

**Overcoming Land Injustices:  
An Experimental Investigation Into the  
Justice and Injustice of Land Squatting in South Africa\***

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## ABSTRACT

The issue of land reform in South Africa is compelling not just as a crucial threat to democratic consolidation, but also as a challenging case for the psychology of justice. In land controversies in transitional regimes around the globe, the unfairness of the past confronts the fairness of the present as alternative conceptions of justice collide and conflict. For instance, to what degree should land rights secured under a prior illicit regime be recognized and honored by the newly formed democratic system? Land reconciliation presents prototypical problems of transitional justice.

Based on a survey of a large national sample of South Africans conducted in 2004, this paper investigates the means by which ordinary people adjudicate conflicts between alternatives principles of justice. The survey included a formal experiment, based on a vignette in which the dependent variable is perceptions of fairness in a land dispute in which a squatter is evicted from private property. Judgments of the fairness of squatter evictions are hypothesized to be related to the perceived need and deservingness of the squatter (distributive justice), the due process of the eviction (procedural justice), and the nature of the current use of the land (individual land rights, rule of law). The findings indicate that the race of the respondent determines almost all aspects of justice judgments. The exception is important: South Africans of all races judge the eviction of the squatter as more fair when the squatter is extended procedural justice. In addition, the group identities of black South Africans significantly influence the nature of their justice judgments. Thus, this analysis yields important insights into the role of justice considerations in contemporary land controversies, especially under the condition of conflict among important principles of justice.

In many cities throughout the world, governments are confronted with serious problems of “land grabbing” by poor people. As the landless poor flock to the cities, they often find that the only housing option available is to “squat” — to occupy and live on a piece of vacant land. The slums of most cities in the world, and nearly all cities in the Third World, are brimming with squatters (see Neuwirth 2005)

No where is this problem more acute than in South Africa. With the fall of apartheid came the end of the much hated legal restrictions on individual mobility. Consequently, the countryside has emptied as citizens make their way to the cities in hopes of a better life. The first step toward this better life, however, is finding a place to live. For many, squatting is the only possibility. Squatting is not new to South Africa (e.g., Field 2001), but the magnitude of the problem of urban land grabs is enormous, unprecedented, and growing. Virtually every piece of vacant land in the cities of South Africa is currently at risk.

Land grabbing is an extremely important problem for the homeless, landowners, and governments. But land grabbing also presents intriguing theoretical issues because it so clearly pits alternative conceptions of justice against each other. On the one hand, the sanctity of private (or state-owned) property may justify (make it fair to) removing the squatters from their perches. On the other hand, the dire need of the squatters may justify land grabbing, and to evict people from their newly constructed homes is to consign them to live on the streets or worse. Squatting is classically an example of a clash of values (see Sniderman et al. 1996) — in this case, a clash of perceptions of what is fair. An opportunity is therefore created to examine how *commonsense justice* works when competing justice values are at stake.

Understanding the dynamics of the issue of squatting requires understanding how ordinary people think about justice and injustice, and especially conflicts between competing conceptions of justice. How do preferences get formed when justice considerations are in direct tension with each other? How do citizens adjudicate such conflicts when creating opinions about issues like landlessness and squatting? Is there a way that the injustice of the past can be reconciled with contemporary justice? These are the

questions this paper seeks to investigate.

The analysis presented here is based upon a nationally representative survey of South Africans conducted in 2004. The central focus of this paper is on evaluations of an experimental vignette depicting a conflict between a squatter and a landowner. In analyzing how ordinary people reach conclusions about fair outcomes in this dispute, I explore the role of various types of justice — especially distributive and procedural — in shaping fairness judgments. Moreover, because South Africa is itself a multicultural context, this paper analyzes how preferred theories of justice vary across the most important racial/ethnic/linguistic groups in the country. Finally, I also investigate within-group differences, focusing on the role of group attachments and identities in structuring fairness judgments. Thus, the contributions of this paper lie in the multicultural context in which the research is conducted, the realism and salience of the justice dispute on which I focus, and the strength of the research design, combining both internal and external validity. I begin with a brief overview of justice theory and its relevance to the squatting issue in South Africa.

## **COMMONSENSE JUSTICE**

It is now well established that the justice judgments of ordinary citizens (“commonsense justice” — see for example Finkel 1995) are of considerable importance to both psychologists and political scientists.<sup>1</sup> *Justice judgments matter.* Although the dominant view within many areas of the social sciences is that people judge politics by making rather narrow calculations of individual cost and benefits, in fact a long line of research has demonstrated that “what’s fair” is a terribly important criterion, perhaps even the

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<sup>1</sup>Investigations of justice theories can be found in far-flung places, including normative treatises on social justice (e.g., Barry 2005), experimental treatments inspired by distributive justice theories (e.g., Michelbach et al. 2003), both experimental and survey studies of procedural justice (e.g., Tyler et al. 1997), qualitative studies of how ordinary citizens think about fairness (e.g., Hochschild 1981), and large cross-national quantitative research on cultural differences in understandings of fairness (e.g., Kluegel, Mason, and Wegener 1995).

most important criterion, in the calculus of opinion formation (e.g., Hochschild 1981). In addition, institutions that rely upon principles of justice not widely shared by the citizenry are likely to have a rocky existence.<sup>2</sup> Citizens are often lay philosophers, applying principals of justice to complex issues of public policy (e.g., Chong and Marshall 1989).<sup>3</sup>

Justice considerations, however, are rarely unidimensional; rather, people apply multiple aspects of justice when evaluating political conflicts. Scholars have addressed several different types of justice or domains of justice, such as distributive, procedural, retributive, and restorative justice. Within each domain, various criteria of justice exist.<sup>4</sup> For instance, the major criteria upon which distributive justice judgments are made include desert, need, and equality (e.g., Miller 1999).<sup>5</sup> Procedural justice judgments often rely on criteria such as neutrality in decision making and status recognition by the decision maker (e.g., Tyler and Lind 1992). Justice values are pluralistic.

Justice judgments are especially difficult when criteria within domains conflict with one another, since there is no clear metric upon which citizens can trade units of need for units of desert, for example. The problem of justice conflict is exacerbated when conflict across justice domains also exists. How does one, for instance, trade units of procedural justice voice for units of distributive justice desert or

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<sup>2</sup>The large body of research conducted under the general rubric of “political culture” is grounded in the hypothesis that democratic institutions require certain cultural and value commitments on the part of citizens to be effective. See for example Gibson, Duch, and Tedin 1992. For a study of the degree of congruence between justice principles in law and in lay intuitions of justice, see Robinson and Darley 1998. See also Caldeira and Gibson 1995 on democratic values and support for judicial institutions.

<sup>3</sup>Justice matters in part because one does not necessarily have to be a party to a dispute to care about the fairness of its outcome — people care about injustices done to others. This notion of “disinterested justice” has emerged from the literature on retribution and revenge (for an excellent review see Vidmar 2001).

<sup>4</sup>I use the terms “domains” to refer to the major types of justice, and “criteria” to refer to the principles by which justice is allocated within a domain. So, for instance, within the domain of distributive justice, desert is regarded as an important criterion, or principle of allocation. In the justice literature, no standard terminology has yet been produced and accepted.

<sup>5</sup>For a useful review of the distributive justice literature see Hegtvedt and Cook 2001.

retributive justice proportionality? Social justice theories recognize that views of justice are pluralistic (Miller 1999, 63), and “that very often people decide what a fair distribution consists in by balancing claims of one kind against claims of another” (Miller 1999, 63).<sup>6</sup> But little progress has been made either theoretically or empirically on identifying a stable hierarchy of justice principle or criteria that enables predictions of how ordinary people adjudicate justice conflict in real political controversies.<sup>7</sup>

For example, granting amnesty to gross human rights violators may be judged in terms of distributive, procedural, retributive, and restorative justice (Gibson 2002). Moreover, Gibson’s analysis shows that different dimensions of justice are on occasion fungible. Although granting amnesty to gross human rights violators does indeed create a retributive justice shortfall, other forms of justice (distributive, procedural, and restorative) can compensate for the inability to extract retribution. In judging political and social controversies and policies, citizens typically do not apply unidimensional justice thinking; instead, pluralism prevails. Unfortunately, however, although the relative influence of different justice considerations can be estimated empirically, little theory exists to help understand how (and under what conditions) one justice value trumps another.<sup>8</sup>

Moreover, to confuse the issue further, context matters. As Miller (1999, 63) asserts “the social context in which the distribution has to be made — or more precisely how that context is perceived by

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<sup>6</sup>Or as Scott et al. (2001, 751) note: “.... individuals use several allocation principles in distributive justice judgments.”

<sup>7</sup>An analogous literature exists on the role of value conflict in opinion formation. For recent examples of research on this problem see Jacoby (2005), Grant and Rudolph (2003), and Alvarez and Brehm (2002).

<sup>8</sup>Another nice example of justice pluralism can be found in the work of Chong and Marshall (1999), who illustrate the crucial role that multidimensional judgments of justice played in the decision of the residents of Williamson County in Texas not to grant tax relief to Apple Computer Company owing to its policy on benefits for homosexual and unmarried heterosexual couples. Chong and Marshall describe the conflict that arose in the minds of people between moral and economic values; how individuals derived their positions on the Apple controversy depended upon the way in which moral and economic senses of justice were prioritized. Again, however, we have little theory regarding this process of prioritization.

those making the judgment — will determine which principle stands out as the relevant principle to follow.” What’s fair depends upon a variety of factors idiosyncratic to contexts — e.g., whether those seeking justice are part of an ingroup or representatives of an outgroup, as in relational models of procedural justice (Tyler and Lind 1992).

We have also established that justice judgments may be formed in reference to individual or group interests, or, in egocentric or sociotropic terms. Undoubtedly some people draw conclusions about justice in terms of what is thought to be fair to them, but many base their views on what is fair to their group, or even what is fair to groups of which they are not even members.<sup>9</sup> Mutz and Mondak (1997) introduce the concept of “sociotropic justice” to refer to how people judge not fairness to themselves, but rather fairness to the group of which they are members. Since it is well established that people typically judge political disputes by far more than simply what they think is beneficial to their immediate self interests (see, for example, Funk 2000), understanding justice judgments must pay attention to justice for groups, even groups of which the judgment maker is not a member.

Thinking about justice for groups raises obvious connections with social identity theory (e.g., Tajfel 1981; for a recent review, see Huddy 2001). Although most approaches to understanding justice judgments adopt an individualistic perspective, relying on attributes of the individual to predict conclusions about justice, of late, scholars have become concerned with the role of group identities in shaping thoughts about justice and injustice.<sup>10</sup> As Vidmar (2001, 43) notes: “.... ‘disinterested’ retributive justice is not disinterested at all: The response of the individual is based on identification with her or his group and the threat to values held by the group.” To the extent that an individual identifies with a

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<sup>9</sup>The concern many expressed about the treatment of Afghan women is a primary example of this phenomenon. At least some white men in the United States care deeply about whether Afghan girls are treated fairly when it comes to political equality, access to education, etc.

<sup>10</sup>Some cross-national differences in justice thinking may have to do with how people conceptualize relations among groups, as in, for examples, individualistic or collectivist terms (e.g., Hamilton and Sanders 1992).

victimized group, reactions to the victimization of an individual group member will be stronger, more salient, and of greater socio-political relevance. Apparently people feel the need to vindicate their value in society by ensuring that some form of retributive or restorative justice take place. This is especially important for those who draw much of their identity from their group affiliation, especially if the group has been subject to systematic victimization in the past.

Identity theory may also provide some basis for establishing a hierarchy of justice values. Skitka (2003), for instance, has argued that although *justice principles* may not be hierarchically organized themselves, different types of *identities* are arrayed in a hierarchy — and become salient under different, contextually defined circumstances — and different types of identities give rise to different types of justice concerns. For instance, following group values and relational models of justice (Lind and Tyler 1988; Tyler and Lind 1992), she hypothesizes that “people are influenced more by socio-emotional outcomes like standing, status, and respect as the relative salience of their social identity concerns increases” (Skitka 2003, 290). In addition, “. . . when people’s material interests are threatened, they will first look for violations of the equity norm, and when their social status or standing is threatened, they will first look for evidence of procedural impropriety (e.g., a biased judge) or violations of group norms” (Skitka 2003, 292). Thus, people define themselves socially, sociotropic concerns are as important as egocentric goals, and group identities, norms, and values are therefore important when people assess the fairness of outcomes.

In sum, extant research has shown that citizens typically evaluate justice claims using multidimensional frameworks. In order to understand the politics of such claims, one must be able to assess which justice domains are dominant, whether group identity concerns are activated, and how conflicts among justice considerations are adjudicated. I turn next to applying these conclusions about justice to the issue of homelessness and squatting.

## **The Problem of Squatting in South Africa and Its Relationship to Commonsense Justice**

As in many countries throughout the world, the issue of land squatters in South Africa is politically significant and contentious (e.g., Huchzermeyer 2004). Squatting is caused by two dominant factors: (1) The massive influx of landless people from the countryside to the cities; and (2) the vast economic inequality in the country. The demand for urban housing is immense, as poor South Africans stream to the cities in search of jobs and economic opportunity.<sup>11</sup> At the same time, the inequality in the country is so great that vast quantities of land are held by small numbers of people. Thus, the land issue is a classic example of the have-nots versus the haves.

But land is more than just an issue of economic inequality. Instead, overlaid on the inequality is the history of the injustice of colonialism and apartheid. The landless make claims to land not just out of their economic need, but also out of a sense of having been illegitimately dispossessed from their land since whites first arrived in South Africa. Thus, in addition to class conflict over land, racial differences in how land issues are perceived and judged are also profound. This sense of historical injustice interacts with contemporary inequality to create a volatile situation.

The land issue is interesting for those studying the psychology of justice because different justice considerations are juxtaposed and conflict with one another. On the one hand, those who value the rule of law and the sanctity of private property have strong arguments against squatters. They argue that land should not be expropriated without compensation, and certainly should not be expropriated without proper legal procedures. The advocates of this point-of-view point toward the lawless land grabs in Zimbabwe, where unseemly and disingenuous political motivations dominate the politics of land. The notion that the land of another can simply be taken by people in a democratic society seems entirely

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<sup>11</sup>Squatting is not just an urban problem. More than 40,000 squatters are currently occupying the Modderklip farm, owned by a white South African, and the authorities will neither evict the squatters nor pay compensation to the land owner. The case continues in litigation. See for example Fife 2004.

unfair, whatever the needs of the landless.<sup>12</sup>

The advocates of the landless poor make different claims to justice, pointing to historical injustices initiated by the colonialists, and perpetuated and exacerbated by the apartheid system.<sup>13</sup> Their claims are grounded primarily in theories of distributive justice (especially need, deservingness, and equality), although some also make claims based on retributive and restorative justice (redressing the injustices of the past). To them, a fair, post-colonial society would not allow millions of people to be homeless.

Thus, the issue of squatting is one that implicates numerous justice considerations. Certainly distributive (and redistributive) justice is at issue in land squatting. A variety of procedural justice considerations arise as well, especially in relation to the issue of eviction. Retributive justice lurks in the background, as South Africans argue that land inequality is a function of historical injustices that must be redressed. Understanding how these various justice considerations get reconciled in the views of ordinary South Africans is therefore an issue of considerable theoretical and practical import.

### **Hypotheses and Experimental Vignettes**

These questions of justice judgments are explored here by means of an experimental vignette. The vignette allows me to assess how South Africans apply various principles of justice to complex social issues like squatting. Vignettes are a particularly useful means of incorporating the context of justice conflicts within survey research. Vignettes can reveal processes of reasoning perhaps not even directly

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<sup>12</sup>I should mention at least in passing the connection between popular conceptions of land justice and larger issues of property rights institutions. To the extent that the justice requirements of ordinary people clash with property rights (and perhaps more generally the rule of law), a series of important political and economic consequences follow. For a recent exploration of these various linkages see North 2005.

<sup>13</sup>One of the most militant organizations representing the landless poor is the Landless People's Movement. For their charter, see <http://www.nlc.co.za/pubs2003/landlesscharter1.htm> [accessed 3/31/2005].

accessible to the respondents themselves (and have been used widely in the past — e.g., Hamilton and Sanders 1992; Gibson 2002; Gibson and Gouws 1999).<sup>14</sup> For the purposes of the questions addressed in this paper, experimental vignettes — especially when embedded in a representative national survey — provide an optimal methodology.<sup>15</sup>

The analysis reported in this paper represents a preliminary inquiry into how justice judgments are made in the context of squatting. Following the literature on distributive justice and fairness, I focus on two distributive justice claims by the squatter – a claim of need and a claim of deservingness (see Miller 1991 on various dimensions of distributive justice). I also hypothesize that the need of the landowner influences justice judgments. Finally, following a large body of literature (e.g., Tyler et al. 1997), fairness judgments are hypothesized to be a function of the procedural justice extended to the squatter. The general hypothesis tested in this research is that when procedural and distributive justice are denied in squatting disputes, the outcome of such disputes will be judged to be more unfair. Since distributive and procedural justice elements are manipulated in the experimental vignette (and thus are at odds with each other), the analysis investigates how a mix of justice considerations influences judgments of fairness in squatting disputes.

Nearly all of the analysis that follows posits (and finds) that justice judgments are influenced by the race of the respondent. Because race is complicated in South Africa, Appendix A provides further discussion of the issue. Race is strongly implicated in the vignettes presented to the respondents, but I

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<sup>14</sup>As Robinson and Darley assert (1998, 417): “Because psychologists have discovered that subjects often do not have mental access to the principles and processes they use to make decisions, and thus cannot accurately articulate those principles. Instead, researchers present subjects with various cases to judge, and infer their judging principles from the resulting patterning of responses between the different cases.”

<sup>15</sup>Experiments with random assignment of subjects to treatments (like this experiment) have numerous advantages, not the least of which is strong internal validity (i.e., great confidence in causal inferences). When included within a representative survey, the problem of external validity (the ability to generalize the findings) is also resolved. On experimentation in political science in Kinder and Palfrey 1993 and McGraw 1996.

defer consideration of that issue until the explication of the vignettes (below).

## **RESEARCH DESIGN**

In 2004, interviews were completed with 4,108 South Africans, including 1,549 Africans, 1,362 whites, 738 Coloured respondents, and 459 South Africans of Asian origin. Two different sampling strategies were used in this survey, one for the large African majority, the other for the three small racial minorities. Because the issues involved are complicated, I defer a full discussion of them to Appendix B. In summary, conclusions from the black subsample warrant a great deal of confidence since the sample was selected via probability methods with a very high response rate; the Coloured and Asian subsamples blend probability and quota methods, have a moderate response rate, and therefore deserve a moderate degree of confidence; and the white subsample warrants relatively low confidence owing to the sampling methods, low response rates, and the need to correct non-representativeness via fairly substantial post-stratification.

## **THE EXPERIMENT — THE SQUATTER VIGNETTE**

Two experimental vignettes were included in the survey, with one-half of the respondents (randomly selected) hearing a vignette about Patience, a squatter.<sup>16</sup> Within this sub-sample, respondents were randomly assigned to one of 16 versions of the squatter vignette. The 16 renditions of the story were created from four, dichotomous experimental variables, in a fully crossed 2x2x2x2 factorial design.

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<sup>16</sup>In general, the interviewers judged the respondents to have understood the vignettes “well,” with 71.6 % of the respondents so scored. This figure is higher than the 65.0 % of the respondents who were judged to understand well the other questions in the survey. These ratings are to some degree grounded in reality, since they are correlated with the number of times the story was re-read to the respondent ( $r = .14, p < .000$ ). Only 7.0 % of the respondents understood the vignettes less well than the other questions in the survey; 13.5 % were judged to understand the vignettes better than the other questions.

Minor (and inevitable) imperfections in the administration of the survey resulted in variability from as few as the 114 respondents who were read version 11 of the vignette to the 144 people hearing vignette number 1. Variability of this magnitude is of no practical consequence. As an upshot of the design, the four dichotomous independent variables are themselves orthogonal; the maximum observed correlation among the manipulation dummy variables is -.019.

The Squatter Vignette tells a story about a squatter, Patience (and her family). As I have noted, it is common in South Africa for squatters to set up housing on apparently vacant land. Indeed, this is a problem of major proportions for South Africa. Land owners have become extremely vigilant and act with considerable speed to dislodge squatters, since allowing these encampments to become established creates legal and political capital for the squatters, rendering their eviction far more difficult.<sup>17</sup> Since squatters are routinely evicted in contemporary South Africa, all versions of the vignette conclude with Patience and her family being removed from the property.<sup>18</sup> This obviously limits the generalizability of the findings in the sense that the vignette tells us nothing about fairness judgments in the context of successful land grabs.<sup>19</sup> Nonetheless, the vignette depicts the outcome that was most common for squatters at the time of the survey.

The Squatter Vignette sought to determine how various types of justice considerations affect judgments of the fairness of outcomes in disputes over land grabs. The specific hypotheses are drawn from diverse theories of fairness and justice.

*Distributive Justice — The Subordinate Party's Need.* The experiment asserted a conflict between

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<sup>17</sup>Law on squatting in South Africa is highly fluid, reflecting the considerable litigation that is ongoing. The most recent national legislation on squatting (which repealed a great deal of earlier law) is the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998.

<sup>18</sup>Note as well that since “negative events elicit more attributional activity than do positive events” (Skitka 2003, 287), all vignettes conclude with the squatter being evicted from the property.

<sup>19</sup>Some land grabs are indeed successful. One of the most stunning examples is the Imizamo Yethu squatter camp established in Hout Bay (a Cape Town suburb).

a landless person — Patience (and her family) — and an unidentified land owner. Clearly implied in the vignette is class conflict between land owners and the landless. The need of the squatter was varied from ordinary need to dire need (few if any squatters have low levels of housing need). The two versions of the vignette are:

*Dire Need:* Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.

*Ordinary Need:* Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

According to the first statement, Patience has no place to live; the second statement asserts that Patience has a place to live, but that it is inconvenient to her working place. Of course, if Patience is willing to give up her current living place to squat elsewhere, then her current place of living is probably not very adequate. Moreover, in the South African context, living too far away from one's workplace implies up to two hours of travel time, each way, to and from work. The hypothesis tested through the vignette is that when the squatter is presented as having a more substantial need for housing, evicting her will be judged by South Africans to be more unjust.

It should be noted that interracial conflict is clearly implied by this vignette. Although the race of the squatter is not explicitly specified in the vignette, both by name (Patience) and by circumstances (squatting), the squatter is undoubtedly understood by all respondents to be a black person. A major source of squatting in contemporary South Africa is the migration to the cities by rural blacks. Moreover, although the race of the landowner is not entirely unambiguous, the vignette implies that the landowner is white. Land that is grabbed in contemporary South Africa is sometimes privately owned (which would most likely imply white ownership), but is more often publically owned. In this vignette, however, the implication is clearly private ownership, and, that the land owner has access to a security force or the ability to get a court ordered eviction implies resources, clearly suggesting white ownership. Thus, it is

quite likely that most respondents viewed the vignette as an example of interracial conflict. As least for black South Africans and perhaps for South Africans of every race, the respondents were judging the eviction of a black person by a white landowner, a circumstance in which sociotropic and group identity concerns are likely to materialize.

*Distributive Justice — Deservingness.* I also hypothesize that squatters vary in the degree to which they deserve housing assistance. Thus, the vignette read:

*High Deservingness:* Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.

*Low Deservingness:* Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

Of course, I do not necessarily assume that people judge Patience's ineligibility as appropriate and legitimate; instead, this hypothesis is directly tested via the manipulation check (below). Nonetheless, an important political issue in South Africa concerns the housing needs of newly arrived emigrants to the cities in contrast to those urban dwellers who have been patiently waiting for years to receive housing from the government. Denying housing to the latter is expected to be judged as less fair than denying housing to the less deserving newcomer.

*Distributive Justice — The Superordinate Party's Need.* The need of the landowner for the land is represented by whether or not the property is currently being used. It is common in South Africa to hear people proclaim that an owner does not need her or his land because the land is not being *used*. This distinction is captured in the following manipulation:

*Low Landowner Need:* The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

*High Landowner Need:* The land where Patience squats is several hectares, and it is

currently being used by the owner of the land for his own purposes.

I hypothesize that when the land is not being used, evicting the squatter will be judged to be less fair.

*Procedural Justice — Rule of Law:* Finally, the vignette involved a manipulation of the means by which Patience is evicted from the property (recall that in all vignette versions Patience is in fact evicted).

*Low Procedural Justice:* The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

*High Procedural Justice:* The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

I acknowledge that this manipulation includes two components: the speed with which Patience is evicted and by whom she is evicted. The experiment was designed this way since it mirrors the reality of evictions in South Africa. When land owners resist squatters, they do so very quickly, before the squatter can acquire any rights, and they primarily implement evictions with private security forces.<sup>20</sup> These evictions often involve the destruction of property (both the dwelling unit erected by the squatter and the squatter's personal property), and there is certainly nothing dignified about the process. On the other hand, if the process gets delayed and winds up going to court, it is probable that the police will be called upon to evict the squatters, typically with a certain amount of orderliness and respect. The manipulation check for this stimulus emphasizes whether Patience was given adequate time before the eviction, and thus focuses upon whether she was treated with some degree of dignity during the ordeal.

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<sup>20</sup>Such security forces are well known and notorious in South Africa. The front-page headline to the February 11 to 17 2005 edition of the *Mail & Guardian* announced: "Jo'burg fires hated Red Ants." The subtitle read: "City council cuts ties with its notorious private army following allegations of bribery and corruption." The story itself is entitled "Red Ants fumigated." The Red Ants are a private security firm hired by the city to evict squatters. I suspect that few urban blacks are unaware of such agencies.

The 16 vignette versions produced by these four manipulations are reported in Appendix C.<sup>21</sup>

### **Manipulation Checks**

Experiments are difficult to implement successfully, in part because respondents do not always react to the manipulations in the way in which one expects (e.g., Gibson 1997). It is therefore necessary to check each experimental manipulation to determine whether the respondents in fact perceived the elements of the stories in the intended way.

*The Need of the Squatter.* The respondents were asked to assess how badly Patience and her family needed housing.<sup>22</sup> Although I found a statistically significant difference ( $p < .001$ ) between the two versions of the need manipulation, the substantive difference is slight: 92.2 % of those told of Patience's dire need judged her to be needy, whereas 88.0 % of those hearing that Patience had only ordinary need thought her needy.<sup>23</sup> It is obvious that the manipulation failed in the sense that squatters, by definition, have high need for housing, irrespective of other circumstances that exacerbate or ameliorate the need (i.e., a ceiling effect). Slight interracial differences exist on this analysis, with blacks and those of Asian origin perceiving very small differences in need across the vignettes, and whites and Coloured people seeing slightly greater differences. In light of the uniformity with which Patience's needs are assessed, it

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<sup>21</sup>Aronson et al. (1990) distinguish between experimental realism (the content of the experiment being realistic to the subjects so that they take the task seriously) and mundane realism (the similarity of the experimental context and stimuli to events likely to occur in the real world — in short, verisimilitude). Obviously, this experiment has a great deal of mundane realism, since the entire context is grounded in highly salient and widely publicized land grabs by squatters. And in light of the intensity — and poignancy — of land conflicts (involving the agents of the post-apartheid state removing mainly black people from either white-owned or public land), I strongly suspect that the respondents thought their judgments on the vignette were important and worthy of thought, and thus the vignettes profit from experimental realism as well.

<sup>22</sup>The question read: "Thinking back on the story, how badly do you think that Patience and her family needed housing?" The respondents were presented with a response set ranging from "1. Needed housing" to "10. Did not need housing."

<sup>23</sup>For descriptive purposes only, I have created a categorical variable from the ten-point scale.

would be quite unlikely that this variable has much influence on perceptions of justice in the vignette.

*The Deservingness of the Squatter.* Even smaller differences exist on the perceived deservingness of the squatter<sup>24</sup>: only 9.9 % of the respondents saw Patience as not or not at all deserving of being given a place to stay by the government. The difference in perceptions across the versions of the vignette are not statistically significant, and thus this manipulation is unlikely to influence fairness judgments. Racial differences in perceptions of deservingness are trivial.

*The Need of the Land Owner.* The need of the land owner was checked by a question asking how certain the respondent was that the land on which Patience squatted was being used by the owner of the land.<sup>25</sup> This manipulation, based less on judgments of circumstances and more on perceptions of fact, was in fact vividly perceived by the respondents. The difference in perceptions across vignette versions is statistically significant ( $p < .001$ ) and substantial ( $\eta = .38$ ). Of those told that the land was not currently being used, 67.4 % perceived the land use accurately; of those told the land was being used, 62.5 % gave the correct answer to this manipulation check. South Africans of all races perceived the difference on this manipulation, although whites were especially responsive to it (with a 50 percentage-point difference between the two vignette versions).

*Procedural Justice.* The final manipulation has to do with the eviction of the squatter. We asked the respondents whether Patience was given sufficient time to get sorted out before being forced off the land.<sup>26</sup> A great deal of variability exists in the answers, with highly significant differences across the

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<sup>24</sup>The question read: “Compared to other people needing a place to live, how much do you think Patience and her family deserve to be given a place to stay by the government?” The response set was: “1. Deserve a place to live very much, 2. Somewhat deserve a place to live, 3. Does not deserve a place to live very much, 4. Does not at all deserve a place to live.”

<sup>25</sup>The question read: “How certain are you that the land on which Patience and her family squatted was currently being used by the owner of the land?” The response was: “1. Certain it was, 2. Probably it was, 3. Probably it was not, 4. Certain it was not.”

<sup>26</sup>The question read: “When Patience and her family were evicted from the property, do you think they were given sufficient time to get sorted out before being forced off the land?” The response set was: “1. Certain they were given sufficient time, 2. Probably were given sufficient time, 3. Probably were not

manipulations ( $p < .001$ ;  $\eta = .34$ ). Across all respondents, a 30 percentage point difference exists between the two versions of the vignette. Still, large racial differences in perceptions are also apparent in the data. The percentage of people viewing the eviction time as sufficient across the racial groups are 36.0 %, 71.6 %, 43.1 %, and 60.4 %, for blacks, whites, Coloured people, and those of Asian origin respectively. These substantial racial differences, undoubtedly reflect varying predispositions (attitudes and values) that strongly influenced perceptions of the vignette, a matter to which I will return later in the analysis section.

Thus, two of the manipulations, concerning the squatter's need and deservingness, were not successful (owing in part to ceiling effects), whereas the other manipulations concerning the land owner's need and the due process extended to the squatter were quite effective.

### **Fairness Judgments: The Dependent Variable**

We asked the respondents to make three fairness judgments about the vignettes (prior to, of course, the manipulation check questions), based on a ten-point scale ranging from (1) completely unfair to (10) completely fair.<sup>27</sup> The outcome was assessed with regard to the fairness to Patience and her family, the fairness of the treatment Patience received during the eviction (the fairness of the process), and the fairness of the outcome to the landowner.

Enormous racial differences exist in perceptions of the fairness of the outcome to the squatter (see Table 1). While 83.6 % of blacks view the outcome as unfair to the squatter (with 57.5 % believing it very unfair – data not shown), only a third of whites (33.4 %) assert that the outcome was unfair to Patience. A large majority of Coloured people view the outcome as unfair (70.0 %), as does a smaller majority of those of Asian origin (60.6 %).<sup>28</sup> This racial divide in assessments of the fairness of evicting the squatter

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given sufficient time, 4. Definitely were not given sufficient time.”

<sup>27</sup>For ease of statistical interpretation, I have re-scored this scale to vary from zero to one.

<sup>28</sup>In contrast to many of the questions we asked in this survey, tiny numbers of respondents (10 or fewer) said they did not know whether the outcome was unfair. Clearly, the story depicted in the vignette

is foreboding for South African politics since the black majority and the powerful white minority differ so substantially.

[PLACE TABLE 1 ABOUT HERE]

Table 1 also reports the assessments of process fairness — how fairly the squatter was perceived to have been treated. From the frequency distributions alone, it seems that assessments of the procedure and the outcome are closely related, and in fact the correlations between these two judgments range from .62 to .71, for the four racial groups.

Perhaps some will be surprised to learn that the outcome was also perceived to be unfair to the *landowner* by a majority of black South Africans (64.4 %) and of those of Asian origin (54.4 %), and by a substantial proportion of Coloured people as well (45.4 %). Again, white South Africans differ; with a large majority asserting that the outcome (the eviction of the squatter) was fair to the land owner (76.7 %). Nonetheless, not even white South Africans judge fairness to the two parties in zero-sum terms, as indicated by positive, not negative, correlations between these two fairness variables, within each racial group.<sup>29</sup> The correlations between the fairness assessments regarding the squatter and the landowner are .35, .57, .36, and .47, for blacks, whites, Coloured people, and those of Asian origin, respectively. Those tending to think the squatter was treated unfairly also tend to assert the landowner was treated unfairly. The modal category for the distribution of both judgments is unfair to both parties for blacks (59.7 %), Coloured people (38.9 %), and those of Asian origin (42.0 %), while the modal category for whites was fair to both (60.2 %). Thus, a minority of each racial group (ranging from 22 to 37 %) judges the vignette in zero-sum terms, although the dominant pattern among this group is to see the outcome as unfair to the squatter and fair to the landowner. That most respondents do not see a zero-sum relationship between fairness to the squatter and fairness to the land owner is indicative of the clash of justice considerations I

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was accessible and engaging to essentially all South Africans.

<sup>29</sup>For a similar argument that judgments of fairness are often positively correlated see Finkel 2001, 5-6.

originally hypothesized — both sides in this dispute seem to have persuasive fairness arguments.

These data suggest that there are two distinct ways of assessing the fairness of the story to the landowner. One is that the landowner was treated unfairly by the simple act of having his land invaded by a squatter, whatever the outcome of the eviction effort. The land owner did not deserve to have his land squatted upon. Another portion of the respondents seems to be judging fairness to the landowner in terms of him being successful in evicting the squatter. If this is so, then the variance in the variable measuring fairness to the landowner derives from quite different sources for different respondents, and therefore is not of great utility for the analysis of the experiment.<sup>30</sup>

Finally, we asked the respondents whether the government ought to give Patience and her family a place to live immediately. Racial differences are strong, but occur mainly between whites, only 45.2 % of whom support providing the squatter a place to live, and the other three racial groups (among whom support varies from 72 % to 84 %). Approval of the government providing housing is only moderately related to judgments of fairness to the squatter, with the correlations ranging from .20 among Africans to .39 among Coloured people.

The principal dependent variable for the remainder of the analysis is perceptions of how fairly the squatter was treated; this measure stands as the best holistic judgment of the fairness of the outcome.<sup>31</sup> I

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<sup>30</sup>I note that one possibility here is that different racial groups are judging different aspects of fairness to the landlord. Whites, for instance, are most likely judging the outcome fair because the landowner was able to evict the squatters. Blacks, Coloured people, and those of Asian origin probably do not think that the eviction itself is unfair to the landowner, but instead judge it unfair that the land was grabbed in the first place. For instance, a substantial majority of blacks, and extremely large majorities of whites, Coloured people, and those of Asian origin *support* strict enforcement of anti-squatter laws, and providing more legal protection against squatters. Although I have no way of assessing the hypothesis, it seems likely that owing to their generally unfavorable attitudes toward squatting, blacks, Coloured people, and Asians judge the land grab unfair, but, once the squatter occupies the land, they believe that certain rights are established and that, at a minimum, the squatter must be treated with at least a certain degree of dignity, even if she is evicted.

<sup>31</sup>Skitka, Winiquist, and Hutchinson (2003) make the convincing argument that it is important to assess “outcome fairness” (not “outcome favorability”) in studies of justice judgments. Outcome fairness is “the degree that an outcome is consistent with, or can be justified by, a referent standard” (Skitka, Winiquist, and Hutchinson 2003, 311); that is clearly what is being measured in this research. As a meta-

hypothesize that the eviction of Patience is judged to be most fair when her need and deservingness are low, when the land owner's need is high, and when the eviction is procedurally fair. Conversely, when Patience has high need and deservingness, when the land owner has low need, and when the eviction does not follow the rule of law, then Patience will be judged to have been unfairly treated. I should reiterate, however, in all instances, Patience is evicted and is therefore denied a place to live.

## **ANALYSIS**

Table 2 reports the results of regressing the judgments of how fairly the squatter was treated on the four, dichotomous manipulation variables, within each racial group.<sup>32</sup> Several conclusions are supported by this analysis.

1) The degree of deservingness of the squatter (as depicted in the vignette) has no influence whatsoever on fairness judgments.<sup>33</sup> This no doubt is due to the fact that nearly all South Africans attribute a high degree of deservingness to squatters, irrespective to how long they may have been in the housing queue.

2) The need of the squatter is only influential on the judgments of Coloured people; Africans, whites, and those of Asian origin are unaffected by whether the squatter has dire or ordinary need. Among Coloured people, the effect is modest but significant: A twelve percentage point difference exists in

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analysis of 89 justice studies, this article is also useful as a guide to the justice literature.

<sup>32</sup>I present this analysis in a regression format since regression includes all information typically found in analysis of variance (mainly inferential statistics) as well as measures of the degree of association between the variables. Since the numbers of cases differ substantially across the four groups, and since measures of statistical significance are extremely sensitive to sample size, my substantive conclusions are grounded more in the regression coefficients than in tests of statistical significance. Note as well that the dependent variable ranges from 0 to 1.

<sup>33</sup>To the extent that there are different degrees of variability in the variables of interest here, comparing standardized coefficients can be misleading. However, as reported in the tables, the variability in the dependent variable (the justice judgments) is often quite similar across the four groups, so standardized coefficients can provide useful information in this sample.

perceived fairness between the two experimental conditions (data not shown). Nonetheless, 66 % of those being told that the squatter's need was only ordinary (not dire) judged her eviction to be unfair.<sup>34</sup>

3) Generally, the need the landowner (whether the property is being used) has little effect on fairness judgments, with the possible exception of South Africans of Asian origin. Among this group, the regression coefficient is .08 (not statistically significant), which reflects an 8 percentage point difference in judgments of fairness: The outcome is thought to be more unfair to the squatter when the land is not being used by the landowner. In general, however, these findings run counter to popular arguments in South Africa that the lack of use of land justifies squatting. For most South Africans, it does not.

4) By far, the strongest direct impact of the experimental manipulations is associated with whether the squatter received procedural fairness. Strong effects are found among whites, Coloured people, and those of Asian origin. For instance, among whites, 46.2 % judged the squatter to be fairly treated when she was summarily evicted, but 70.9 % thought it fair when she was evicted through due process procedures (see Figure 1). Even though Coloured and Asian respondents do not generally view the treatment as fair, the differences across the two experimental conditions are nonetheless large. Only among the black respondents, do I observe trivial effects of the due process manipulation (although the regression coefficient for Africans is statistically significant in the predicted direction at  $p = .066$ ).

[PLACE FIGURE 1 ABOUT HERE]

5) Indeed, in general, none of the experimental factors has much influence on the black respondents. Perhaps this is a function of well-established prior beliefs and attitudes that were unshaken by the circumstances portrayed in the vignette.<sup>35</sup>

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<sup>34</sup>Although I resist developing idiosyncratic explanations of differences in reactions to these vignettes, perhaps the greater sensitivity of Coloured people to the need variable is a function of the greater degree of economic heterogeneity among Coloured people, at least as compared to blacks. Black people may not be able to imagine a squatter who is not needy. Coloured people may actually know one.

<sup>35</sup>In an earlier, similar study in South Africa, Gibson and Gouws (2001) found that the circumstances of a proposed protest demonstration had little influence on the political tolerance of Africans. They surmised that the hypothetical events in the vignette were insufficient to overcome

The analysis to this point has addressed only the direct, linear effects of the manipulations. The interactive effects must also be considered.

In order to test the interactive hypotheses, I regressed the dependent variable in a hierarchical fashion on a) the direct linear effects of the four experimental variables, b) all of the two-way interactive terms, c) all of the three-way effects, and d) the four-way interaction term. In each instance, the appropriate statistical test is the significance of the change in  $R^2$  with the addition of the variable set (see Cohen et al. 2003).

For whites, Coloured people, and those of Asian origin, the effects of the four linear experimental variables are statistically significant (as reported in Table 2). For blacks, the equation does not achieve statistical significance. For all four racial groups, *none of the changes in explained variance brought about by adding the interaction terms achieves statistical significance.*<sup>36</sup> Thus, I conclude that all of the impacts of these variables can be captured in their linear manifestations.

Because the procedural justice variable has been found to have such substantial consequences for justice judgments, I have carefully reconsidered how this factor might moderate the effects of the other variables. The strongest such interactive relationship found is among Coloured people for the landowner need variable. The two equations are:

$$\begin{array}{ll} \text{Low procedural justice:} & \text{Justice judgment} = .214 + .068 * \text{Landowner Need} \\ & (\beta = .121) \end{array}$$

$$\begin{array}{ll} \text{High procedural justice:} & \text{Justice judgment} = .418 + .010 * \text{Landowner Need} \\ & (\beta = .014) \end{array}$$

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existing predispositions, and therefore the manipulations had little effect. That seems to be precisely what is happening in the Squatter Vignette among the black respondents.

<sup>36</sup>Among the Coloured respondents, the addition of the three-way effects produces a change in  $R^2$  that is significant at  $p = .066$ . However, given that this is a marginal impact (the change in explained variance is only 1.8 %) and in light of the difficulty in general of digesting three-way effects (and since the effect is not present for any of the other racial groups), I do not give this interaction serious consideration.

Given the numbers of cases, neither of these regression coefficients achieves statistical significance. However, need and procedural justice seem to be alternating influences on justice judgments. That is, when the landowner has followed due process, whether the land is being used is irrelevant. When there is no due process, however, other considerations — like whether the land is being used — come into play. Perhaps this has something to do with alternative means by which landowners can exculpate themselves (and the finding reinforces my conclusion about the significance of procedural fairness for justice judgments). I should stress, however, that the effect is small and is not present among the other racial groups, so it therefore should be attributed only limited importance.<sup>37</sup>

In general, the interactive effects I have discovered are weak and inconsistent and therefore can largely be considered to be of little practical importance for these justice judgments.

The most impressive finding to this point in the analysis has to do not with the effects of the experimental manipulations but rather with the strong direct influences of race on fairness judgments. My analysis has shown a highly significant role of the respondent's race in all aspects of fairness judgments. For instance: (1) Race is strongly related to the assessments of the fairness of the treatment of the squatter —  $\eta = .45$ . Even holding procedural justice constant, the differences between blacks and whites in fairness assessments are tremendous (see Figure 1). (2) *Within* each of the eight experimental conditions (e.g., holding each of the experimental manipulations constant), highly significant ( $p \leq .001$ ) racial differences exist in perceptions of the manipulations. The average eta ( $\eta$ ) coefficient across these categories is .28. Black – white differences are, as in everything else in this analysis, particularly stark. For instance, when the subjects are told that the squatter is evicted through due process, the mean perceived fairness (sufficiency of time) among Africans is .38; among whites, it is .69. The race of the respondent clearly influenced strongly the way in which the various elements of the story were received and evaluated. (3) As we have seen, the influence of various manipulations is not necessarily constant

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<sup>37</sup>Among the African respondents there is a hint of a tiny (and statistically insignificant) interactive relationship between the squatter's need and her deservingness.

across the racial groups, with some manipulations affecting fairness judgments among some groups but not among others. Race seems to color the reactions of South Africans to all aspects of this sort of land conflict.

### **Adding the Vignette Perceptions to the Analysis**

In this portion of the analysis, the variables used to assess whether the manipulations were effective are mobilized for a second purpose: as indicators of the respondent's perception of the attributes of the vignettes. Of course, with the addition of these variables, certainty about any causal inferences linking the independent and dependent variables diminishes substantially. In addition, these perceptual variables should eliminate the direct effects of the manipulation dichotomies, since my general hypothesis is that the manipulations only influence fairness judgments through the perceptions of the respondents. Finally, the perceptual variables are expected to increase the explained variance considerably, if for no other reason than that these independent variables are no longer simple dichotomies. Table 3 reports the results of adding these four perceptions to the basic equation based on the four manipulation indicators.

[PLACE TABLE 3 ABOUT HERE]

With only a single exception, the influence of the manipulation dichotomies is insignificant in this new equation.<sup>38</sup> Moreover, the addition of these perceptual variables substantially increases the level of explained variance, to roughly one-fourth. And with a few exceptions, the findings do not differ greatly across racial groups.

For each group, those who perceive greater procedural justice (the squatter was given sufficient time to sort herself out) tend strongly to assert that the squatter was fairly treated. Little variability in the

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<sup>38</sup>The exception is among Coloured people for the procedural justice manipulation. This is due in part to very slight curvilinearity in the relationship between perceptions and fairness assessments (although the tests for significant curvilinear effects are not significant for any racial group, the probabilities approach statistical significance for both Coloured people and those of Asian origin). This means that the linear effect (which is what is estimated in Table 3) underestimates the total effect of the perceptual variable, allowing the manipulation dichotomy to retain some of its direct influence.

magnitude of the influence can be observed across the racial groups (see the unstandardized coefficients). Whether the squatter is perceived to have received procedural justice is the strongest predictor of overall fairness judgments for South Africans of every race.

Despite the anemic influence of the deservingness manipulation, South Africans of all races are also influenced by *perceived* deservingness in evaluating the vignette. The effect is not as strong as that of procedural justice, but in every instance, as the squatter is perceived to be more deserving of a place to live, the outcome is judged to be less fair.<sup>39</sup> Thus, the deservingness of the squatter seems to matter for fairness judgments, but not deservingness as depicted in the vignette. At present, I have few insights into the circumstances that lead South Africans to judge squatters as deserving of housing; certainly, deservingness is not a simple function of having waited in the housing queue for a long period of time.<sup>40</sup>

Except among black South Africans, the perceived need of the squatter has little influence on fairness judgments. That perceived need would influence Africans is a bit surprising, given the high level of skewness in their perceptions (62 % of the black respondents rated the need of the squatter at the most extreme point on the scale).

Only among Coloured South Africans do we see that the need of the landowner influences fairness judgments. The effect is weak but when the landowner is seen as using the property, the eviction of the squatter is judged to be more fair.

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<sup>39</sup>Miller (1999, 101) recognizes dignity as a criterion by which the procedural justice of a situation is judged: “Thus we can say that a fair procedure is one that does not require people to behave in undignified ways or to have things done to them that would normally be thought of as offensive or degrading.” All of these are elements of respect: “It is disrespectful of people not to give equal attention to their claims, not to attempt to gain an accurate picture of their circumstances, not to explain the reasons for decisions, and to use methods that violate their dignity” (1999, 102).

<sup>40</sup>When perceived deservingness is regressed on the other three perceptual variables, the overwhelming (and exclusive) influence is from the variable measuring perceptions of the need of the squatter. Squatters who are more needy are perceived to be more deserving ( $r = .40$ ;  $\beta = .39$ ). Perhaps this finding reflects a limitation of experimentation. Experiments can easily force independent variables to be orthogonal to each other (as this experiment does with need and deservingness), but in the real world these two factors are so closely intertwined that ordinary people cannot readily disassociate them.

In line with the results of the analysis of the experimental variables, these data point to a crucial role of procedural fairness in disputes of this nature. The strongest influence of any of the variables in Table 3 is from the perceived procedural justice variable. As Table 4 depicts, this manipulation was vividly perceived by the respondents, the direct effect on fairness judgments was significant for all but Africans (data not shown), and the perceptions of procedural justice have substantial (and the greatest) impact on fairness assessments for South Africans of all races. For Africans, it seems that there is more to procedural justice than fair eviction procedures, but nonetheless procedural concerns play a significant role in this analysis.

[PLACE TABLE 4 ABOUT HERE]

It appears that extending procedural justice to the squatter adds legitimacy to the entire process of eviction. It is plausible that treating the squatter fairly is seen as recognizing the legitimacy of the squatter's desire for housing. Because the squatter's need for housing is legitimate, she deserves fair treatment, even while being denied the land she sought to grab. Because the transgression of the squatter is to some degree legitimate, no moral imbalance was created by the land grab (see Robbennolt, Darley, and MacCoun 2003). Because the squatter can justify her behavior in terms of justice considerations, her transgression is quite unlike an ordinary criminal offense, and she therefore deserves fair treatment.<sup>41</sup>

Thus, there are several sorts of findings from this portion of the analysis. First, I find cross-race similarities, as in the impact of perceived procedure justice and squatter deservingness. This may indicate that different racial groups derive their estimates of such factors as need and deservingness from different criteria, but once they conclude that one is needy (for instance), the consequence is the same. Second, a couple of small findings are idiosyncratic to the respondent's racial group. I also might add that in most

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<sup>41</sup>This finding comports with the relational theory of procedural justice as explicated by Tyler and his colleagues. Perhaps the most salient aspect of the procedural justice manipulation has to do with status recognition, which “refers to the quality of treatment that people experience in their interactions with group authorities — whether they are treated politely and with dignity, and whether respect is shown for their rights (i.e., aspects of experience that tell people about their standing in the group)” (Tyler and Blader 2000, 92).

instances, adding the perceptual variables to the equation reduces the effect of the experimental manipulation variables to insignificance. Finally, justice judgments are certainly pluralistic in the sense that multidimensional theories of justice are being applied to the vignette by different individuals and to some degree by different racial groups. I accept that this latter conclusion is clouded by the reliance in the analysis on non-experimental variables, but at least in terms of subjective perceptions, it appears that fairness judgments reflect a blend of justice considerations.

## **THE INFLUENCE OF GROUP IDENTITIES ON PERCEPTIONS OF FAIRNESS**

It remains to consider the degree to which justice judgments are grounded in the group identities of South Africans. For this portion of the analysis, I consider only the views of black South Africans. The logic of restricting the analysis to this group includes: (1) As I noted above, to most blacks, the vignette is undoubtedly perceived as an interracial conflict between Patience (a black woman) and the landowner (a white man). (2) Moreover, on many general land attitudes and experiences, blacks differ substantially from whites, Coloured people, and those of Asian origin. For instance, while 61.4 % of blacks support strict enforcement of anti-squatter laws, the comparable figures for whites, Coloured people, and Asians are 84.7 %, 74.3 %, and 84.9 %, respectively. While 69.5 % of blacks believe it unlikely that someone will file a claim to their land, the comparable figures for the other three groups are 91.8 %, 86.5 %, and 91.2 %, respectively. And although 64.9 % of blacks would provide land owners more protection against squatters, this is the position of 85.3 % of whites, 80.1 % of Coloured people, and 85.0 % of those of Asian origin. From these various figures, I draw several conclusions: First, blacks differ from the other three groups in their attitudes toward land. Second, and also important, a majority of blacks hold what can be considered to be anti-squatter policy preferences. Third, black opinion is more divided on issues of squatting than the opinions of the other groups. (3) For blacks, the whole issue of land grabs and

especially evictions generates identity threats since, once again, indigenous South Africans are being denied by whites land that is their birthright.

How might black identities be relevant to justice judgments? Gibson (2004b) has suggested that not all group identities are politically equivalent, especially in the South African case. Consequently, the basic group attachments of the respondents were measured with a question at the beginning of a section on group attitudes that asked simply: “People see themselves in many different ways. Using this list, which *one* of these best describes you? Please take a moment to look at all of the terms on the list.”<sup>42</sup> The respondents’ answers varied widely; fortunately, however, their replies are subject to some theoretically inspired categorization (for further details on this see Gibson 2004b).

About 14 % of the black respondents classified themselves primarily as South Africans, a simple category to code. Another 41 % asserted an identity in terms of a general racial category — either “African” or “black.” For another 43 % of the respondents, the identity was defined in terms of a specific ethnic/linguistic group — e.g., Zulu, Xhosa, North Sotho. Nearly all respondents answered this question in terms of identities in these three categories<sup>43</sup>, and these identities are quite important to the respondents.<sup>44</sup> For ease of communication, I will refer to these as national identities, racial identities, and ethnic identities, even though I do not ascribe much substance to the words “racial” and “ethnic.”

Gibson (2004b) found that, in the South African case, those who identify with relatively narrow ethnic/linguistic groups, and who believe strongly in the need for group solidarity, are more likely to be

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<sup>42</sup>Much earlier research has been conducted on group identities in South Africa. See for examples, Gibson and Gouws 2000, 2003, Jung 2000, and Gibson 2004a, 2004b, 2004c. For useful recent reviews of social identity theory see Brewer and Gaertner 2004 and Turner and Reynolds 2004.

<sup>43</sup>Less than 2 % of the respondents mentioned an identity not in these three categories. The most common of these was “Christian” (N = 20).

<sup>44</sup>Among black South Africans, 89 % rated their chosen identity as very important (the most extreme point on the response set). Across the three types of identities, tiny and insignificant differences exist in the ascribed importance of the identity, with the range being from 91 % among those asserting a national identity to 86 % among those claiming an ethnic identity.

intolerant of their political foes. Those identifying with large, heterogeneous groups are not particularly intolerant, even when they believe strongly in the need for group solidarity.<sup>45</sup> Thus, in the case of political tolerance, these identities moderate the connection between ingroup sympathy and outgroup antipathy.

Is squatting a context that activates “identity-relevant concerns?” The “identity-threat hypothesis” states that “people should devote more thought and analysis to whether an encounter was fair or unfair if the encounter threatens rather than affirms the perceiver’s currently activated identity and associated goals and values” (Skitka 2003, 287).<sup>46</sup> In the case of these justice judgments, perhaps the existence of a superordinate identity (identifying with the nation) makes black South Africans more sensitive to the preferences of their white fellow citizens, and therefore more likely to be influenced by the need of the landowner. As González and Brown assert (2003, 211), encouraging dual-identities may be an effective “strategy for promoting generalization of positive intergroup attitudes where minorities and majorities co-exist.” Moreover, perhaps a connection exists between national identities and emphasis on procedural justice as a universalistic norm. The belief that everyone is connected by virtue of being South African imbues all citizens with rights, including the right to be treated with dignity, even while being evicted from an unlawful land grab. It is more difficult to derive hypotheses to distinguish the justice judgments of racial and ethnic identifiers, except to note the general expectation that the broader and more inclusive an identity, the more likely are universalistic theories of justice to be embraced.

Table 5 reports the regression analysis for each of the three types of group identities among black South Africans. Each of the equations includes the four manipulation dichotomies and the four variables measuring the perceptions of the manipulation (the manipulation check variables). Note should be taken of the somewhat smaller numbers of cases of black South Africans with a national identity, which makes

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<sup>45</sup>This similar to Posner’s (2004) finding in Zambia. Posner’s analysis is particularly relevant because he posits that intergroup differences are neutralized in Zambia by the creation of a salient superordinate identity: Both Chewas and Tumbukas apparently think of themselves as “Easterners.”

<sup>46</sup>A battery of identity questions was asked prior to the vignette, so identities were primed or to some degree activated when the respondents were asked to make the justice judgements.

statistical significance a more demanding standard to achieve. Consequently, as before, I focus in this analysis on the magnitude of both the standardized and unstandardized regression coefficients.

[PLACE TABLE 5 ABOUT HERE]

I first observe that the direct effect of the manipulation variables is trivial to small in virtually all instances, which suggests that the causal process works through perceptions of the circumstances portrayed in the vignette. Second, a substantial amount of variance in justice judgments is explained by these variables, although the equation does a considerably poorer job in predicting the justice judgments of blacks with a relatively narrow ethnic identity. This may have something to do with the type of South African who adopts an ethnic identity (perhaps they are more poorly educated, rural, etc.— characteristics that are associated with higher quantities of measurement error).

Perhaps the most important findings from this table concern the dramatically stronger role of procedural justice perceptions among those adopting a South African identity, coupled with the minimal influence of deservingness among national identifiers. This stands in contrast, for instance, to ethnic identifiers, among whom procedural justice is less important (.23 versus .44) and deservingness considerably more important (-.29 versus -.11).

In addition, however, among those with each type of identity, the perceived need of the squatter influences fairness judgments. And directly contrary to the hypothesis, the perceived need of the landowner influences only those with an ethnic identity.

These various coefficients seem to indicate that a national identity is not incompatible with concern for the conditions of group members (squatter need).<sup>47</sup> At the same time, additional concerns about basic procedural fairness, presumably something due *all* South Africans, heavily structure fairness judgments. Perhaps both need and procedural justice reflect a broader commitment to the rule of law, with

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<sup>47</sup>Gibson (2004c) has shown that group and national attachments are positively, not negatively, correlated for virtually all identities in South Africa, a finding confirming the results reported by Gibson and Gouws (2003) from an earlier survey in South Africa.

need understood within the context of rules and policies indicating who should get housing from the government.

Another part of this puzzle has to do with the interconnection between perceived need and perceived deservingness. Among those with a national identity, a very strong correlation exists ( $r = .52$ ), while the correlations within the other two groups are substantially weaker: .32 and .31. Black South Africans who primarily identify themselves as South Africans differentiate less between need and deservingness than do other blacks, which suggests a more universalistic approach to defining the rights of all South African citizens.

To the extent that the influence of procedural justice in this analysis has to do with the dignity and respect owed all South African citizens, even squatters, this analysis seems to confirm Skitka's hypothesis that "people are influenced more by socio-emotional outcomes like standing, status, and respect as the relative salience of their social identity concerns increases" (Skitka 2003, 290). What is unclear, however, is why the exclusiveness of one's identity is not more strongly related to greater concern for the need, deservingness, and dignity of fellow group members. In the final analysis, the type of group identity does indeed seem to shape justice judgments, even if I am still some distance away from understanding all of the dynamics of these interrelationships.

## **SUMMARY AND CONCLUDING COMMENTS**

Several important conclusions emerge from this examination of South African attitudes toward the fairness of squatting.

Judgments of the fairness of the outcome to the squatter differ enormously according to the race of the respondent. It is worth reiterating that 83.6 % of the black respondents judged the outcome as unfair to the squatter, whereas only 33.4 % of the white respondents made a similar judgment. This finding alone suggests that different theories of justice are prevalent in South Africa, with little consensus

about which principles ought to dominate issues like squatting.

Nonetheless, most South Africans see the dispute as unfair to *both parties*, reflecting the fact that both the squatter and the landowner have strong justice claims to justify their position. This finding underscores the elemental presumption of this research: That land grabbing is an issue presenting a clash of justice considerations since both sides in such disputes are judged by many to be to some degree justified in their actions.

Whites in general are an exception to this finding: White South Africans tend to view the outcome in the vignette as fair to both parties (the landowner got to clear his land; the squatter was evicted). Nonetheless, even whites tended not to view this conflict in zero-sum terms; their judgments of fairness to the parties were positively, not negatively, correlated.

Among some South Africans, the vignette failed because it could not overcome existing predispositions. Certain aspects of the squatting problem are constants and cannot be manipulated in this sort of scenario. The most obvious example of this is the need manipulation in the vignette. I tried to distinguish between ordinary and dire need for housing by the squatter. The reality of South Africa, however, is that everyone recognizes that squatters live in desperate circumstances, and all are in dire need of housing. Consequently, this experimental manipulation failed because it sought to introduce a distinction on neediness that nearly all South Africans do not seem to make.

In some instances, the intuitions behind the experiment proved to be accurate, even if the specific operationalization of the intuition failed. The deservingness of the squatter has some influence on fairness judgments, for instance, even if deservingness is unrelated to the length of time the squatter has waited in the housing queue.

The most important finding of this research — one that does not vary by race — has to do with the role of fair process in the eviction of the squatter. South Africans of all races respond with more favorable fairness judgments when the squatter is accorded some degree of due process. This most likely reflects the influence of the legitimacy of the squatter's claim to a place to live. Because that claim is

legitimate, the squatter is entitled to some degree of fairness, in process if not in substance. A majority of all racial groups in South Africa oppose squatting; but because the claims of the squatter are acknowledged as being grounded in the right to fair treatment, South Africans conclude that justice requires procedural fairness.

Identities have something to do with understandings of justice, at least among black South Africans. For instance, concern over procedural justice is exacerbated among those adopting the most inclusive group identity. At present, many aspects of this process are not well understood, in part because the determinants of some variables (e.g., need and deservingness) were not captured well in the vignette. Identity certainly has a role to play in justice judgments; future research should focus on specifying that role more clearly.

It is clear from this research that judgments of fairness are based on a variety of factors, factors that are pluralistic, and that may or may not be in alignment with each other. I have not been successful in discovering the principles by which justice conflicts are adjudicated; as with prior research, the best I have achieved in this paper is to demonstrate that specific fairness judgments reflect a mix of concerns about justice. Like other research, I am unable to predict which justice considerations respondents will bring to bear on their decision making. Future research would likely profit from a within-subjects design in which the context of the conflict is varied, for example, with some controversies implicating identities but others not, or with some controversies involving all parties with strong justice arguments, but others characterized by justice asymmetries. It seems clear that understanding how citizens make judgments within the context of conflicting justice imperatives is a crucial step for future research on the role of justice judgments in politics.<sup>48</sup>

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<sup>48</sup>Skitka, Winiquist, and Hutchinson (2003, 333) argue that when people “have a clear *a priori* moral mandate — i.e., a strong conviction that a given outcome is right or wrong, moral or immoral — that procedural justice becomes a much less salient concern.” Perhaps these results, in which justice claims are *not* seen in unambiguous, zero-sum relationship to one another, are influenced by the absence of moral mandates on issues such as squatting. Issues on which all sides can generate readily accepted claims of justice and injustice are not issues on which clear moral mandates exist.

Finally, cultural differences in justice judgments must receive much more sustained attention. The racial differences I observe in this paper may well reflect broad inter-cultural differences in values, such as individualism versus collectivism. It is possible, for instance, that individualism is associated with a universalistic perspective on the rule of law, which in turns gives rise to both national identities and strong emphasis on procedural justice. South Africa continues to be a fecund environment for investigating such cultural differences, given the African, European, and Asian mix of its population.

Land issues, worldwide, are becoming increasingly salient and divisive. Such controversies are not just about who gets land and who does not; instead, fairness and justice are central components of land conflicts. Understanding how people apply theories of justice to such disputes would contribute mightily to limiting the destructive potential of such clashes, especially in transitional and historically divided polities. Although there is much we do not understand about how justice conflicts get adjudicated, there can be little doubt that many of the most pressing issues in politics in the world today are strongly animated by the concerns of ordinary people for what's fair, and what's not.

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## APPENDIX A: A NOTE ON RACE IN SOUTH AFRICA

It is common in South Africa to divide the total population into four racial categories for the purposes of research or the explanation of demographic realities and/or socio-economic conditions in the country, and I follow this practice throughout the analysis reported in this paper.<sup>49</sup> As James and Lever (2000, 44) note: “The use of these categories is unavoidable given the fixity that they have come to acquire both in popular consciousness and official business.” The use of these racial terminologies, however, differs from the way racial categorization may be understood in other societies. It is therefore important to understand the historical development of these categories, especially the legal boundaries imposed on racial groups by the apartheid government.<sup>50</sup>

The four racial groups are African, white, Coloured, and South Africans of Asian origin (Indian). These groups are also often referred to as population groups, ethnic groups (although this term usually refers to African subcategories such as Xhosa or Zulu), or national groups. The African majority has been known by European settlers by different names over time, such as “native,” “Bantu,” or “Black,” and some of these terminologies were later formalized by apartheid legislation. The Africans were the original inhabitants of the area now called South Africa and were descendants of Iron Age farmers speaking different variants of Bantu languages, spoken in sub-Saharan Africa, east of Cameroon (James and Lever 2000, 44). Generally, I refer to these people as Africans or blacks.

The white inhabitants of South Africa (also formerly called Europeans) are descendants of Dutch, German, French (Huguenots who fled France due to religious persecution), English, and other European

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<sup>49</sup>For a most useful review of racial categorization under apartheid see Posel 2001.

<sup>50</sup>The editor of a special issue of *Daedalus* focused on South Africa had this to say about the use of racial terms in the articles in the journal: “Many of the authors in this issue observe the South African convention of dividing the country’s population into four racial categories: white (of European descent), colored (of mixed ancestry), Indian (forebears from the Indian subcontinent), and African. The official nomenclature for ‘Africans’ has itself varied over the years, changing from ‘native’ to ‘Bantu’ in the middle of the apartheid era, and then changing again to ‘black’ or, today, ‘African/black.’ All of these terms appear in the essays that follow.” See Graubard 2001, viii.

and Jewish settlers. Though South Africa was colonized by the Dutch and the British in different historical periods, the British colonization entrenched English as the most commonly spoken language.

“Coloured” is considered a mixed race category, although as James and Lever (2000, 44) argue, it is actually a residual category of people with quite divergent descents. Coloured refers to the children of intermarriages between whites, Khoikhoi (often referred to as “Hottentots”) and the San (commonly referred to as “Bushmen”), and slaves from Malagasy and Southeast Asia (Malaysia), and Africans (Thompson and Prior 1982, 34).

The Indian population came to South Africa as indentured laborers to work in the sugar plantations in Natal in the late nineteenth and early twentieth century. Yet, they came from different regions in the Indian Subcontinent, adhered to different religions, and spoke different languages, so that they, like Coloured people, are not a homogeneous group. I refer to these people as South Africans of Asian origin, despite the fact that some Coloured people are technically of Asian origin.

Earlier research has documented enormous differences across South Africa’s groups in terms of a wide variety of political attitudes (e.g., Gibson and Gouws 2003, Gibson 2004a). Consequently, it is essential that race be incorporated into the analyses in this paper. To ignore race would be to fail to recognize that South African politics today continues to be shaped by its racist and colonial history. To incorporate race into this analysis is not to accept anything about apartheid, but is instead merely to acknowledge that apartheid shaped — and continues to shape — political reality in the country.

## APPENDIX B: THE SURVEY METHODOLOGY

This survey blends probability and quota methods of respondent selection, and therefore requires discussion of the two portions of the research design separately. The samples, however, do begin from a common sampling frame.

The survey firm Markinor first stratified each South African location according to province, community size, individual city, town or rural areas, suburb (within the large cities), and the predominant race of the residents of the area. Strong residential segregation makes the latter variable much less ambiguous than might otherwise be the case. Within each stratum, sampling points were randomly selected. Within each sampling point, either 4 or 6 interviews were conducted.

For the black sub-sample, area probability methods were then used. Households were enumerated and one was randomly selected. Within the chosen household, an adult individual was also chosen randomly. Up to four attempts were made to interview the designated individual. No respondent substitution was allowed. Gender stratification was imposed, however, to ensure against over-representation of females. This means that within each household, the gender of the respondent was pre-determined. Thus, the African sub-sample was drawn via standard area probability methods.

Out of the 1,778 designated individual Africans<sup>51</sup>, interviews were completed with 1,549, for a raw response rate of 87.1 %. Of the 229 households in which no interview was conducted, this was due to the designated respondent being sick, deaf, or blind in 21 instances, and to a language barrier in another 3 cases. The respondent was not available in 76 households (33.2 % of the 229 incomplete interviews) and 129 respondents (56.3 %) refused to be interviewed (or refused to complete the interview). With such a high response rate, there can be little doubt about the representativeness of the black sub-sample.

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<sup>51</sup>I have excluded from this number the following: 130 households in which a male was designated to be interviewed, but in which no males resided; 63 households in which a female was designated to be interviewed, but in which no females resided; and 3 households which we expected to find black residents, but in fact found residents of another race.

Quite different methods were used to select individual white, Coloured, and Indian respondents. Rather than randomly selecting all households, a mixture of probability and quota methods was employed.<sup>52</sup> The quota was defined in terms of gender, age, and the working status of the individual to be interviewed. Consequently, no response rate for these three sub-samples can be calculated, and, as a result, no response rate for the overall sample can be computed. Sampling error for the three sub-samples and the entire sample also cannot be estimated.

In addition, Markinor fielded a supplementary (and subsequent) probability sample of whites, Coloured people, and Asian South Africans. Among the white probability sample, the response rate was 32.1 %, with clear evidence of unrepresentativeness in the sample (e.g., the over-representation of Afrikaans speakers). The response rate for the Coloured probability sample was 65.1 %, with no obvious evidence of under- or over-representation of any particular group. Among South Africans of Asian origin, the probability sample yielded a response rate of 63.5 %, also with little obvious evidence of misrepresentation.<sup>53</sup>

Several tests suggest that it is possible to combine the probability and quota samples among Coloured and Asian South Africans. For instance, differences on home language are trivial — 76.6 % of

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<sup>52</sup>It is easy to see why Markinor uses probability methods for the black sub-sample, since probability samples have a wide range of known useful attributes. In addition, however, Markinor believes that probability methods are called for by the relatively high mobility of the black population (thereby rendering current population statistics less reliable), and by the frequency with which multiple households are found to occupy a single location or house.

Justifying the use of quota sample is a more demanding task. According to Markinor, the driving factor is very high non-completion rates among whites, Coloured people, and Indians. Non-completion is due to lack of access to individual homes as well as outright refusals. Markinor believes that substitution rates are so high with probability samples, that the theoretical basis of such samples is entirely undone.

<sup>53</sup>An overall response rate cannot be calculated for the survey since calculating such figures is impossible for the quota samples. As I have noted, the response rates for the four probability samples are: blacks, 87.1 %, whites, 32.1 %, Coloured people, 65.1 %, and South Africans of Asian origin, 63.5 %. Thus, for the purely probability portions of this survey, the overall response rate is on the order of 76.9 %. This figure of course reflects the facts that a) the response rate among black South Africans was very high, and b) black South Africans constitute a very large proportion of the total South African population.

the Coloured respondents in the quota sample speak Afrikaans as their home language; the comparable figure in the probability sample is 78.5 %. (Since virtually all South Africans of Asian origin speak English as their home language, no differences exist across the two sub-samples on this variable.) Other key variables support a similar conclusion that these two sub-samples can be merged. Consequently, for Coloured and Asian South Africans, the two sub-samples were joined into a single sample. That sample was subjected to post-stratification to further ensure representativeness. This post-stratification weighting does not change the number of observations. In the weighted data, 79.3 % of the Coloured respondents speak Afrikaans as their home language. A total of 98.0 % of the 459 weighted Asian respondents speaks English as their home language. Thus, when I report data on the Coloured people and South Africans of Asian origin, I use the weighted, combined data set.

The white samples raise more difficult methodological challenges. First, the response rate in the probability sample was low, and evidence of misrepresentation exists. Similarly, the quota sample seems to lack representativeness. Obviously, these data can be (and have been) combined and post-stratified so that 57 % of the respondents speak Afrikaans as their home language and 42 % speak English. The unanswered question is whether post-stratification is appropriate under these circumstances.

With all of these various caveats, a reasonable set of conclusions to be drawn about the results derived from these samples is that: a) substantial confidence can be vested in the findings about black South Africans; b) moderate confidence attaches to the conclusions about Coloured and Asian South Africans; and c) relatively low confidence can be claimed for my conclusions about whites.

The interviews were conducted face-to-face by trained interviewers. The median length of interview was 85 minutes (mean = 89.7 minutes, standard deviation = 90.0 minutes).<sup>54</sup> The interview length varied substantially by language, with the longest interviews in Tsonga and Xhosa and the shortest interviews in Afrikaans, English and Zulu.

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<sup>54</sup>For the purposes of describing the characteristics of the sample, no weighting is employed.

Generally, nearly all respondents (96 %) were interviewed by a same-race interviewers. The largest exception to this rule is among Coloured respondents, 5 % of whom were interviewed by black interviewers and 8 % of whom were interviewed by white interviewers.

Respondents were interviewed in their language of choice. In 55 % of the interviews, the interview was conducted in a single language, while 27 % of the interviews occasionally mixed languages and 18 % often switched from one language to another.<sup>55</sup> Fully 34 % of the interviews were conducted in English, followed by 23 % in Afrikaans, 15 % in Zulu, and 10 % in Xhosa.

Most of the respondents (74 %) were judged by their interviewer to hold a “friendly” attitude toward the interview, with another 18 % being “cooperative but not particularly interested.”

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<sup>55</sup>Of course, we never allow the interviewers to engage in simultaneous translation. The questionnaires are themselves multi-lingual: Each question in the questionnaire is printed in both English and the language of choice of the respondent.

## APPENDIX C: FULL VIGNETTES

### Squatter Vignette – Story 1 (aaaa)

- 1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.
- 2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.
- 3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.
- 4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

### Squatter Vignette – Story 2 (aaab)

- 1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.
- 2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.
- 3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.
- 4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

### Squatter Vignette – Story 3 (aaba)

- 1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.
- 2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.
- 3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.
- 4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

### Squatter Vignette – Story 4 (aabb)

- 1a. Patience and her family are squatters. They are squatting because they want to live in the city, but

have no other place to live.

2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.

3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

#### Squatter Vignette – Story 5 (abaa)

1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

#### Squatter Vignette – Story 6 (abab)

1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

#### Squatter Vignette – Story 7 (abba)

1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.

4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

Squatter Vignette – Story 8 (abbb)

1a. Patience and her family are squatters. They are squatting because they want to live in the city, but have no other place to live.

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

Squatter Vignette – Story 9 (baaa)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

Squatter Vignette – Story 10 (baab)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

Squatter Vignette – Story 11 (baba)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the

government can provide her some land.

3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.

4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

#### Squatter Vignette – Story 12 (babb)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2a. Patience had earlier applied to the government to be given a place to live, but the government told her she must wait in the queue of land seekers, and that it is likely to take several months before the government can provide her some land.

3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

#### Squatter Vignette – Story 13 (bbaa)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

#### Squatter Vignette – Story 14 (bbab)

1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.

2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.

3a. The land where Patience squats is several hectares, and it is not currently being used by the owner of the land.

4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

Squatter Vignette – Story 15 (bbba)

- 1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.
- 2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.
- 3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.
- 4a. The owner of the land objects to Patience living on his property, and he hires security people to evict Patience and her family from his land. Patience asks for some time to sort herself out, but the owner goes ahead and evicts Patience immediately.

Squatter Vignette – Story 16 (bbbb)

- 1b. Patience and her family are squatters. They are squatting because they think the place where they are currently living is too far away from the place where Patience works.
- 2b. Patience had earlier applied to the government to be given a place to live, but the government told her she is not eligible for government assistance because she has not lived in the area long enough.
- 3b. The land where Patience squats is several hectares, and it is currently being used by the owner of the land for his own purposes.
- 4b. The owner of the land objects to Patience living on his property, and he goes to court to get an order to evict Patience from his land. Patience is given some time to sort things out, and then the police evicts her from the property.

**Table 1. Judgments of Fairness — Squatter Vignette**

| Item/Race                                 | Percentages <sup>a</sup> |           |      | Mean             | Std. Dev. | N   |
|---|--------------------------|-----------|------|------------------|-----------|-----|
|   | Unfair                   | Uncertain | Fair |                  |           |     |
| <i>Fairness to the Squatter – Outcome</i> |                          |           |      |                  |           |     |
| Black                                     | 83.6                     | .6        | 15.7 | .23 <sup>b</sup> | .30       | 774 |
| White                                     | 33.4                     | .4        | 66.2 | .65              | .32       | 679 |
| Coloured                                  | 70.0                     | .0        | 30.0 | .35              | .33       | 370 |
| Asian Origin                              | 60.6                     | .4        | 38.9 | .45              | .33       | 226 |
| <i>Fairness to the Squatter – Process</i> |                          |           |      |                  |           |     |
| Black                                     | 83.0                     | .4        | 16.6 | .23 <sup>c</sup> | .28       | 775 |
| White                                     | 40.4                     | .6        | 59.0 | .59              | .32       | 679 |
| Coloured                                  | 72.2                     | .3        | 27.5 | .33              | .33       | 371 |
| Asian Origin                              | 68.3                     | .9        | 30.8 | .38              | .30       | 226 |
| <i>Fairness to the Land Owner</i>         |                          |           |      |                  |           |     |
| Black                                     | 64.4                     | .6        | 34.9 | .39 <sup>d</sup> | .36       | 773 |
| White                                     | 22.7                     | .6        | 76.7 | .75              | .29       | 679 |
| Coloured                                  | 45.4                     | .3        | 54.3 | .54              | .33       | 370 |
| Asian Origin                              | 54.4                     | 1.3       | 44.2 | .50              | .32       | 226 |

<sup>a</sup> Note: Item percentages total to 100 % (except for rounding error) across the three columns. The percentages are based on a categorization of the continuous measures of fairness assessments. The means and standard deviations are reported for the uncollapsed indicators, which range from 0 (unfair) to 1 (fair).

<sup>b</sup> Difference of means test, across race:  $p < .001$ ;  $\eta = .50$ .

<sup>c</sup> Difference of means test, across race:  $p < .001$ ;  $\eta = .45$ .

<sup>d</sup> Difference of means test, across race:  $p < .001$ ;  $\eta = .42$ .

**Table 2. The Effects of the Experimental Manipulations on Judgments of Fairness to the Squatter**

| Predictor                               | b    | Standard Error | $\beta$ | r    |
|---|------|----------------|---------|------|
| <i>Africans</i>                         |      |                |         |      |
| Squatter Need                           | .01  | .02            | .02     | .02  |
| Squatter Deservingness                  | -.02 | .02            | -.04    | -.04 |
| Landowner Need                          | .01  | .02            | .02     | .02  |
| Procedural Justice                      | .04  | .02            | .07     | .07  |
| Intercept                               | .21  | .02            |         |      |
| Standard Deviation – Dependent Variable | .28  |                |         |      |
| Standard Error of Estimate              | .28  |                |         |      |
| R <sup>2</sup>                          |      |                | .01     |      |
| Number of Cases                         | 772  |                |         |      |
| <i>Whites</i>                           |      |                |         |      |
| Squatter Need                           | -.02 | .02            | -.03    | -.04 |
| Squatter Deservingness                  | .02  | .02            | .03     | .04  |
| Landowner Need                          | -.02 | .02            | -.04    | -.04 |
| Procedural Justice                      | .16  | .02            | .25***  | .25  |
| Intercept                               | .52  | .03            |         |      |
| Standard Deviation – Dependent Variable | .32  |                |         |      |
| Standard Error of Estimate              | .31  |                |         |      |
| R <sup>2</sup>                          |      |                | .07***  |      |
| Number of Cases                         | 678  |                |         |      |

*Coloured*

|   |      |     |        |      |
|---|------|-----|--------|------|
| Squatter Need                           | -.08 | .03 | -.12*  | -.12 |
| Squatter Deservingness                  | -.00 | .03 | -.00   | -.03 |
| Landowner Need                          | .04  | .03 | .06    | .05  |
| Procedural Justice                      | .18  | .03 | .27*** | .26  |
| Intercept                               | .27  | .04 |        |      |
| Standard Deviation – Dependent Variable | .33  |     |        |      |
| Standard Error of Estimate              | .32  |     |        |      |
| R <sup>2</sup>                          |      |     | .09*** |      |
| Number of Cases                         | 369  |     |        |      |

*Asian Origin*

|   |      |     |        |     |
|---|------|-----|--------|-----|
| Squatter Need                           | .02  | .04 | .04    | .04 |
| Squatter Deservingness                  | -.01 | .04 | -.01   | .02 |
| Landowner Need                          | .05  | .04 | .08    | .10 |
| Procedural Justice                      | .14  | .04 | .23*** | .23 |
| Intercept                               | .29  | .04 |        |     |
| Standard Deviation – Dependent Variable | .30  |     |        |     |
| Standard Error of Estimate              | .30  |     |        |     |
| R <sup>2</sup>                          |      |     | .06**  |     |
| Number of Cases                         | 226  |     |        |     |

Significance of standardized regression coefficients: \*\*\*  $p < .001$     \*\*  $p < .01$     \*  $p < .05$

**Table 3. The Effects of the Experimental Manipulations and Vignette Perceptions on Judgments of Fairness to the Squatter**

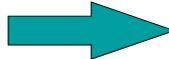
| Predictor                               | b    | Standard Error | $\beta$  | r    |
|---|------|----------------|----------|------|
| <i>Africans</i>                         |      |                |          |      |
| Squatter Need                           | .02  | .02            | .03      | .01  |
| Squatter Deservingness                  | -.02 | .02            | -.03     | -.03 |
| Landowner Need                          | .01  | .02            | .02      | .02  |
| Procedural Justice                      | -.01 | .02            | -.02     | -.02 |
| Perceived Squatter Need                 | -.33 | .05            | -.22 *** | -.22 |
| Perceived Squatter Deservingness        | -.22 | .05            | -.15 *** | -.15 |
| Perceived Landowner Need                | -.03 | .02            | -.05     | -.05 |
| Perceived Procedural Justice            | .28  | .03            | .36 ***  | .35  |
| Intercept                               | .65  | .06            |          |      |
| Standard Deviation – Dependent Variable | .28  |                |          |      |
| Standard Error of Estimate              | .25  |                |          |      |
| R <sup>2</sup>                          |      |                | .24 ***  |      |
| Number of Cases                         | 749  |                |          |      |
| <i>Whites</i>                           |      |                |          |      |
| Squatter Need                           | -.01 | .02            | -.01     | -.04 |
| Squatter Deservingness                  | -.00 | .02            | -.00     | .03  |
| Landowner Need                          | -.02 | .03            | -.03     | -.04 |
| Procedural Justice                      | .04  | .02            | .06      | .24  |
| Perceived Squatter Need                 | -.08 | .04            | -.07     | -.25 |
| Perceived Squatter Deservingness        | -.24 | .04            | -.23 *** | -.35 |
| Perceived Landowner Need                | .02  | .03            | .02      | .02  |
| Perceived Procedural Justice            | .34  | .03            | .40 ***  | .50  |

|   |      |     |         |      |
|---|------|-----|---------|------|
| Intercept                               | .62  | .05 |         |      |
| Standard Deviation – Dependent Variable | .32  |     |         |      |
| Standard Error of Estimate              | .27  |     |         |      |
| R <sup>2</sup>                          |      |     | .32 *** |      |
| Number of Cases                         | 657  |     |         |      |
| <i>Coloured</i>                         |      |     |         |      |
| Squatter Need                           | -.03 | .03 | -.05    | -.12 |
| Squatter Deservingness                  | .01  | .03 | .01     | -.03 |
| Landowner Need                          | -.03 | .04 | -.05    | .06  |
| Procedural Justice                      | .09  | .03 | .13 **  | .26  |
| Perceived Squatter Need                 | -.11 | .08 | -.07    | -.16 |
| Perceived Squatter Deservingness        | -.19 | .08 | -.13 *  | -.19 |
| Perceived Landowner Need                | .10  | .04 | .12 *   | .18  |
| Perceived Procedural Justice            | .34  | .05 | .37 *** | .46  |
| Intercept                               | .43  | .08 |         |      |
| Standard Deviation – Dependent Variable | .33  |     |         |      |
| Standard Error of Estimate              | .29  |     |         |      |
| R <sup>2</sup>                          |      |     | .27 *** |      |
| Number of Cases                         | 355  |     |         |      |
| <i>Asian Origin</i>                     |      |     |         |      |
| Squatter Need                           | .02  | .04 | .03     | .03  |
| Squatter Deservingness                  | -.02 | .04 | -.03    | .00  |
| Landowner Need                          | .05  | .04 | .09     | .11  |
| Procedural Justice                      | .04  | .04 | .06     | .23  |

|   |      |     |         |      |
|---|------|-----|---------|------|
| Perceived Squatter Need                 | -.16 | .09 | -.12    | -.20 |
| Perceived Squatter Deservingness        | -.24 | .11 | -.14 *  | -.20 |
| Perceived Landowner Need                | .04  | .05 | -.05    | -.01 |
| Perceived Procedural Justice            | .31  | .06 | .36 *** | .42  |
| Intercept                               | .58  | .11 |         |      |
| Standard Deviation – Dependent Variable | .31  |     |         |      |
| Standard Error of Estimate              | .27  |     |         |      |
| R <sup>2</sup>                          |      |     | .23 *** |      |
| Number of Cases                         | 221  |     |         |      |

Significance of standardized regression coefficients: \*\*\*  $p < .001$     \*\*  $p < .01$     \*  $p < .05$

**Table 4. Procedural Justice and Justice Judgments**

| Racial Groups | Procedural Manipulation   | r   | Perception of Procedural Manipulation  | r   | Justice Judgment |
|---------------|---|-----|--|-----|------------------|
| African       |  | .26 |  | .38 |                  |
| White         |  | .41 |  | .51 |                  |
| Coloured      |  | .41 |  | .44 |                  |
| Asian Origin  |  | .44 |  | .42 |                  |

**Table 5. The Interactive Effect of Group Identity and Justice Judgments, Black South Africans, 2004**

| Predictor                               | Type of Identity |      |         |                        |      |         |                         |      |         |
|---|------------------|------|---------|------------------------|------|---------|-------------------------|------|---------|
|   | National         |      |         | General Group (Racial) |      |         | Specific Group (Ethnic) |      |         |
|   | b                | s.e. | $\beta$ | b                      | s.e. | $\beta$ | b                       | s.e. | $\beta$ |
| Squatter Need                           | -.03             | .05  | -.06    | .01                    | .03  | .02     | .03                     | .03  | .05     |
| Squatter Deservingness                  | -.06             | .05  | -.10    | -.05                   | .03  | -.09    | .03                     | .03  | .06     |
| Landowner Need                          | -.05             | .05  | -.09    | .02                    | .03  | .03     | .02                     | .03  | .04     |
| Procedural Justice                      | -.02             | .05  | -.03    | .02                    | .03  | .03     | -.05                    | .03  | -.10    |
| Perceived Squatter Need                 | -.30             | .11  | -.25**  | -.43                   | .08  | -.28*** | -.24                    | .09  | -.15**  |
| Perceived Squatter Deservingness        | -.11             | .11  | -.09    | -.26                   | .09  | -.15**  | -.29                    | .08  | -.19*** |
| Perceived Landowner Need                | .02              | .06  | .02     | .02                    | .04  | .03     | -.09                    | .04  | -.14*   |
| Perceived Procedural Justice            | .44              | .08  | .49***  | .27                    | .04  | .34***  | .23                     | .04  | .30***  |
| Intercept                               | .53              | .11  |         | .77                    | .10  |         | .66                     | .10  |         |
| Standard Deviation – Dependent Variable | .29              |      |         | .29                    |      |         | .26                     |      |         |
| Standard Error of Estimate              | .24              |      |         | .25                    |      |         | .24                     |      |         |
| R <sup>2</sup>                          |                  |      | .39***  |                        |      | .32***  |                         |      | .18***  |
| Number of Cases                         | 107              |      |         | 307                    |      |         | 322                     |      |         |

Significance of standardized regression coefficients: \*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$

Figure 1. The Effect of Procedural Justice on Justice Judgments, By Respondent Race

