
**CHAPTER 15**

**Justice Across Cultures**

A THREE-STAGE MODEL FOR INTERCULTURAL NEGOTIATION

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Justice perceptions play a central role in conflict resolution, as Tyler and Blader have argued convincingly (Chapter 14, this volume). A sense of injustice is both a major cause of conflict and a central barrier to its successful resolution. In intercultural negotiation, cultural variations in the notion of justice add to the difficulties of successful conflict resolution (for a review, see Leung and Stephan, 1998).

To apply the justice framework to intercultural negotiation, three major concerns need to be addressed: (1) whether there is a universal concern for justice across cultures, (2) whether people conceptualize justice in the way across cultures, and (3) whether justice concepts are operationalized similarly (i.e., manifested by similar standards and behaviors) across cultures. The major purpose of this chapter is to examine these issues in the context of intercultural negotiation. Drawing from the literature on culture and justice, we propose a three-stage, pan-cultural framework for conceptualizing differences in the enactment of justice across cultures to shed light on intercultural negotiation.

**UNIVERSAL CONCERN FOR JUSTICE**

In the animal kingdom, the competition for survival is merciless, but instinctual inhibitions have evolved to avoid fatal aggression within a species (e.g., de Waal, 1992). Human beings also face the problem of within-species...
and how its social appropriateness is shaped by contextual factors, a subfield known as pragmatics. Mey (2001) provided a succinct summary of this perspective: "The language we use, and in particular the speech acts we utter, are entirely dependent on the context of the situation in which such acts are produced. All speech is situated speech; a speech act is never just an 'act of speech,' but should be considered in the total situation of activity of which it is a part" (p. 94). The contextualist approach has led to a focus on concrete speech acts, and the work on social pragmatics is highly relevant to our discussion. In this line of work, a taxonomy of sociopragmatics for interpersonal rhetoric has been developed (Leech, 1983, pp. 15-17). This taxonomy begins with a few major principles, each of which is defined by a number of maxims. Each maxim is then further defined by submaxims, and so on, with specific acts as the final level in the tree.

To illustrate this taxonomy, consider the politeness maxim, under which there are the submaxims of modesty and approbation. The submaxim of modesty is operationalized typically by the act of "minimizing praise of self," whereas the submaxim of approbation is operationalized typically by the act of "minimizing dispraise of other" (Leech, 1983). People are assumed to follow the maxim and submaxim, but cross-cultural differences are well-documented regarding the enactment of the submaxim. For instance, in contrast to the typical operational definition of the submaxim of modesty, African-Americans do not view self-praise negatively (Kochman, 1981; cited in Wierzbicka, 1991). Similarly, Mizuta and Mizutani (1987; cited in Wierzbicka, 1991) showed that, in contrast to the typical operational definition of the submaxim of approbation, praise of another was not encouraged in Japanese culture. Again, these examples suggest that although people agree on general principles, the concrete operationalization of these principles may vary across cultures.

In terms of the level of abstraction, principles, maxims and submaxims, and their operational definitions roughly correspond to justice rules, justice criteria, and justice practices, respectively. Unlike the field of communication, the taxonomy of specific acts has received little attention in organizational sciences, and the notion of justice practices that we propose is an attempt to fill this gap. A justice practice is a concrete way in which justice criteria are operationalized and implemented, and may involve concrete standards, verbal and nonverbal behaviors, and social arrangements. To put it in a different way, a justice practice is the concrete way in which people enact a justice criterion in a given situation. The three-stage framework of justice is shown in Figure 15.1.

Justice judgments and behaviors are influenced by justice rules, criteria, and practices. Justice rules, the first-level constructs, specify the rules and procedures used for decision making. Justice criteria, which are second-level constructs, specify the guidelines for implementing these rules and procedures. Finally, justice practices, the third-level constructs, are operational definitions of justice criteria and provide the concrete ways with which criteria are implemented and evaluated by others to arrive at a justice judgment. Similar to justice rules and criteria, significant variations in justice practices may occur across situations and cultures.

One obvious concern with the notion of justice practices is that because a large number may exist, it may not be possible to organize them into a coherent framework. In the field of pragmatics, however, diverse speech acts, which are also numerous, have been successfully grouped into smaller, coherent categories. In a later section, we attempt to show that it is possible to organize justice practices into coherent categories, which are related to national cultures systematically.

Culture influences the preference for justice rules as well as the selection of justice criteria (Morris and Leung, 2000). In the three-stage framework, culture is assumed to impact all three stages (see Figure 15.1), but we will focus on its impact on justice practices in this chapter. As an initial step, we only consider the impact of individualism-collectivism and power distance because of the large amount of empirical work available. In his new book, Hofstede (2001) has provided a detailed summary of societal norms based on these two dimensions, which provides the basis for our analysis. Societal norms based on individualism-collectivism revolve around the extent to which the in-group versus the individual is emphasized, and societal norms
adopted by collectivists than by individualists. For performance dimensions, we expect that collectivists should emphasize contributions to interpersonal relationships, such as contributions to team cohesiveness and group harmony, more than individualists (but see Bond, Leung, and Wan, 1982). Furthermore, collectivists may put a higher emphasis on the maintenance of good internal and external relationships by leaders than by individualists. For destructive behaviors, given that deviation from norms is likely to be sanctioned more in collectivist cultures (Yamagishi, 1988), we expect that collectivists should be more likely to consider destructive behaviors as a negative input and punish the culprits more severely than should individualists (e.g., reduction of salary for employees who break a company rule).

With regard to the influence of power distance norms, one characteristic of group membership, rank, should be emphasized more as an input for reward distribution in high- than in low-power-distance societies (Mendonca and Kanungo, 1994). Based on Hofstede (2001), high-power-distance societies should emphasize the justice practice of rank more in compensations decisions. Furthermore, destructive behaviors should be weighed more as a negative input in high-power-distance societies because these behaviors are likely to signal disobedience and challenges to authority figures. Hence, rewarding those who display no destructive behavior and punishing those who display destructive behavior should be considered fairer in high- than in low-power-distance societies.

**Justice Practices for Equality Rule**

For the application of the equality rule, as long as the reward to be divided is quantifiable, divisible, and unidimensional, the notion of justice criteria and practices are irrelevant. In work settings, most, if not all, tangible rewards fit this description, such as salary and benefits. Complications may occur, however, if a reward is multidimensional or nondivisible, and Fiske (1991) has suggested that the solution to this problem requires "a subtle cultural understanding of what counts as 'the same.'" (p. 147). Take the example of dividing equally an office space with a nice view on one side only. Because the view is indivisible, it is controversial as to how to divide the space equally. Justice criteria are relevant for such nondivisible resources, and two types seem sensible: objective and subjective. Justice practices based on objective equality involve equal sharing of a resource, such as rotating the office with the view among participants or swap the entire office space for some other place that can be divided equally (cf. Fiske, 1991, p. 161). Justice practices based on subjective equality involve the determination of how to divide the office space into two halves that are seen as equal by giving the half without the view more space. Alternately, the office without the view may be compensated by other items, such as nicer furniture (cf. Fiske, 1991, pp. 147–148). Table 15.1 summarizes the justice rules, criteria, and practices for the equality rule.

With regard to the influence of culture, when nondivisible or multidimensional resources are involved, collectivists, who tend to value harmonious relationships with in-group members, may prefer practices that are conflict-free (e.g., turn taking among participants). With regard to the influence of power distance, subjective equality may be preferred in high-power-distance than low-power-distance societies because the subjectivity involved may provide flexibility to authority figures to decide on an allocation in a way they prefer.

**Justice Practices for Need Rule**

In applying the need rule, the dynamics involved resemble those involved in the equity rule in that needs have to be defined. There is a long research tradition on needs in psychology, the most well-known of which is Maslow's (1943) hierarchy of needs: physiology, safety, belongingness, esteem, and self-actualization. Subsequently, Alderfer (1976) provided a simpler version for the work context: existence, relatedness, and growth. Existence needs refer to material needs for survival and existence; relatedness needs refer to the needs for positive interpersonal relationships; and growth needs refer to the needs for personal development. We may regard these three forms of needs as justice criteria, for each of which justice practices can be developed. For existence needs, three types of practices are possible: physiological (working conditions such as noise and temperature), materialistic (salary and benefits), and security (safety and job security). For relatedness needs, five types of practices based on the target are possible: superiors, peers, subordinates, the entire organization, and external parties, such as customers and suppliers. For growth needs, two types of practices are possible: utilization of capabilities and development of new capabilities.

The need rule is often applied in allocating benefits and training opportunities. Benefits are usually based on existence needs, but in allocating training opportunities, there may be tension between existence and growth needs. Should training be allocated based on people's need for job security, or their growth needs based on curiosity and personal interest?

With regard to the influence of culture on the justice practices for the need rule, one obvious speculation is that relatedness needs should be emphasized more in collectivist than in individualistic cultures. For instance, compared to individualists, collectivists may consider it unfair to make someone work alone for an extended period time without the opportunity to interact with coworkers. Furthermore, collectivists should be more likely to give priority to practices concerning collective well-being over individual needs. For instance, collectivists may consider it fair to reassign a room booked by an
1998). In contrast, individualists may be more likely to relinquish outcome control to a neutral party, such as an arbitrator, for a win–lose verdict because of their emphasis on competition and due process (Finkel, Crystal, and Watanabe, 2001). For example, Bierbrauer (1994) found that Kurdish and Lebanese asylum seekers in Germany, who were collectivistic, preferred to use norms of religion and tradition to resolve a conflict with family members and acquaintances. On the contrary, Germans, who were individualistic, were more likely to appeal to state law and formal legal procedure. One explanation for these results is that norms of religion and tradition give Kurds direct control over the final settlement, whereas state laws place the outcome decisions in the hands of judges.

In collectivist cultures, consistency is likely to be viewed in particularistic terms because of the importance attached to group boundaries, and variations across actors, time, and contexts are more accepted. In contrast, a universal definition of consistency is likely to be normative in individualist societies, and variations across different groups of actors, time, or contexts are less accepted. With regard to the power distance norm, in low-power-distance societies, voice is likely to be granted to people regardless of their status, but in high-power-distance societies, high-ranking people may be given more voice. Bias suppression that is formal and elaborate should be preferred in lower-power-distance societies, whereas in high-power-distance societies, bias suppression is more likely to be informal and less elaborate. For instance, declaration of conflict of interest by public figures is taken seriously in low-power-distance cultures, and non-disclosures often result in serious political consequences; In Asia, where power distance is high, this justice practice tends to be more informal and ad hoc.

In demonstrating the accuracy of information, experts and authorities should be employed more frequently in high–than in low-power-distance societies. On the other hand, people from individualist societies are more likely to evaluate the accuracy of information with their own experiences and knowledge, whereas people from collectivist societies are more likely to trust information endorsed by in-group members. With regard to mechanisms that ensure correctness, active forms that are based on the initiative of the victims should be more emphasized in lower-power-distance cultures, whereas passive forms are more prevalent in high-power-distance cultures. Because of their desire for individual control, active forms should be regarded as fairer in individualist than in collectivist societies. Finally, with regard to ethicality, individualists are more likely to view ethicality in absolute terms, basing their ethical judgments on absolute standards. In contrast, collectivists are likely to view ethicality in absolute as well as social terms, and their judgment may take into account their relationship with the target (Vasquez, Kelner, Ebenbach, and Banaszynski, 2001). For instance, breaking a rule to help a friend is regarded as less unfair in India than in the United States (Miller and Bersoff, 1992).

**Dimensions of Interpersonal Justice Practices**

In interpersonal justice, two major criteria are identified: respect (being polite) and propriety (avoid inappropriate remarks and behaviors). These two criteria are highly abstract, and numerous justice practices can be identified for their implementation. For instance, the showing of respect may involve nonverbal behaviors such as eye contact, paralinguistic behaviors such as tone, and verbal remarks. Two broad categories may be distinguished for respect: compliance with norms that convey respect and social protocols. Respect for norms prescribes the verbal and nonverbal behaviors that one can enact to convey respect to a target, whereas social protocols involve social conventions that govern interpersonal interactions, such as seating arrangements.

For propriety, two broad categories are discernible: social face and respect for individual rights. Social face involves putting the target in good light and avoiding acts that embarrass or belittle them, such as derogatory and abusive remarks. Respect for individual rights involves permitting people to exercise their rights, such as privacy rights or the right to be treated as innocent before being proven guilty. See Table 15.3 for a summary.

**Cultural Differences in Interpersonal Justice Practices**

With regard to interpersonal justice, it is expected that, compared with individualists, collectivists should display a higher level of respect and respectful social protocols toward in-group than out-group members. Regarding the influence of power distance, in high-power-distance cultures, it is expected that people occupying lower levels in the hierarchy would receive a lower level of respect, both in terms of paralinguistic and verbal treatments. For instance, it is rude for a boss to tell a secretary to copy something without saying the word please in the United States, but it is not considered rude in Japan to skip please (Akasu and Asao, 1993). In fact, it is considered odd if superiors use the polite form of a verb with subordinates. In high-power-distance societies, it is expected that authority figures will be subject to social protocols that are commensurate with their status. For instance, seating order should be decided on the basis of rank, authority figures should speak the most, and interruption is not expected. One can easily appreciate these differences by comparing the status-conscious protocols of the British royalties with the casual styles of the royalties in Scandinavia, a region well-known
endorsements by experts and authority figures in high- than low-power-distance cultures.

For truthfulness, full disclosure and honesty are more emphasized in individualist than in collectivist cultures. For instance, in communication, Americans regard clear messages as more appropriate than do Japanese (Gudykunst and Nishida, 1994). In fact, in collectivistic societies, honesty is sometime sacrificed for achieving more important social goals, such as preservation of dignity (Cushner and Brislkin, 1996). Triandis et al. (2001) reported that deception is more prevalent in collectivist than in individualist cultures. Finally, individualists may prefer legal forms of assurance, whereas collectivists may prefer normative forms.

For reasonableness, arguments based on individual interests and rights should appear more reasonable in individualist cultures, whereas arguments based on group interests should appear more reasonable in collectivist cultures. Biao and Keller (1999) showed that the sacrifice of individual interest to protect group interest is endorsed more by Chinese than by Americans. Finally, arguments based on status and rank should appear more reasonable in high- than low-power-distance cultures.

For timeliness, different speeds are regarded as timely in different contexts, and there are substantial differences in the pace of life across cultures (Levine and Norenzayan, 1999). A normal service in one culture may be regarded as unreasonably slow by people from a different culture with a fast pace of life. However, it is not clear how individualism–collectivism and power distance norms may influence the justice practices for timeliness and specificity. We may speculate that for collectivists, slower and more general explanations are likely to be provided to out-groups than to in-groups, because they are less willing to invest in and provide help to out-group members. In high-power-distance cultures, faster and more specific explanations are likely to be provided to people in power than to people without power.

**Justice Practices and Intercultural Negotiation**

It is clear from the previous arguments that cultures vary in justice rules, criteria, and practices. In intercultural negotiation, in addition to the problem of conflict of interest, cultural mismatch in rules, criteria, and practices often cause intense feelings of injustice, trapping negotiators in deadlocks. The central tenet advanced in this chapter is that convergence in rules and criteria are insufficient; common justice practices must be used to clear cultural traps that may paralyze a negotiation. For instance, silence during negotiation does not signal passivity on the part of Japanese negotiators, and their Western counterparts often misread it as a lack of response or an indication of consent (Graham and Sano, 1984). Japanese negotiators would be upset and if their silence is interpreted erroneously. Misunderstanding in the other direction can occur when Asians misread their Western counterparts’ adversarial arguments as an indication of unreasonableness and lack of respect (Morris et al., 1998). Western negotiators may find the hostile responses from their Asian counterparts uncalled for. Another example comes from cultural differences in the notion of timeliness. In a U.S.–Japan collaboration, the Aladdin and Dunes Hotel in Las Vegas, Americans found the emphasis on consensus by Japanese too slow and cumbersome in the fast-moving casino environment (Ricks, 1993). Different notions of timeliness obviously make it hard for a collaboration to function properly.

Perhaps the importance of justice practices is best illustrated by the case of the USS Greeneville, a U.S. submarine that accidentally sank a Japanese fryers training ship, the Ehime Maru, in 2001. The captain of the ship, Scott Waddle, later issued a written statement in which he expressed his “most sincere regret” over the accident, which infuriated many Japanese. A relative of a victim told the press that Japanese refused to accept the statement as an apology, and that a real apology required him to say it to each of the victims’ relatives in person. Apology in person is in fact common in Japan to show the remorse felt and the willingness to shoulder the blame. Subsequently, Commander Waddle had an opportunity to apologize in person to the captain of Ehime Maru, Hidao Onishi, and expressed his wish to travel to Japan to apologize in person to the relatives of the victims. President Bush and key senior officers made high-profile, public apologies, and an admiral was sent to Japan to explain to the families of the victims the results of the enquiry of the accident. In this incident, the U.S. officials understood that in Japan, a major justice practice for the decision to absolve a wrongdoer requires his or her display of a deep sense of remorse and a willingness to shoulder the responsibilities, typically expressed in the form of elaborate apologies. Despite the initial uproar generated by the incident in Japan, the handling of the event in a culturally appropriate manner led to a satisfactory settlement without harming the U.S.–Japan relationship (for details, see news stories about the incident at www.cnn.com).

**Conclusion**

For justice theories to be useful in real life, they must inform actions, and the practical relevance of justice theories lies in their specificity. With the introduction of the notion of justice practices, the three-stage framework proposed provides the needed specificity to formulate a concrete, yet coherent and manageable framework to put justice theories into action. Furthermore, it also provides a way to decode the myriad of cultural difference in justice phenomena and organize them into a coherent framework. We argue


