



## Perceptions of Procedural Fairness of Law

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### DESCRIPTION

Processes are adaptable, so strengthening them can increase support for the rule of law. Perceptions of procedural fairness affect the legitimacy of the law. However, legal authorities have recently encountered a unique problem: charges of improper behaviour based on their ascriptive traits (e.g., gender, ethnicity). We examine the impact of these characteristics on the American legal system, concentrating on the circumstances in which the public views female and underrepresented-group judges as acting improperly and how this contrasts with the public's perceptions of their white and male counterparts. We discover that Americans draw conclusions about which groups a judge favours, whether she is predisposed to bias, and if she ought to recuse herself based on the racial and gender of the judge. Notably, the political left and right have quite different opinions about judges who are female and who are Hispanic.

Support for the rule of law is crucial to the health and effectiveness of democratic systems. Obedience and compliance are greatly influenced by how the public views the legal system's adherence to fair and predictable rules of procedure (Tyler 1990, 2003; Tyler and Huo 2002). However, there are other factors that affect people's faith in the rule of law in addition to procedural fairness. Legal authorities have also been criticised for their ascriptive traits in a more divisive atmosphere. Elites, for instance, have claimed that judges who are female and from underrepresented groups sometimes exhibit bias. When expressing her hope that "a knowledgeable Latina woman with the richness of her experiences would more often than not reach a better judgement than a white male who hasn't lived that life," Justice Sonia Sotomayor caused significant controversy during the nomination process. Sotomayor attempted to highlight the benefits of diversity, including the notion that her character traits might contribute to the development of different legal perspectives, but she faced criticism from a

number of Senators who were worried about potential bias resulting from those characteristics. Similar efforts were undertaken in 2016 by Republican presidential nominee Donald Trump to undermine public confidence in a federal court by claiming that the judge's ethnicity precluded him from rendering an impartial decision.

In order to shape perceptions of judicial wrongdoing, we discover that political predispositions (partisan and ideological identities) of individuals interact strongly with ascriptive judge qualities. In particular, those on the political left are more likely to have a poor opinion of white male judges, while some on the right are more doubtful of female and Hispanic judges. The study refutes the claim that attacks on judges based on their race or gender are unsuccessful (see Van Hall 2017). In fact, it implies that in some circumstances, such attacks can heighten perceptions of judicial misconduct. Additionally, we find evidence that political identity affects support for female and Hispanic jurists considerably more strongly than it does for white male justices.

### CONCLUSION

Furthermore, we show that some topics are more strongly influenced by racial and gender cues. Particularly, citizens believe that Hispanic judges in immigration matters and female judges in abortion cases are more improper. This conclusion raises the troubling possibility of a malicious defence of the charge that Hispanic judges cannot fairly decide immigration cases. Importantly, we identify a crucial mechanism—citizens' expectations of ingroup favoritism—that supports judgments of inappropriate behaviour. We are able to demonstrate that a judge's race and gender have some of the most substantial effects on perceived impropriety, second only to partisan affiliation, because our conjoint approach enables us to separately analyse various judge qualities.

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