

GOVERNING PLURALISTIC SOCIETIES

TOM TYLER*

I

INTRODUCTION

The problem of how to hold diverse groups together is central to many modern pluralistic societies. The article by Mnookin and Verbeke discusses the key issues that emerge in such efforts, using Belgium as an example.¹ The question, well illustrated by the linguistic and cultural complexities of Belgium, is what social glue can hold together such diverse groups? In this comment, I discuss several social-psychological contributions to the question of managing diversity, with the hope that they provide some ideas useful to this general discussion.

Societies can be held together in many ways. Historically, many groups were linked by a common history, common ethnicity, and common religious and social values. These societies shared a unified set of norms dictating right and wrong. Other groups have been held together by charismatic leaders who present a unifying vision. But modern pluralistic society, uniquely, accepts a diversity of views about what is appropriate and reasonable, which makes these forms of authority difficult to enact. The form of authority emerging in western democratic states has been, instead, authority based upon the processes of government: people recognize democratic procedures as legitimate and defer to authorities because of the manner in which they manage. This allows authority to be widely accepted in the face of diverse moral, cultural, or religious traditions. The key to the success of such a strategy is that legitimacy is based upon the fairness of the procedures used by authorities to govern rather than upon the substance of their decisions. This allows authorities to make decisions that are widely accepted even by those who disagree with them.

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* Tom R. Tyler is a Professor at New York University where he teaches in the Psychology Department and Law School.

1. Robert Mnookin & Alain Verbeke, *Persistent Nonviolent Conflict with No Reconciliation: The Flemish and Walloons in Belgium*, 72 *LAW & CONTEMP. PROBS.* 151 (Spring 2009).

II

WHAT MAKES A PROCEDURE FAIR?

What makes a procedure fair in the eyes of the public? Four factors dominate evaluations of procedural justice.² First, people want the opportunity to state their cases to the authorities.³ Second, people expect neutrality of the authority's decision-making process.⁴ People also value the quality of their interpersonal treatment by the authorities, that is, whether they feel they are being treated with dignity and respect by legal authorities.⁵ Finally, people focus on cues that communicate information about the intentions and character of the legal authorities with whom they are dealing—trustworthiness.⁶

Yuen Huo and I have directly compared the influence of these four factors and of outcome favorability and procedural-justice judgments on people's overall rating of their personal experiences with legal authorities.⁷ The results indicated that each of the four factors was at least five times as important as outcome favorability in shaping judgments about the procedural justice of the experience.⁸ In other words, people's judgments about whether justice was done are not strongly linked to their outcomes. Instead, they are linked to the process that produces those outcomes.

Given the centrality of procedural justice to the exercise of legal authority, my concern is with factors shaping the importance of procedural justice. In a situation of the type Mnookin and Verbeke outline in their discussion of Belgium, it is such factors that may well determine the ability of a society to hold itself together. This comment focuses on two factors: identification and legitimacy.

III

IDENTIFICATION

Most situations of conflict between groups, organizations, and societies involve groups that are connected in some ways, but that are also distinct. Those groups can view themselves as being in conflict, or they can view themselves as cooperating. Diversity imposes special problems for group leaders. This is the case because people's loyalties to a larger (that is, superordinate) group often conflict with their loyalties to ethnic, religious, ideological, or other subgroups. For the larger group to be viable, leaders must be able to gain support for common policies from the members of the various groups within society.

2. Tom R. Tyler, *Social Justice: Outcome and Procedure*, 35 INT'L J. PSYCHOL. 117, 121 (2000).

3. *Id.* at 121–22.

4. *Id.* at 122.

5. *Id.*

6. *Id.*

7. TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW 49–58 (2002).

8. *Id.* at 58.

Many social policies concerning immigrants and minorities have been based upon untested assumptions about the consequences of different forms of loyalty for the well-being of the state. For example, in the United States, the strong emphasis on assimilation is based upon the belief that subgroup loyalties threaten political and social stability.⁹ In general, loyalty to ethnic and cultural subgroups is discouraged, while becoming an American is viewed as the central goal.¹⁰

Recently, social-science research has suggested that superordinate identification is important in shaping people's political attitudes and actions, whereas subgroup identification plays little role in relationships to government.¹¹ This finding suggests that, in many situations, it may well be possible for societies to be tolerant of strong subgroup loyalties because it is the level of identification with the superordinate group that shapes the basis of deference.¹²

But why does superordinate identification matter? We can generally identify two reasons that people might accept decisions and obey rules. One reason is instrumental: people might do so when it favors them. A second reason is relational: they might do so when they view the authorities and institutions involved as making decisions in fair ways. Clearly, authorities would rather have their constituents reacting to them relationally, since it gives them the ability to better manage conflicts. The key finding is that when people identify with the superordinate group, they react to decisions relationally.¹³ When they do not, they react instrumentally.¹⁴

So, in the studies by Smith and by Huo and myself, minorities who identified with the superordinate group decided whether to defer to rules and authorities, based upon the manner of their treatment by those authorities.¹⁵ Among

9. Yuen J. Huo, *Procedural Justice and Social Regulation Across Group Boundaries: Does Subgroup Identity Undermine Relationship Based Governance*, 29 PERSONALITY & SOC. PSYCHOL. BULL. 336, 336 (2003).

10. Yuen J. Huo et al., *Superordinate Identification, Subgroup Identification, and Justice Concerns: Is Separatism the Problem? Is Assimilation the Answer?*, 7 PSYCHOL. SCI. 40, 40 (1996).

11. For an examination of the basis of deference to decisions made by authorities in conflict situations, see Huo et al., *supra* note 10, at 40–45. The argument has been extended to interactions between ethnic groups and legal authorities. See, e.g., Huo, *supra* note 9, at 336–48; Heather J. Smith & Tom R. Tyler, *Justice and Power: When Will Justice Concerns Encourage the Advantaged to Support Policies Which Redistribute Economic Resources and the Disadvantaged to Willingly Obey the Law?*, 26 EUR. J. SOC. PSYCHOL. 171, 171–200 (1996).

12. Huo et al., *supra* note 10, at 40–45, examined the basis of deference to the decisions made by authorities in conflict situations. Smith & Tyler, *supra* note 11, at 171–200, and Huo, *supra* note 9, at 336–48, extend this basic argument to interactions between minority group members and legal authorities. In all cases the finding is the same.

13. Huo, *supra* note 9, at 345.

14. Smith & Tyler, *supra* note 11, at 193–94.

15. Huo et al., *supra* note 10, at 44–45; Smith & Tyler, *supra* note 11, at 185–86, 197–98; see also John E. Transue, *Identity Salience, Identity Acceptance, and Racial Policy Attitudes: American National Identity as a Uniting Force*, 51 AM. J. POL. SCI. 78, 78–91 (2007) (suggesting that making superordinate identity relevant increased support for tax increases); Tom R. Tyler & Peter Degoey, *Collective*

minorities with high superordinate identification, those treated fairly while decisions were made about the implementation of rules accepted the decisions.¹⁶ When identification was low, acceptance was linked to the favorability of decisions.¹⁷

The centrality of superordinate identification matters because we know a great deal about how to create and maintain superordinate identification among immigrants, minorities, and others. In particular, research emphasizes two themes. First, superordinate identification can be strengthened by creating opportunities for the members of different groups to work across group boundaries to pursue commonly beneficial goals.¹⁸ Ever since the classic Robbers Cave experiments by Sherif,¹⁹ the importance of interdependence has been emphasized. This interdependence element of superordinate identification is emphasized in the common in-group identity model.²⁰ Second, when people experience fair procedures on the part of group authorities, they more strongly identify with the group.²¹ This includes fair procedures for decisionmaking and fair interpersonal treatment, that is, treatment with dignity and respect, acknowledgment of rights, et cetera.

IV

LEGITIMACY

A second mechanism that might be used to encourage cooperation is to activate people's feelings of responsibility and obligation to obey authorities.²² Legitimacy is the property of an authority or institution that leads people to feel that that authority or institution is entitled to be deferred to and obeyed.²³ It represents an "acceptance by people of the need to bring their behavior into

Restraint in a Social Dilemma Situation: The Influence of Procedural Justice and Community Identification on the Empowerment and Legitimacy of Authority, 69 J. PERSONALITY & SOC. PSYCHOL. 482, 482-97 (1995) (suggesting that individuals increased their support for water-conservation decisions when authorities use fair decisionmaking procedures).

16. Huo et al., *supra* note 10, at 44-45; Smith & Tyler, *supra* note 11, at 197-98; Tyler & Degoey, *supra* note 15, at 493.

17. Huo et al., *supra* note 10, at 45; Smith, *supra* note 11, at 197-98; Tyler & Degoey, *supra* note 15, at 493.

18. Tyler & Degoey, *supra* note 15, at 493-94.

19. MUZAFER SHERIF ET AL., INTERGROUP CONFLICT AND COOPERATION: THE ROBBERS CAVE EXPERIMENT 208-11(1961).

20. Samuel L. Gaertner et al., *Across Cultural Divides: The Value of a Superordinate Identity*, in CULTURAL DIVIDES 173, 182 (Deborah A. Prentice & Dale T. Miller eds., 1999).

21. TOM R. TYLER & STEVEN L. BLADER, COOPERATION IN GROUPS 194-96 (2000).

22. TOM R. TYLER, WHY PEOPLE OBEY THE LAW: PROCEDURAL JUSTICE, LEGITIMACY, AND COMPLIANCE 19 (2006); *see also* Tom R. Tyler, *Psychological Perspectives on Legitimacy and Legitimation*, 57 ANN. REV. PSYCHOL. 375, 375-400 (2006) [hereinafter Tyler, *Psychological Perspectives*] (discussing legitimacy and how it affects personal feelings of obligation to defer to authority); Tom R. Tyler, *Procedural Justice, Legitimacy, and the Effective Rule of Law*, 30 CRIME & JUST. 283, 307-310 (2003).

23. Tyler, *Psychological Perspectives*, *supra* note 22, at 375.

line with the dictates of an external authority.”²⁴ This feeling of obligation is linked not simply to the authorities’ possession of instruments of reward or coercion, but also to properties of the authority that lead people to feel it is entitled to be obeyed.²⁵ As was true with identification, procedural justice is a key antecedent of legitimacy.²⁶ Hence, procedural justice in the exercise of authority both increases identification with superordinate authorities and promotes legitimacy.

V

CONCLUSION

Two factors—superordinate identity and legitimacy—aid in the management of conflicts between groups, and both are encouraged by procedural justice. Belgium, whose diversity motivated this discussion, is, from a procedural-justice perspective, a fragile society. The public is largely excluded from decisionmaking, which is primarily done by elites.²⁷ Hence, the authorities have very little legitimacy and must rely upon a complex arrangement of providing benefits to different groups as the basis upon which they rule. Such an arrangement is inherently unstable and at risk, which suggests that Belgium itself is at risk.

Nonetheless, there is nothing inherently unstable about pluralistic societies. We know a lot about how to enhance political stability via the mechanisms of the fair exercise of authority, political and legal. By enhancing their own legitimacy through such mechanisms and by strengthening the superordinate identification of multiple and diverse groups, those in authority can enhance the loyalty of those groups to the larger society and to the authorities, themselves. This, in turn, facilitates governance.

24. TYLER, *supra* note 22, at 25.

25. TYLER, *supra* note 22, at 57.

26. *Id.* at 162.

27. Mnookin & Verbeke, *supra* note 1, at 173–74.