winning lottery ticket) or negative valence like a punishment, financially or otherwise.

As an allocation event consists of an outcome and a procedure, the two aspects are inextricably connected to each other. Theoretical and empirical research has been and is still carried out within each of these domains, more or less independently of each other. During the last couple of decades researchers have increasingly focused their attention to how judgments of the distribution and the procedure combine to form (overall) justice conceptions. The assumption is that people take both aspects of the allocation event into account, when they determine whether or not a particular situation is just. The contributed chapters to this volume represent research in line with all three approaches, as is evident from their divisions into three corresponding parts of the book.

Distributive Justice

Distributive justice refers to the justice evaluation of the allocation outcome. What a recipient considers his/her just desert is dependent on several factors. One of the factors is the type of rule that is applied: the equity, equality or need rule. According to the equality rule an equal division of the shares will be seen as fair, while according to the equity rule the same division will be evaluated as unfair. Other factors are the valence of the outcome (an equal division of losses may be evaluated as unfair, while an equitable division may be seen as most fair for gains); the type of relationship between authority and recipient (the equity rule may be evaluated as more fair in a work relationship than in an intimate relationship); the way the resources are produced (see Törnblom and Kazemi, this volume—the equality distribution principle is likely to be endorsed for a good that is produced cooperatively by many, while the principle considered most just for the distribution of a good that is produced competitively by one person might be equity).

The equality rule seems to be the simplest rule to apply in practice. Everyone receives the same amount of a good irrespective of recipient characteristics or differences between recipients. Of course, as Messick (1993) noted, it may be difficult to divide a good equally when it is not divisible over the number of recipients. How may two chocolate bars be fairly divided among three children? Several strategies may be applied to solve this problem, but the cognitive processes

to divide equally are as such not difficult. A more difficult task is to divide a good according to the need rule. The allocator has to estimate the need level of each recipient which is frequently a very complex task. However, the perceived need is often one-dimensional in nature rather than a combination of several need states. For instance, children may have a need for mother's attention during play. The child with the least competence is easy to detect and more attention will be directed to this child than to the others. The mother might explain the difference in attention by referring to the low competence of that child.

It is more difficult to allocate goods and evaluate the outcomes of the allocation decision when the equity rule is applied. The allocator and the recipients not only have to combine the delivered inputs (contributions, status, age), but they also have to compare the inputs of self and others. Several models have been proposed to describe how recipients combine information about inputs. Anderson (1976) proposed a cognitive algebra model to describe outcomes (salary or bonus) based on multiple input information, combining inputs additively could best predict the outcome. Harris (1983) was opposed to a monotonic relationship between input and output and made a strong case for a linear relationship between input and outcome. In a monotonic relationship the constraint of the relationship is that when the input increases so does the outcome as well. In a linear relationship an increment in the input will be related to an increment in the outcome, but the magnitudes of the increments are not the same: a small increase in the input, for instance, may go hand in hand with a large as well as a small increase in the outcome. In a linear relationship each increment in the input is related to an even larger increment in the outcome, although the increment in the input need not be of the same magnitude as the one in the outcome. When both increments are the same the product moment correlation will be one.

Another type of research in the distributive justice area has been carried out in which inputs and outcomes are given and the subject is asked to evaluate the fairness of the combination of inputs and outcomes is (Jasso, 1978, 1980, in this volume; Törnblom, Mühlhausen and Jonsson, 1991; Törnblom and Kazemi, this volume). Jasso states that an evaluation of the fairness of a reward can best be described as the difference between the natural logarithm of the actual reward and the just reward. Törnblom and associates showed that inputs are differently weighted for the formation of justice judgments dependent on the social relationship between the allocator and the recipient and the valence of the outcome.

This cognitive approach of distributive justice is challenged by Elizabeth Mullen in her contribution "The reciprocal relationship between affect and perceptions of fairness" (Chapter 1). Mullen states that affect is not only a by-product of cognitive processing, but asserts that affect influences fairness judgments as well. Specifically when people are confronted with negative events, negative affect prompts fairness reasoning. Negative outcomes such as under-reward and, to a lesser extent, over-reward, triggers affective responses that elicit cognitive reasoning about fairness of the events. Partly based on the cognitive appraisal approach, Mullen develops the Affective Model of Justice Reasoning (AMJR). The model claims a causal role for emotions of when and how people reason about fairness. Different emotions may elicit different types of information processing. Interestingly, the AMJR model

predicts that outcomes and interpersonal treatment will elicit stronger affective reactions than procedural factors.

Kjell Törnblom and Ali Kazemi (Chapter 2, “Toward a resource production theory of distributive justice”) elaborate on Törnblom’s earlier work with regard to factors that influence distributive fairness judgments, such as type and valence of the allocated social resource, and the relationship between the allocator and recipients. In their contribution to the volume, the authors focus on mode of production as a factor affecting distributive justice judgments. Thus, the manner in which social resources are made is proposed to have an impact on distributive justice judgments and behavior. The content of this chapter is inspired by Marxist oriented critiques, and the goal is to lay a foundation for a new theoretical approach to distributive (as well as procedural) justice.

Distributive justice is concerned with the fair distribution of benefits and burdens, such as income, bonuses, and taxes. A particular kind of distribution of benefits and burdens takes place between different generations of citizens. In several countries in Europe the younger generation contributes to the benefits for the older generation and expects the same from the future generation. This arrangement can only continue if it is seen as fair and if sufficient solidarity exists between the generations. The issue how justice and solidarity are related is the subject of Chapter 3 by Steffen Mau and Sonja Wrobel (“Just solidarity: How justice conditions intergenerational solidarity”). The authors conceive of three ways in which justice and solidarity are related to each other: solidarity as a pre-condition of justice, solidarity and justice as mutually reinforcing processes and justice as a pre-condition of solidarity. A test of the relationships between justice and solidarity is conducted via an analysis of German parliamentary debates and survey data.

Procedural Justice

The history of procedural justice research is shorter than that of distributive justice research. In the beginning of the 1970s, Rawls (1971) and Thibaut and Walker (1975) were among the first to connect outcomes and procedures. Rawls discussed the issue of how to divide a pie between two persons as fair as possible. He suggested the use of a procedure in which the allocator, divides the pie and the other person chooses which piece s/he wants. With this procedure the allocator is likely to divide the pie as equally as possible, as an unequal division will motivate the choosing recipient to select the biggest part. Thibaut and Walker studied procedures in legal settings and compared people’s satisfaction with two legal systems, the adversary system (as applied in the United States and England) and the continental system (as applied in Europe). Asking people about their satisfaction with their systems, the adversary system was considered more satisfying than the other system.

One of the factors that, according to Thibaut and Walker might have contributed to this difference in evaluation of the two systems is that in the adversary system the judge is a referee whose main task is to let both adversaries fight a fair match, while the jury decides about the verdict. In the continental system both tasks, the referee task as well as the final decision are performed by the judge and is seen

as less impartial. In further research projects Thibaut and Walker also found that letting parties in a legal dispute have a say—to explain their motivation to handle the situation in this or that way—increased the fairness evaluation of the verdict. According to Thibaut and Walker, the reason for the difference in justice evaluations between voice and no-voice conditions is that parties involved in the dispute think that having voice increases their chances of getting a more positive outcome, e.g., a shorter incarceration. Thibaut and Walker concluded from these results that procedures are important because parties think that having a say may influence the final outcome, procedures offer parties real or imagined control over the outcome.

Research conducted by Tyler and his associates aimed at exploring the limits of the decision control hypothesis. Having voice was found to end in fair evaluation of the outcome and the process only if the authority gave due consideration to what the parties were saying. When they had the impression that what they brought forward was hardly listened to by the authority, outcome and process were evaluated less fair. Lind and Tyler (1988; Tyler and Lind, 1992) concluded that procedures are not only important with regard to outcomes, but have an important function of their own—a self-expressing function. Being granted the opportunity to voice one's opinion may be viewed as an indication of personal worth of being a full-fledged member of the group or society. The authors connected the function of procedures to group processes. The status of a group member is of vital importance to a member's behavior in the group. Status largely determines the type of activities a member is allowed to perform, the rewards s/he will receive, the type of members s/he is allowed to access and associate with, etc. One's status may be determined on the basis of several indicators. One is the interpersonal treatment by the group authority. A fair treatment is seen as an indication of high regard from the authority, while an unfair treatment is viewed as an indication of low regard. Procedural fairness, how fair the authority communicates with group members, is another status indicator. In an experiment conducted by Lind, Kanfer and Earley (1990), some participants got the opportunity to voice their opinion before the decision was taken (pre-decisional voice), others afterward (post-decisional voice), and still others were not allowed to voice their opinion at all (no-voice). Results suggested that the opportunity to voice one's opinion after the decision is made is considered more fair than no-voice, but less fair than a pre-decision voice. Although post-decisional voice had the same effect as no-voice (in both cases participants could not influence the decision) post-decision voice was evaluated as more fair than no-voice, presumably due to a self-expression function of voice. The group-value model and the more specific relational model of authority were thus developed to describe and explain the importance of procedures.

These models were followed by cognitive models of procedural fairness such as the fairness heuristic theory (Lind et al., 1993). Fairness heuristic theory (FHT) states that people often make fairness judgments quickly and without having full information about all aspects of the allocation decision process. Based on FHT, Van den Bos, Vermunt and Wilke (1997) assumed and confirmed that information about an aspect of the allocation process that is presented first has a larger impact on subsequent fairness judgments than information that is presented later. Moreover, Van den Bos et al. (1998) tested the FHT assumption that information about an

aspect of the allocation process will serve as substitute for information that is lacking, although the substitute information is less relevant for fairness evaluation than the missing information.

Celia Gonzalez and Tom Tyler's contribution in Chapter 4 ("Why do people care about procedural fairness? The importance of membership monitoring") elaborates on the group-value model of procedural justice (Lind and Tyler, 1988) and the relational model of authority (Tyler and Lind, 1992). The chapter starts with the observation that procedural fairness judgments have a profound effect on people's social life, and that up til now no sufficient answer has been given to the question why procedural fairness has such a large impact people's emotions, opinions and behavior. Part of the answer should be sought in the importance of procedural fairness for group membership. According to Gonzalez and Tyler, group members frequently monitor the state of their group membership and their relationship with other members. The authors introduced the term membership monitoring for this activity, give examples of this activity and discuss several factors which increase the need for membership monitoring.

The relational model of authority is an important tool in explaining anti-normative behavior, as is suggested by Jacqueline Modde and Riël Vermunt in their contribution "The effects of procedural unfairness on norm-violating behavior" (Chapter 5). In earlier experiments Greenberg (1993) showed that fair procedures may attenuate the negative effects of unfair outcomes on theft. Participants were promised \$5 for the performance of a task but received only \$3. They then had the opportunity to take money for themselves. Participants who were treated unfairly took more money than fairly treated participants. The extent of this behavior diminished when interpersonal sensitivity and appropriate justification were provided. Modde and Vermunt wanted to demonstrate that procedural unfairness in itself may produce the same negative behavior as distributive unfairness. According to the relational model of authority, an unfair procedure is an indicator of low regard for the recipient (who then retaliates by stealing money if offered no other opportunities to gain respect). This is also predicted by Foa's (1971) resource theory of social exchange (see also Foa and Foa, 1974, 1976).

Markus Müller and Elisabeth Kals focus on the question how important procedural fairness is for conflict resolution (Chapter 6). In their contribution ("Interactions between procedural fairness and outcome favorability in conflict situations") the authors discuss the relationship between procedural fairness and cooperative behavior. In conflict situations people not only care about profit, but also about their relationship and future interaction with others. In that sense, behaving fairly is an important means to avoiding and resolving conflicts. In many social conflicts it is difficult or impossible to attain favorable outcomes, and the question is then how fair procedures might help reducing the hardness of negotiating behaviors. The authors answer this question in a field study in which they collected data about people's reactions to local planning conflict.

Distributive and Procedural Justice

The introduction of the notion of procedural justice improves our understanding of people's justice evaluation of the entire allocation process. An allocation process consists of a distribution (an outcome) and a procedure, i.e., a set of rules that the allocator may apply when deciding the manner in which the outcome should be accomplished (Thibaut and Walker, 1975). The introduction of procedural fairness initiated a considerable amount of research in which the combined effects of distributive and procedural fairness were investigated. The main question was how distributive and procedural justice interacted to form justice judgments. It was assumed that people are motivated to attain fair outcomes, and some research was directed towards answering the question how procedural fairness might increase or decrease the perceived fairness of outcomes. Folger and associates (e.g., Folger, Rosenfield and Robinson, 1983) investigated the beneficial effects of justifications on resentment caused by relative deprivation. Greenberg (1993) showed that employee theft as a response to underpayment inequity decreased if employees were treated fairly. It was assumed that procedural fairness had a mitigating effect on perceived distributive unfairness.

Another line of research investigated the moderating role of procedural fairness on outcome favorability (Brockner and Wiesenfeld, 2005). Brockner and Wiesenfeld found that procedural fairness reduced the influence of outcome favorability when people evaluated others, while it increased its influence when people evaluated themselves. In other types of studies the attention shifted from the moderating role of procedural fairness toward the main role of procedural fairness. Van den Bos and associates (e.g., Van den Bos, Vermunt and Wilke, 1997) showed not only that procedural fairness had a beneficial effect on distributive unfairness, but that distributive fairness had a beneficial effect on procedural unfairness, as well, emphasizing the moderating role of distributive fairness.

Still another avenue of thinking was followed by Törnblom and Vermunt (1999). They emphasized that not only should the moderating role of distributive fairness and procedural fairness separately be taken into account but also the fairness of the entire allocation process. Törnblom and Vermunt started from the assumption that an allocation process can be conceived as a Gestalt consisting of several components, and that people form fairness evaluations of the whole process and not only on the basis of parts of it. The inclusion of all components of the allocation process (notably the outcome, the procedure, the type and valence of the allocated social resource, and the allocator-recipient relationship) will result in more precise predictions about the impact of justice evaluations on subsequent attitudes and behavior. In most social psychological research one or more of these aspects of the allocation process were neglected, resulting in less precise predictions of attitudes and behavior.

Whatever the exact nature of the relationship of distributive and procedural justice may be, several theoretical models have been developed in social psychology to account for the nature of fairness evaluations (see Greenberg and Colquitt, 2005, for a recent overview).

In his contribution "Distributive and procedural fairness promote cooperative conflict management" (Chapter 7) Ali Kazemi provides an extensive overview of

the literature on how justice may contribute to fostering cooperation in interpersonal conflicts. Interpersonal conflicts are as much part and parcel of human life as is the drive to solve these conflicts. Kazemi assumes that fairness enhances cooperative conflict resolution via cooperative conflict management styles like integrating and obliging. Unfairness, on the other hand, increases the chances that aggressive management styles will be adopted. Data from a pilot study are presented in which distributive and procedural justice were varied. The interaction between the two kinds of justice was shown to affect cooperation in a conflict situation.

Karen Hegtvedt in her contribution “The talk of negotiators: Shaping the fairness of the process and outcome” (Chapter 8) focusses on how the content of negotiator communications affects distributive and procedural justice judgments. Although interpersonal justice (the perceived justice of the way allocation decisions are conveyed) was seen as an important component of justice judgments, little research attention has been devoted to this aspect. Hegtvedt states that not only do negotiator characteristics and characteristics of the negotiation situation affect the perceived justice of negotiations, but so does the content of the communication between negotiators as well. Participants in dyads performed a task in a laboratory setting after which individual performance, group performance, and group reward were assessed. Due to differences in instructions participants differed in their initial assessments of their individual rewards. Conflicts were created and the task was to solve this conflict by negotiation. Preset messages differing in aggression, conciliation and fairness were be used by participants, and the effects on distributive and procedural justice evaluations were analyzed.

In a detailed account of the position of Native Americans in the United States, Laurence French and Nancy Pichall-French state that the present position of the Native Americans is partly the result of former policies of the US Government. In their contribution “Social injustice in Indian country: Historical antecedents of current issues” (Chapter 9), they show that Native Americans face substantial distributive injustices in that their land and rights have been systematically taken from them. The authors describe the difference in culture between the dominant society and Native Americans with regard to their preferred ways of solving disputes. The dominant society’s due process arrangements, with its emphasis on individual outcomes, differs greatly from the communal solutions sought by Native Americans. The importance of procedural justice or fairness in our western societies is based on cultural premises which emphasize a certain type of legal treatment. In other cultures these premises may not hold. For instance, in Japanese there is no word for fairness. In Native American culture conflict resolution is handled quite differently from main stream American culture. That is why this chapter is so interesting: it indicates the borderlines of effectiveness of justice, in this case procedural justice.

Distributive and Procedural Justice Research: Epistemology, Method and Application

How to measure people’s justice judgments has been the subject of several debates. One of the issues is whether researchers are able to differentiate between justice

judgments and satisfaction. Asking whether they are satisfied with their own pay, for instance, people will mainly take into consideration whether their pay satisfies their needs. But in answering that question people may also take into account (although to a lesser degree than satisfaction of their needs) whether or not their pay is seen as fair. Fairness will contribute to feelings of satisfaction as well. In addition, people may take into account whether or not their pay satisfies their needs also when evaluating its fairness. Evaluating one's pay as fair in a somewhat self-interested way may generate satisfaction as well. Thus, it is not surprising that researchers need to think twice about how measurements of justice judgments should be interpreted. This is the focus of Holger Lengfeld in his contribution to the volume ("Morality or self-interest: Do we really measure justice judgments in ordinary survey research?", Chapter 10). He notes that the main feature of justice judgments that differentiates the concept of justice from concepts like satisfaction is its moral component. Referring to Rawls' concept of impartiality for making justice judgments in a moral sense, people often know their initial position and are therefore hardly able to make moral judgments. This position is of course untenable in empirical research, and Lengfeld's solution lies in the concept of partial impartiality: some positions more than others will make people "impartial". By identifying these positions Lengfeld is able to differentiate between justice judgments and satisfaction and reports the results from a survey among employees of German industries.

Another crucial issue with regard to measurement of justice judgments is the quantification of these judgments. With justice judgments reliably and validly quantified, it is possible to compare justice evaluations from different groups of people for different types of others in different situations. Guillermina Jasso in her contribution "Studying justice: Measurement, estimation, and analysis of the actual reward and the just reward" (Chapter 11), describes in detail how to measure and analyze justice judgments. Jasso gathered information via the factorial survey method about respondents' actual reward and just reward for fictitious others (rewardees). A comparison between the actual reward and the just reward in the justice evaluation function results in the justice evaluation. Including characteristics of the rewardees and of the situation in estimating the actual reward function and the just reward function results in micro and macro effects. Rewardee's characteristics may include, gender, occupation, and more. With examples from several surveys Jasso works out the direct as well as the indirect measures of the just reward.

How can our considerable social psychological knowledge about distributive and procedural justice processes be applied most efficiently for the purpose of reducing conflict? According to Leo Montada in his chapter entitled "Justice conflicts and the justice of conflict resolution" (Chapter 12), conflicts are the result of perceived injustice of outcomes and procedures. In his view, injustice is experienced when what people regard as their justified entitlements and claims are violated. Defining conflicts in this way opens up avenues to resolve conflicts. Montada emphasizes two major kinds of conflict resolution, trial and mediation, and makes a plea for mediation because it gives full consideration of the parties' normative views as well as their investments in the conflict. Both the normative views as well as personal investments in the conflict should be made clear to all parties involved in the conflict. Concrete steps to settle conflicts are discussed.

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