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**Group Identities and Theories of Justice:  
An Experimental Investigation Into the  
Justice and Injustice of Land Squatting in South Africa\***

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## **Abstract**

*In land controversies around the globe, the unfairness of the past confronts the fairness of the present as alternative conceptions of justice collide and conflict. South Africa represents a useful case for investigating such issues of transitional justice since the country faces a massive problem of squatting and land grabbing. Using a formal experiment embedded within a 2004 national survey of South Africans, I investigate the means by which ordinary people adjudicate conflicts among alternative principles of justice. The findings indicate that South Africans of every race judge evictions as more fair when squatters are extended procedural justice. Moreover, the group identities of blacks significantly structure their justice judgments, weighting some types of justice more heavily than others. Thus, this analysis yields important insights into the connection between group identities and how citizens apply multidimensional theories of justice to conflicts over historical land injustices.*

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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, who estimates that there are more than one billion squatters in the world today).

No where is this problem more acute than in South Africa. With the fall of apartheid came the end of the much hated race-based restrictions on individual mobility. Consequently, the countryside has emptied as citizens have made 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 issue of urban land grabs is enormous, unprecedented, and growing. Virtually every piece of vacant land in South Africa’s cities is 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 removing the squatters from their perches. On the other hand, the dire need of the squatters may make land grabbing fair, especially in the context of the historical injustices of apartheid and colonialism, 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 judgments of

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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 dissecting 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? Can the unfairness of the past be reconciled with contemporary requirements of justice? And to what degree are conceptions of justice rooted in group attachments and social identity concerns, especially where race is such a salient aspect of land politics? These are the questions this article investigates.

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 such disputes, 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 country's most important racial/ethnic/linguistic groups. Finally, I also investigate within-group differences, focusing on the role of group attachments and identities in structuring fairness judgments. Thus, the paper's empirical strengths lie in the multicultural context in which the research is embedded, the realism and salience of the justice dispute on which I focus, and the power of the research design, combining both internal and external

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validity. Its theoretical strength lies in its integration of social identity theory with the psychology of justice. I begin with an 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 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

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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), 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 quantitative research on cross-cultural differences in understandings of fairness (e.g., Kluegel, Mason, and Wegener 1995).

<sup>2</sup>The large body of research conducted under the rubric of “political culture” is grounded in the hypothesis that democratic institutions require certain value commitments on the part of citizens

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lay philosophers, applying principles of justice to complex issues of public policy (e.g., Chong and Marshall 1989). Justice matters in part because one does not have to be a party to a dispute to care about the fairness of its outcome— people care about injustices done to others.

Justice considerations, however, are rarely unidimensional; rather, people typically apply multiple aspects of justice when evaluating political conflicts. Scholars have addressed several different types of justice, such as distributive, procedural, retributive, and restorative justice. Within each domain, various criteria of justice exist.<sup>3</sup> For instance, the major criteria upon which distributive justice judgments are made include desert, need, and equality (e.g., Miller 1999). 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 assessments 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 tension across justice

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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.

<sup>3</sup>I use the term “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.

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domains also exists. How does one, for instance, exchange a quantity of procedural justice voice for a portion of distributive justice desert or 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; see also Scott et al. 2001, 751). But little progress has been made either theoretically or empirically on identifying a stable hierarchy of justice principles or criteria that enable predictions of how ordinary people adjudicate justice conflict in real political controversies.<sup>4</sup>

For example, granting amnesty to gross human rights violators may be judged in terms of distributive, procedural, retributive, and restorative justice considerations. Gibson’s (2002) analysis shows that different dimensions of justice can be 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>5</sup>

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<sup>4</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), and Alvarez and Brehm (2002).

<sup>5</sup>Another example of justice pluralism can be found in the work of Chong and Marshall (1999),

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To complicate the issue further, context matters. As Miller (1999, 63) notes “the social context in which the distribution has to be made — or more precisely how that context is perceived by those making the judgment — will determine which principle stands out as the relevant principle to follow.” What’s fair may depend upon factors idiosyncratic to contexts—e.g., whether those seeking justice are part of an ingroup or 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 they think is fair to themselves, 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. Mutz and Mondak (1997) introduce the concept “sociotropic justice” to refer to how people judge not fairness to themselves, but rather fairness to groups. Since it is well established that people typically assess political disputes by far more than simply what they think contributes to their immediate self interests (see, for example, Funk 2000), to understand justice judgments we 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

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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. Again, however, we have little theory regarding the processes of prioritization of justice values.

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(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 individuals to predict conclusions about justice—of late, scholars have become concerned with the role of group identities in shaping thoughts about justice and injustice (e.g., Tyler et al. 1997). 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 a person identifies with a victimized group, reactions to the victimization of an individual group member will be stronger, more salient, and of greater socio-political relevance. People seem to feel the need to vindicate their value in society by ensuring that some form of retributive or restorative justice takes place. This is particularly important for those who draw much of their identity from their group affiliation, and especially if the group has been subject to systematic victimization in the past.

Identity theory may therefore 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* can be 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. 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

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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 at least as important as egocentric goals, and are associated with assigning priority to procedural justice; 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 get activated, and how conflicts among justice domains are adjudicated. I turn next to applying these conclusions about justice to the issue of homelessness and squatting.

### **The Problem of Squatting 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. 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 distributive justice, pitting the have-nots against the haves.

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But land is more than “just” an issue of economic inequality. Instead, overlaid on the inequality is the history of the injustices 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, group-based differences in how land issues are perceived and judged are likely to be profound. This sense of historical injustice interacts with contemporary inequality to create a volatile political brew.

The land issue is apposite 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 say that land should not be expropriated without compensation, and certainly should not be expropriated without proper legal procedures. The advocates of this 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 unfair, whatever the needs and motives of the landless.

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. 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. Squatters therefore have justice—or at least

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one form of justice—on their side.

Owing to these historical injustices, squatting is an issue likely to stimulate group identity concerns. Indeed, any individual instance of squatting may be difficult to justify; it is primarily when the squatting issue is re-conceptualized as a group demand for fairness that squatting acquires normative force. When identities are implicated, the criteria of justice change, emphasizing sociotropic rather than (or in addition to) egocentric concerns. Squatting thereby gets transformed into an issue of social status and group standing — in Tyler’s phrase, into a relational or group value model of justice. Consequently, those with strong group identities are likely more willing to accept the justice claims of squatters.

Thus, the issue of squatting is one that implicates various justice considerations. Certainly distributive (and redistributive) justice is at issue in land squatting. Procedural justice considerations arise as well, especially in relation to the process 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 the nature of justice judgments are explored here by means of an experimental vignette. Vignettes are a particularly useful technology for incorporating the context of justice conflicts within survey research. These short stories can reveal processes of reasoning perhaps

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not even directly 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; Duch and Palmer 2004). 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>6</sup> The vignette allows me to assess how South Africans apply various principles of justice to complex social issues like squatting.

The analysis reported here is an inquiry into how justice judgments are made in the context of squatting. Following the literature on distributive fairness, I focus on two distributive justice claims typically voiced by squatters—a claim of need and a claim of deservingness (see Miller 1991 on various criteria of distributive justice). I also hypothesize that the “need” of the landowner influences justice judgments. Finally, following the vast literature on proceduralism (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 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

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<sup>6</sup>Experiments with random assignment of subjects to treatments (like this experiment) have numerous advantages, including strong internal validity (i.e., confidence in causal inferences). When included within a representative survey, external validity (the ability to generalize the findings) is also maximized. On experimentation in political science see Kinder and Palfrey 1993.

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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 [available from the author] provides further discussion of the issue. Race is strongly implicated in the vignettes presented to the respondents, but I 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 methodological issues involved are complicated, I defer a full discussion of them to Appendix B [available from the author]. 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 reasonable 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. 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. Minor (and inevitable, given face-to-face interviews with paper copies of the questionnaire in multiple languages) 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 dummy variables representing the manipulations is  $-.019$ .<sup>7</sup>

The 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. 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>8</sup> Since squatters are routinely evicted in

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<sup>7</sup>The vignette was subjected to extensive pretesting prior to going into the field, including a large pretest with South African college students, as well as the pretest of the full questionnaire (including the vignettes) with a sample of ordinary South Africans.

<sup>8</sup>Law on squatting in South Africa is highly fluid, reflecting the considerable litigation that is

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contemporary South Africa, all versions of the vignette conclude with Patience and her family being removed from the property.<sup>9</sup> This obviously limits the generalizability of the findings in the sense that the vignette tells us little about fairness judgments in the context of successful land grabs. Nonetheless, the vignette depicts the outcome that was most common for squatters at the time of the survey.<sup>10</sup>

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 a landless person—Patience (and her family)—and a land owner. Clearly implied in the vignette is class conflict between land owners and the landless. The need of the squatter was

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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>9</sup>Note as well that since “negative events elicit more attributional activity than do positive events” (Skitka 2003, 287), all vignettes conclude with the eviction of the squatter.

<sup>10</sup>An important principle of vignette development is verisimilitude. That is, vignettes seek to identify the relevant elements of political contexts, determine how they vary, conceptualize them in theoretical terms (e.g., fit the elements to theories of justice), and operationalize them in concrete terms meaningful to survey respondents (e.g., Gibson and Gouws 2003). Vignettes consequently require a considerable amount of contextual knowledge and understanding of political controversies.

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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 she 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 as much as two hours of travel time, each way, to and from work. The hypothesis tested is that when the squatter is presented as having a more substantial need for housing, evicting her will be judged to be more unjust.

Although the race of the squatter is not explicitly specified in the vignette<sup>11</sup>, both by name

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<sup>11</sup>Considerable thought was given to this issue when the vignettes were being constructed. I decided not to specify the race of the participants in the vignette because, had the races of the actors been explicitly stated, I believe it could have led to a priming or framing effect of race that might have overwhelmed all other aspects of the story (e.g., Druckman 2004). As presented here, race is implicit, but the conflict is between the landless and the landowner. This, I believe, mirrors South African politics: Race is omnipresent, even if race is not the most salient cleavage

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(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 suggests 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 landowner has access to a security force or the ability to get a court ordered eviction implies resources. Whites are more likely to have access to such resources. Thus, it is nearly certain that nearly all respondents understood the sub-text of the vignette as one of interracial conflict. At 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, which is a relatively common occurrence in contemporary South Africa. If this is so, then sociotropic and group identity concerns are likely to be activated (a hypothesis that is tested below).

*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

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in any given conflict.

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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.<sup>12</sup> 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 put to use. 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*.<sup>13</sup> This distinction is captured in the following manipulation:

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<sup>12</sup>An excellent example of the significance of being in the housing queue can be found in the conflict between residents of Delft and Langa (both Cape Town townships). In July, 2006, a fire in Langa led to the displacement of many of its residents. The City provided housing for them in Delft. This outraged Delft "backyard dwellers" (people who live in shacks in the backyards of houses), who felt they had prior rights to a home, leading some to threaten violence against the incoming Langa people. See Powell 2006a 2006b. Clearly, to many, deservingness is defined in part by having waited patiently in the housing queue, and newcomers to the queue, even needy ones, do not deserve to be given housing priority.

<sup>13</sup>For instance, in one of the focus groups conducted for the purpose of questionnaire

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*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 manipulated 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

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development in this survey the following exchange showing the importance of land use took place:

*Moderator:* What about the situation where you have land owners actually, well they don't use the land and then people come and squat and they ask them a fee, a sort of occupation fee? Do you think that practice is fair?

*Participant:* That is not fair but let us get back to the question. There is land that lies vacant for 15 years, you can't allow that. Why is it left vacant? What is the purpose? I mean, let us say, 10 km from central Durban, why is the land lying vacant? What purpose does it serve? I mean whose land is it? And you can't leave huge stacks of land vacant, undeveloped, there is nothing on it. You find out what is going on.

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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 evict 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 these two factors are inextricably interconnected in South Africa, thus contributing to verisimilitude. When land owners resist squatters, they do so quickly, before the squatter can acquire any rights, and they primarily implement evictions with private security forces. These evictions often involve the destruction of property (both the dwelling unit erected by the squatter and the squatter's personal property), and nothing is dignified about the process. Alternatively, if the process gets delayed and winds up going to court, police will probably 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 a degree of dignity during the ordeal.

The 16 vignette versions are reported in Appendix C [available from the author].<sup>14</sup>

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<sup>14</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

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

We asked the respondents to assess the fairness of the treatment Patience received during the eviction, based on a ten-point scale ranging from “completely unfair” to “completely fair.”<sup>15</sup> The data reveal that enormous racial differences exist in perceptions of the fairness of her treatment. While 83.0 % of blacks view the outcome as unfair to the squatter, only 40.4 % of whites assert that the eviction was unfair. A large majority of Coloured people also see unfairness (72.2 %), as does a similar majority of those of Asian origin (68.3 %). This racial divide in assessments of the fairness of the eviction is foreboding for South African politics since the black majority and the powerful white minority differ so profoundly.

Despite the opinion expressed in the vignette, a majority of each racial group in South

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entire context is grounded in highly salient and widely publicized land grabs. 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 felt their judgments on the vignette were important and worthy of thought, and thus the vignettes profit from experimental realism as well. And according to the assessments of the interviewers, the vignette was well understood by more respondents than the remainder of the questions in the interview.

<sup>15</sup>For ease of interpretation, I have re-scored this and the independent variables to vary from zero to one. Note that all statistical analyses are conducted on the continuous dependent variable; I report in the text a rough categorization of this eleven-point continuum only as an aid to the interpretation of the data.

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Africa opposes squatting. When asked whether they support or oppose a policy to prevent “squatting by strictly enforcing the law,” the percentages of respondents favoring such a policy range from 61.4 % among blacks to 84.9 % among those of Asian origin (and 84.7 % among whites). Similarly, when asked whether the law should provide more protection to land owners against squatters, from 64.9 % of blacks to 85.3 % of whites gave a supportive reply. Across all racial groups, only 14.6 % of the respondents oppose strict enforcement of squatting laws and even fewer (10.5 %) oppose protecting landowners from those who would squat on their land. Thus, these data indicate that despite opposition in general to the redistribution of land through squatting, significant majorities of blacks, Coloured people, and those of Asian origin nonetheless view the treatment of Patience as unfair. Understanding this seeming paradox requires that we treat fairness as a multidimensional concept implicating varying types of justice.

The principal dependent variable for the remainder of the analysis is perceptions of how fairly the squatter was treated. I hypothesize that the eviction of Patience is thought 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. Thus, the purpose of the experiment is to partition the variance in these fairness judgments, apportioning components of the judgments to various theories of justice.

## **Analysis**

### **Perceptions of the Experiment**

As I have noted, strong racial differences exist in judgments of fairness. To what degree are these differences a function of variation in perceptions of the experimental manipulations? To answer this question, I examined the indicators of how the vignette was perceived, assessing whether those perceptions varied according to the race of the respondent.<sup>16</sup>

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<sup>16</sup>The questions asked:

“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.”

“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.”

“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.”

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

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As it turns out, moderate interracial differences in perceptions exist for three of the four manipulations: Only perceptions of the need of the landowner are independent of race (even if the difference of means test is statistically significant). For instance, while 53.9 % of the white respondents asserted that Patience received adequate time to vacate the property, only 26.1 % of blacks and 27.1 % of Coloured people agreed.<sup>17</sup> The objective realities portrayed in these stories were apparently filtered through the attitudes and experiences of the respondents, and these attributes are to a considerable degree connected to race. This finding is important since (as will be shown in the analysis below) the perceptions of the experiment have a substantial impact on fairness judgments.

Consequently, the analytical strategy I pursue involves regressing fairness judgments on (a) the dichotomous experimental manipulations, (b) perceptions of the manipulations, (c) race dummy variables (with Africans as the excluded category), (d) race X perceptions interactions, and (e) race X manipulations interactions.<sup>18</sup> I initially consider each of the justice hypotheses

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<sup>17</sup>Note again that this categorization of the responses is for illustrative purposes only, and that the statistical analysis employs the full range of variability based on uncollapsed response sets.

<sup>18</sup>In order to test for interactive effects of the experimental manipulations, I regressed the dependent variable in a hierarchical fashion on a) the direct effects of the four experimental variables, b) all of the two-way interaction 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 all racial groups, none of the changes in explained variance brought about by adding the interaction terms achieves

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separately, but then consolidate the results in a single integrated equation.<sup>19</sup>

### **Procedural Justice for the Squatter**

The strongest finding in this analysis has to do with whether the squatter was accorded procedural justice. Table 1 reports the results.<sup>20</sup>

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statistical significance. Thus, I conclude that the impacts of these variables can be captured by their linear manifestations.

<sup>19</sup>Especially when interaction terms are included, putting all variables in a single equation becomes cumbersome. Moreover, the equation may suffer from model mis-specification in the sense that the term refers as well to the inclusion of variables *not connected* to the dependent variable (rather than limiting mis-specification to the failure to include relevant variables). Thus, my analytical strategy is to consider each of the four manipulations separately, with an eye toward eliminating variables from consideration in the single integrated equation.

<sup>20</sup>I present this analysis in an OLS 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 assessment of regression coefficients than in tests of significance.

To the extent that there are different degrees of variability in the variables of interest here, comparing standardized coefficients can be misleading. (The standard deviations range from .24

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[PLACE TABLE 1 ABOUT HERE]

Many important conclusions emerge from the coefficients in this table. First, the equation is quite successful in accounting for judgments of justice, with 37 % of the variance being explained. Second, the evidence in this table confirms that racial differences exist even in the multivariate context. The big difference is between blacks and whites, with whites considerably more likely to judge the outcome as fair to the squatter ( $b = .21$ ). The views of Coloured people and those of Asian origin are essentially indistinguishable from those of Africans.

Perceptions of the manipulation also have a substantial impact on justice judgments. Those who believe that the squatter was given sufficient time to get her affairs in order are considerably more likely to judge the outcome as fair. As documented in the interaction terms, only trivial interracial differences exist in the importance of these perceptions for fairness judgments (with the nearly trivial possible exception of whites, who are slightly more strongly influenced by whether they perceive Patience to have received procedural justice). In general, these perceptions influence fairness judgments roughly similarly among all four racial groups.

The manipulation itself has a substantial direct effect on fairness judgments ( $r = .17$ ), but,

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for the perceptions of squatter need variable to .50 for the dichotomous manipulations.) However, as shown in the tables, the variability in the dependent variable (the justice judgments) is often similar across the four groups, so standardized coefficients may provide useful information in this sample. Unstandardized coefficients are also reported in the table and are especially useful for cross-equation comparisons. Note as well that all variables, independent and dependent, have been re-scaled to a zero to one range.

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as expected, that influence is eliminated in the multivariate equation that includes perceptions of the manipulation. Finally, the manipulation had similar effects on the members of all four racial groups, with only the slightest hint of a stronger impact among Coloured South Africans.

Generally, race directly shapes judgments of justice, but, with minor exceptions, reactions to the procedural aspects of this vignette do not vary significantly by race. South Africans of every race assess fairness in substantial part on the basis of procedural justice considerations.

### **The Squatter's Need**

I note first that the need manipulation in the experiment was subject to a ceiling effect (despite efforts to calibrate the squatter's need via several pretests). Although I found a statistically significant difference ( $p < .001$ ) between the two versions of the need manipulation, the substantive difference is slight: 94.0 % of those told of Patience's dire need judged her to be needy, whereas 90.5 % of those hearing that Patience had only ordinary need thought her needy.<sup>21</sup> Squatters, by definition, have high need for housing, irrespective of other circumstances that exacerbate or ameliorate the need. Consequently, the direct effect of this manipulation is trivial, as are the effects of the race/manipulation interactions (see Table 2).

[PLACE TABLE 2 ABOUT HERE]

On the other hand, *perceptions* of the need of the squatter have a strong direct effect on

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<sup>21</sup>For descriptive purposes only, I have created a categorical variable from the ten-point scale. The percentages reported are those who rate the squatter's need at greater than the scale midpoint (.5).

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justice judgments. The relationship is substantial among black South Africans ( $b = -.50$ : as need is perceived to increase, fairness declines), but is considerably diminished among all three racial minorities. For example, the coefficient for Coloured South Africans is  $-.22 (-.50 + .28)$ , and similar but weaker effects are observed among the other two racial minorities. Thus, black South Africans are particularly sensitive to the perceived need of the squatter, even if that need seems to be largely defined by factors other than the context as manipulated in this experiment.

Finally, I note that even with all else controlled, whites still perceive greater fairness in the treatment of the squatter ( $b = .16$ ).

### **The Squatter's Deservingness**

Deservingness also suffers to some degree from a ceiling effect, with only 6.3 % of the respondents seeing Patience as not or not at all deserving of being given a place to stay by the government. But as with perceptions of need, perceptions of deservingness significantly influence fairness judgments. Moreover, the race/perception interactions indicate that all racial groups are similarly affected by their perceptions of deservingness. Thus, as with the squatter's need, deservingness influences justice judgments, although deservingness apparently includes much more than waiting patiently in the queue for government supplied housing (see Table 3).<sup>22</sup>

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<sup>22</sup>When perceived deservingness is regressed on the other three perceptual variables, the overwhelming (and exclusive) influence is from the perceptions of the squatter's need. 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

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[PLACE TABLE 3 ABOUT HERE]

As with the squatter's need, Coloured people and those of Asian origin differ little from black South Africans, but whites are far more likely to judge the squatter to have been fairly treated ( $b = .28$ ).

### **Landowner's Need**

The dominant finding regarding the need of the land owner is that the respondent's race strongly influences perceived fairness, but little else does (see Table 4). To a large degree, whites see the outcome as fair to the squatter, and it matters little whether the land is being used or not, or even whether the respondents perceive that the land is being used. Consequently, I exclude this manipulation from further consideration in this analysis.

[PLACE TABLE 4 ABOUT HERE]

### **Integrating the Equations**

The manipulations, of course, are statistically independent of each other, and therefore including all variables in a multivariate equation will produce essentially the same statistical results as those reported in each of the above tables. However, the perceptual variables are not orthogonal, \_\_\_\_\_ 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 disentangle them. It is also noteworthy that substantial relationships are observed even with the relatively small amount of variance in perceived need and deservingness.

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and therefore it is useful to estimate one additional equation. In this analysis, I include the race and manipulation dummy variables, the perceptual variables, and only the race/perception interactions for the need manipulation, since the analyses above indicate significant interactive effects only for this dimension. I also add conventional controls for social class and levels of education. Table 5 reports the statistical results.

[PLACE TABLE 5 ABOUT HERE]

This equation explains an usually large amount of the variance in fairness judgments (42 %). In addition, the independent, direct effects of race which were documented in Tables 1 through 4 above have now been completely eliminated by being incorporated into the other variables in the equation (i.e., none of the race dummy variables is statistically significant). This means that the strong racial effects I have observed to this point can be accounted for by the substantive variables in the equation, which is pleasing, since race itself is always an atheoretical variable.

Finally, each of the aspects of justice has an important influence on fairness judgments. The eviction of the squatter is thought to be more fair when she receives procedural justice, and when her perceived need and deservingness are relatively low. Note, however, that the influence of the interactive coefficients is to mitigate the influence on need among whites and Coloured people, and, to a lesser degree, those of Asian origin (i.e., the interactive coefficients are positive). This indicates that black South Africans place disproportionate emphasis on the need of the squatter for housing. South Africans of all races are influenced by the perceived deservingness of the squatter, just as they are influenced by whether the squatter received

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procedural justice. Thus, fairness judgments are a product of conflicting justice mandates:

Because the squatter has legitimate needs and is deserving, she has a right to housing, but, in the context of widespread opposition to squatting in general, these characteristics get trumped when the squatter is denied the land through fair eviction procedures.

The causal conclusions that can be drawn from the analyses reported in these tables vary. For the procedural justice hypothesis, the manipulation was accurately perceived by the respondents, and the perceptions had a strong impact on justice judgments. Moreover, the manipulation itself had a direct effect on assessments of fairness. Consequently, one can have considerable confidence in the causal inference that how the squatter was treated influenced conclusions about fairness.

With the squatter need and deservingness hypotheses, the question of causality is less clear. The manipulations themselves did not have a direct effect on justice judgments, even though the perceptions did. I understand this as most likely reflecting a ceiling effect on the manipulations, even though variability in *perceived* need and deservingness is connected to justice assessments. Because the direct effect of the manipulation is insignificant, considerably less confidence in the causal inference connecting need and deservingness with justice is warranted, however (as is always the case with relationships grounded in post-hoc analysis).

### **Summary**

The most important finding of this portion of the analysis is that it appears that extending procedural justice to the squatter adds legitimacy to the entire process of eviction, since it seems

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to acknowledge the legitimacy of the squatter's desire for housing. Because the squatter's need for housing is legitimate, she deserves fair treatment, even while it is also fair to deny her the land she sought to grab. Because the transgression of the squatter is to some degree legitimate, no moral imbalance is 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. When she receives it, evicting her is seen as fair.<sup>23</sup>

### **Group Identities and 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 understood as an interracial conflict between Patience (a black woman) and the landowner (a white man). Therefore, group identities may become activated and relevant. (2) Moreover, on many general land attitudes and experiences, blacks

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<sup>23</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 is 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).

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differ substantially from whites, Coloured people, and those of Asian origin. Although a majority of blacks hold what can be considered to be anti-squatter policy preferences, black opinion is more divided on issues of squatting than the opinions of the other groups. (3) For blacks, it is reasonable to hypothesize that 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. (4) Identities among the three racial minorities are much more complicated, as in the widespread adoption of religious identities and the complexities of ethnic/linguistic identities among some subgroups (e.g., white English and white Afrikaans).<sup>24</sup>

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>25</sup> The respondents’ answers varied widely;

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<sup>24</sup>For example, the “other” category for whites, Coloured people, and those of Asian origin are 22.0 %, 24.8 %, and 32.1 %, respectively. With such big numbers, and with all of the complexities of sub-national identities among these groups (e.g., white English and white Afrikaans are both “ethnic” groups but their status in South African history and politics is completely different), it makes little sense to try to force this conceptualization and analysis on the three racial minorities in South Africa.

<sup>25</sup>Much earlier research has been conducted on group identities in South Africa. See for

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fortunately, 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. Another 41 % asserted an identity in terms of a general racial category — either “African” or “black.” For 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 falling within these three categories (less than 2 % mentioned an identity not in these categories). Moreover, these identities are quite important to the respondents: In a follow-up question, 89 % of black South Africans rated their chosen identity as very important (the most extreme point on the response set).<sup>26</sup> For ease of communication, I refer to these self identifications as national identities, racial identities, and ethnic identities, even though I do not ascribe much substance to the words “racial” and “ethnic.”

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

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examples, Gibson and Gouws 2000, 2003, Jung 2000, and Gibson 2004a, 2004b, 2006. For a useful recent review of social identity theory see Brewer and Gaertner 2004.

<sup>26</sup>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.

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identity and associated goals and values” (Skitka 2003, 287).<sup>27</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 (see, for example, Huo et al. 1996, and Gibson 2006). 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 expectations to distinguish the justice judgments of racial and ethnic identifiers (but see especially Huo 2003), except to note the general hypothesis that the broader and more inclusive an identity, the more likely are universalistic theories of justice to be embraced.

Table 6 reports the OLS results for each of the three types of group identities among black South Africans. Each of the equations includes the three manipulation dichotomies and the three variables measuring the perceptions of the manipulation.<sup>28</sup> Note should be taken of the

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<sup>27</sup>The 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.

<sup>28</sup>Since the need of the landowner has virtually no influence on justice judgments, I continue to exclude it from the equations. And obviously, with an analysis limited to black South Africans, no interaction variables are necessary for race.

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somewhat smaller numbers of cases of black South Africans with a national identity, which makes 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 6 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).<sup>29</sup>

Perhaps the most important finding from this table concerns the substantially stronger role of procedural justice perceptions among those adopting a South African identity. This stands in contrast, for instance, to ethnic identifiers, among whom procedural justice is considerably less

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<sup>29</sup>A cursory examination of the data reveals no strong correlations with the type of identity adopted by the respondent. Some relationship exists with level of education, but it is weak. Perhaps surprisingly, no connection between identity and size of place of residence can be found in these data. Adopting a national identity is equally likely in the large metropolitan areas and the rural countryside.

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important (.21 versus .44). Indeed, comparing the procedural justice coefficient among those with a national identity with the coefficients from each of the other two types of identity reveals that the differences are statistically significant.<sup>30</sup> 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).

None of the other differences across types of identities in the determinants of fairness

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<sup>30</sup>An alternative, but equivalent, means of analyzing these data is within a single equation incorporating identity dummy variables and the interaction terms between the identity variables and the experimental manipulations and their perceptions. When the twelve interactions terms are added to the basic equation (which now includes two identity dummy variables), the change in  $R^2$  is statistically significant at  $p = .001$ . By varying which type of identity is scored as the excluded group, each pair of OLS coefficients was tested under the null hypothesis of no statistically significant difference. Comparing the ethnic group coefficients to the others, the interaction term of perceived procedural justice and claiming a national identity is significant at  $p = .002$ , (although the difference in the coefficients of racial group and ethnic identifiers does not achieve statistical significance). Two other interaction coefficients (racial group identity and both the deservingness manipulation and perceptions of need) are significant at  $.05 < p < .01$ . When those subscribing to a national identity are treated as the excluded group, significant interactions exist only on the two comparisons of perceived procedural justice.

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judgments are of much note.<sup>31</sup> I do note, however, that the squatter's need influences the fairness judgments of those with each type of group attachment, including those primarily identifying themselves as South African. Thus, holding a national identity is not incompatible with sympathy for the conditions of specific group members (squatter need).<sup>32</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 need understood within the context of rules and policies indicating who has a right to housing.

I note as well the interconnection between perceived need and perceived deservingness: Among those with a national identity, a very strong correlation exists between these two perceptions ( $r = .52$ ), 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 may be indicative

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<sup>31</sup>As I noted above, a couple of the other tests of the difference of coefficients reveals statistically significant results. Perhaps the only finding of any substantive interest is that those holding a racial identity are slightly ( $p = .045$ ) more influenced by the perceived need of the squatter than those with an ethnic identity. Since all three types of identities are associated with reliance on need in forming justice judgments, this difference seems to be of little importance.

<sup>32</sup>Gibson (2006) 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. See also Huo 2003.

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of a more universalistic approach to defining the rights of all South African citizens.

### **Discussion and Concluding Comments**

If squatting were a straight-forward issue of property rights, then few South Africans would support squatters. Indeed, when asked in general terms whether property rights ought to be protected from land grabs, substantial majorities *of every racial group* reply that they should. How is it then that there is any support at all for squatting?

Part of the answer suggested by this analysis is that squatting implicates group concerns and interests. Owing to the twin historical injustices of colonialism and apartheid, the claims of squatters acquire some degree of legitimacy; therefore, squatters cannot be treated with disrespect when being evicted from land they occupy. Justice calculations seem to be complex. Most oppose squatting. But by their need and deservingness, squatters have a legitimate claim to a place to live. Therefore, it is unfair to evict them. However, since most people disapprove of land grabs, squatters must be evicted. Procedural justice can compensate for the unfairness of dislodging the squatters, among all South Africans, but especially among black South Africans identifying with the country as whole. Thus, South Africans traverse the territory from opposing squatting to supporting the squatter to accepting the eviction of the squatter through a relatively complex blend of theories of distributive and procedural justice. Justice thinking therefore appears to be multidimensional, mixing alternative and even conflicting theories of fairness.

Among black South Africans, identities seem to be activated by issues of historical land injustices, and they therefore have something to do with how the different aspects of justice are

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assigned priority. For instance, concern over procedural justice is exacerbated among those adopting the most inclusive group identity. Perhaps one consequence of adopting a national identity is the emphasis on a more general sense of inclusiveness and universalism when it comes to judging fellow citizens. Thus, group identities certainly have a role to play in justice judgments; future research should focus on specifying that role more precisely.

This research clearly demonstrates 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 able to discover the principles by which justice conflicts are adjudicated; as with prior research, the best I have achieved in this paper is to show that specific fairness judgments reflect a mix of concerns about justice. 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 disputes involving all parties with strong justice arguments, but others characterized by justice asymmetries. Understanding how citizens make judgments within the context of conflicting justice imperatives is a crucial step for future research on the role of justice concerns in politics.

Finally, cultural variability in justice judgments must receive much more sustained attention. The racial differences I observe in this paper — differences largely centered on how the various elements of the squatter vignette are perceived — may well reflect broader inter-cultural differences in values, such as individualism versus collectivism. It is possible, for instance, that individualism is associated with a universalistic orientation to the rule of law, which in turns gives rise to both national identities and strong emphasis on procedural justice. South Africa

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continues to be a fecund environment for investigating such cultural differences, given the African, European, and Asian mix of its population.

Land issues, worldwide, have reached new apogees of salience and divisiveness. 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.

Perhaps the most important lesson of this analysis is that fairness matters, that issues such as rectifying historical land injustices cannot be understood as encapsulating nothing more than relatively simple dimensions of distributive and redistributive politics. Politics is certainly about who gets what, but it is also about whether what one gets (or does not get) is fair. Perhaps this analysis will contribute to reinvigorated attention to the central role of justice in political disputes, past and present.

## References

- Alvarez, R. Michael, and John Brehm. 2002. *Hard Choices, Easy Answers*. Princeton, NJ: Princeton University Press.
- Aronson, Elliot, Phoebe C. Ellsworth, J. Merrill Carlsmith, and Marti Hope Gonzales. 1990. *Methods of Research in Social Psychology*, Second Edition. New York: McGraw-Hill Publishing Company.
- Barry, Brian. 2005. *Why Social Justice Matters*. Malden, MA: Polity Press.
- Brewer, Marilynn B., and Samuel L. Gaertner. 2004. "Toward Reduction of Prejudice: Intergroup Contact and Social Categorization." In *Self and Social Identity*, edited by Marilynn B. Brewer and Miles Hewstone. Malden, MA: Blackwell Publishing Ltd. Pp. 298-318.
- Chong, Dennis, and Anna-Maria Marshall. 1999. "When Morality and Economics Collide (Or Not) in a Texas Community." *Political Behavior* 21 (#2, June): 91-121.
- Cohen, Jacob, Patricia Cohen, Stephen G. West, and Leona S. Aiken. 2003. *Applied Multiple Regression/Correlation Analysis for the Behavioral Sciences*, Third Edition. Mahwah, NJ: Lawrence Erlbaum Associates.
- Druckman, James N. 2004. "Political Preference Formation: Competition, Deliberation, and the (Ir)relevance of Framing Effects." *American Political Science Review* 98 (#4, November): 671-686.
- Duch, Raymond M., and Harvey D. Palmer. 2004. "It's Not Whether You Win or Lose, but How You Play the Game: Self-Interest, Social Justice, and Mass Attitudes toward Market Transition." *American Political Science Review* 98 (#3, August): 437-452.

Gibson

Field, Sean. Ed. 2001. *Lost Communities, Living Memories: Remembering Forced Removals in Cape Town*. Cape Town: David Philip.

Finkel, Norman J. 1995. *Commonsense Justice: Jurors' Notions of the Law*. Cambridge, MA: Harvard University Press.

Funk, Carolyn L. 2000. "The Dual Influence of Self-Interest and Societal Interest in Public Opinion." *Political Research Quarterly* 53 (#1, March): 37-62.

Gibson, James L. 2002. "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa." *American Journal of Political Science* 46: (#3, July): 540-556.

Gibson, James L. 2004a. *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* New York: Russell Sage Foundation.

Gibson, James L. 2004b. "Linking Identities and Intolerance: Conditional Relationships." Paper delivered at the 2004 Annual Meeting of the American Political Science Association, September 2 – September 5, 2004.

Gibson, James L. 2006. "Do Strong Group Identities Fuel Intolerance? Evidence From the South African Case." *Political Psychology* 27 (#5): 665-705.

Gibson, James L., Raymond M. Duch and Kent L. Tedin. 1992. "Democratic Values and the Transformation of the Soviet Union." *Journal of Politics* 54 (#2, May): 329-371.

Gibson, James L., and Amanda Gouws. 1999. "Truth and Reconciliation in South Africa: Attributions of Blame and the Struggle over Apartheid." *American Political Science Review* 93 (#3, September): 501-517.

Gibson, James L., and Amanda Gouws. 2000. "Social Identities and Political Intolerance:

Gibson

Linkages Within the South African Mass Public.” *American Journal of Political Science* 44 (#2, April): 278-292.

Gibson, James L., and Amanda Gouws. 2003. *Overcoming Intolerance in South Africa: Experiments in Democratic Persuasion*. New York: Cambridge University Press.

González, Roberto, and Rupert Brown. 2003. “Generalization of Positive Attitude as a Function of Subgroup and Superordinate Group Identifications in Intergroup Contact.” *European Journal of Social Psychology* 33: 195-214.

Hamilton, V. Lee, and Joseph Sanders. 1992. *Everyday Justice: Responsibility and the Individual in Japan and the United States*. New Haven, Conn.: Yale University Press.

Hochschild, Jennifer L. 1981. *What’s Fair? American Beliefs About Distributive Justice*. Cambridge, MA: Harvard University Press.

Huchzermeyer, Marie. 2004. *Unlawful Occupation: Informal Settlements and Urban Policy in South Africa and Brazil*. Trenton, NJ: Africa World Press.

Huddy, Leonie. 2001. “From Social to Political Identity: A Critical Examination of Social Identity Theory.” *Political Psychology* 22 (#1, March): 127-156.

Huo, Yuen J. 2003. “Procedural Justice and Social Regulation Across Group Boundaries: Does Subgroup Identity Undermine Relationship-Based Governance?” *Personality and Social Psychology Bulletin* 29 (#3, March): 336-348.

Huo, Yuen J., Heather J. Smith, Tom R. Tyler, and E. Allan Lind. 1996. “Superordinate Identification, Subgroup Identification, and Justice Concerns: Is Separatism the Problem; Is Assimilation the Answer?” *Psychological Science* 7 (#1, January): 40-45.

Gibson

Jacoby, William G. 2005. "Values and American Public Opinion: Difficult Choices or Hierarchical Structure?" Paper presented at the 2005 Annual Meeting of the Midwest Political Science Association, Chicago, Illinois, April 7-10, 2005.

Jung, Courtney. 2000. *Then I was Black: South African Political Identities in Transition*. New Haven: Yale University Press.

Kinder, Donald R., and Thomas R. Palfrey. Eds. 1993. *Experimental Foundations of Political Science*. Ann Arbor, MI: The University of Michigan Press.

Kluegel, James R., David S. Mason, and Bernd Wegener. Eds. 1995. *Social Justice and Political Change: Public Opinion in Capitalist and Post-Communist States*. New York: Aldine de Gruyter.

Lind, E. Allan, and Tom R. Tyler. 1988. *The Social Psychology of Procedural Justice*. New York: Plenum Press.

Michelbach, Philip A., John T. Scott, Richard E. Matland, and Brian H. Bornstein. 2003. "Doing Rawls Justice: An Experimental Study of Income Distribution Norms." *American Journal of Political Science* 47 (#3, July): 523-539.

Miller, David. 1991. "Review Article: Recent Theories of Social Justice." *British Journal of Political Science* 21 (July): 371-391.

Miller, David. 1999. *Principles of Social Justice*. Cambridge, MA: Harvard University Press.

Mutz, Diana C., and Jeffery J. Mondak. 1997. "Dimensions of Sociotropic Behavior: Group-Based Judgments of Fairness and Well-Being." *American Journal of Political Science* 41 (#1, January): 284-308.

Gibson

Neuwirth, Robert. 2005. *Shadow Cities: A Billion Squatters, A New Urban World*. New York: Routledge.

Powell, Anél. 2006a. "We Will Petrol-Bomb Your Homes, Say Delft Residents." *Cape Times* Thursday, July 27, 2006. Pp. 1, 3.

Powell, Anél. 2006b. "Removal Trucks Stoned in Delft, Two Held." *Cape Times* Friday, July 28, 2006. P. 3

Robbennolt, Jennifer K., John M. Darley, and Robert J. MacCoun. 2003. "Symbolism and Incommensurability in Civil Sanctioning: Decision Makers as Goal Managers." *Brooklyn Law Review* 68 (#4): 1121- 1158.

Robinson, Paul H., and John M. Darley. 1998. "Objectivist Versus Subjectivist Views of Criminality: A Study of the Role of Social Science in Criminal Law Theory." *Oxford Journal of Legal Studies* 18 (#3, Autumn): 409-447.

Scott, John T., Richard E. Matland, Philip A. Michelbach, and Brian H. Bornstein. 2001. "Just Deserts: An Experimental Study of Distributive Justice Norms." *American Journal of Political Science* 45 (#4, October): 749-767.

Skitka, Linda J. 2003. "Of Different Minds: An Accessible Identity Model of Justice Reasoning." *Personality and Social Psychology Review* 7 (#4): 286-297.

Sniderman, Paul M., Joseph F. Fletcher, Peter H. Russell, and Philip E. Tetlock. 1996. *The Class of Rights: Liberty, Equality, and Legitimacy in Pluralist Democracy*. New Haven: Yale University Press.

Tajfel, Henri. 1981. *Human Groups and Social Categories*. New York: Cambridge University

Gibson

Press.

Tyler, Tom R., and Steven L. Blader. 2000. *Cooperation in Groups: Procedural Justice, Social Identity, and Behavioral Engagement*. Philadelphia, PA: Psychology Press.

Tyler, Tom R., Robert Boeckmann, Heather J. Smith, and Yuen J. Huo. 1997. *Social Justice in a Diverse Society*. Boulder, CO: Westview Press.

Tyler, Tom R., and E. Allan Lind. 1992. "A Relational Model of Authority in Groups." *Advances in Experimental Social Psychology* 25: 115-191.

Vidmar, Neil. 2001. "Retribution and Revenge." In *Handbook of Justice Research in Law*. Edited by Joseph Sanders and V. Lee Hamilton. New York: Kluwer Academic/Plenum Publishers. Pp. 31-63.

<b>TABLE 1 Predicting Justice Judgments, Procedural Justice Manipulation</b>				
	b	s.e.	$\beta$	r
<i>Respondent Race</i>				
White	.21	.03	.28 ***	.43
Coloured	.04	.03	.05	-.07
Asian Origin	.08	.03	.07 *	-.00
Perception of the Manipulation	.31	.03	.35 ***	.51
<i>Race/Perception Interactions</i>				
White	.10	.04	.10 *	.50
Coloured	.07	.05	.04	.10
Asian Origin	.02	.06	.01	.08
Experimental Manipulation	-.02	.02	- .04	.17
<i>Race/Manipulation Interactions</i>				
White	.05	.03	.06	.38
Coloured	.09	.04	.07 *	.03
Asian Origin	.06	.05	.04	.05
<i>Equation Statistics</i>				
Intercept	.14	.02		
Standard Deviation – Dependent Variable	.35			
Standard Error of Estimate	.28			
R <sup>2</sup>			.37 ***	

Gibson

N	1988
Note: Significance of standardized regression coefficients ( $\beta$ ): *** $p < .001$ ** $p < .01$ * $p < .05$	

<b>TABLE 2 Predicting Justice Judgments, Squatter's Need Manipulation</b>				
	b	s.e.	$\beta$	r
<i>Respondent Race</i>				
White	.16	.07	.22 **	.43
Coloured	-.11	.08	- .12	-.07
Asian Origin	-.06	.10	- .06	-.00
Perception of the Manipulation	-.50	.06	-.34 ***	-.32
<i>Race/Perception Interactions</i>				
White	.20	.07	.23 **	.34
Coloured	.28	.09	.28 ***	-.08
Asian Origin	.23	.11	.18 *	-.02
Experimental Manipulation	.01	.02	.02	-.04
<i>Race/Manipulation Interactions</i>				
White	-.02	.03	- .02	.25
Coloured	-.07	.04	-.06	-.08
Asian Origin	.00	.05	.00	.00
<i>Equation Statistics</i>				
Intercept	.66	.05		
Standard Deviation – Dependent Variable	.35			
Standard Error of Estimate	.30			
R <sup>2</sup>			.26 ***	

Gibson

N	1988
Note: Significance of standardized regression coefficients ( $\beta$ ): *** $p < .001$ ** $p < .01$ * $p < .05$	

<b>TABLE 3 Predicting Justice Judgments, Squatter's Deservingness Manipulation</b>				
	b	s.e.	$\beta$	r
<i>Respondent Race</i>				
White	.28	.06	.38 ***	.43
Coloured	.02	.09	.02	-.07
Asian Origin	.12	.12	.11	-.00
Perception of the Manipulation	-.37	.06	-.27 ***	-.38
<i>Race/Perception Interactions</i>				
White	.01	.07	.01	.29
Coloured	.09	.09	.09	-.09
Asian Origin	.03	.13	.02	-.02
Experimental Manipulation	-.01	.02	- .01	.00
<i>Race/Manipulation Interactions</i>				
White	.02	.03	.02	.29
Coloured	.00	.04	.00	-.06
Asian Origin	.01	.05	.01	-.00
<i>Equation Statistics</i>				
Intercept	.57	.06		
Standard Deviation – Dependent Variable	.35			
Standard Error of Estimate	.30			
R <sup>2</sup>			.27 ***	
N	1988			

Gibson

Note: Significance of standardized regression coefficients ( $\beta$ ): \*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$

**TABLE 4 Predicting Justice Judgments, Landowner's Need Manipulation**

	b	s.e.	$\beta$	r
<i>Respondent Race</i>				
White	.38	.03	.52 ***	.43
Coloured	.06	.03	.07	-.07
Asian Origin	.16	.04	.14 ***	-.00
Perception of the Manipulation	.03	.03	.04	.09
<i>Race/Perception Interactions</i>				
White	.02	.04	.02	.32
Coloured	.14	.05	.10 **	.00
Asian Origin	-.07	.07	-.04	-.00
Experimental Manipulation	.01	.02	.01	-.00
<i>Race/Manipulation Interactions</i>				
White	-.06	.04	-.06	.24
Coloured	-.04	.04	-.03	-.03
Asian Origin	.07	.05	.04	.02
<i>Equation Statistics</i>				
Intercept	.21	.02		
Standard Deviation – Dependent Variable	.35			
Standard Error of Estimate	.31			
R <sup>2</sup>			.22 ***	
N	1988			

Gibson

Note: Significance of standardized regression coefficients ( $\beta$ ): \*\*\*  $p < .001$  \*\*  $p < .01$  \*  
 $p < .05$

**TABLE 5 Predicting Justice Judgments, Fully Specified Model**

	b	s.e.	$\beta$
<i>Respondent Race</i>			
White	-.01	.06	-.01
Coloured	-.10	.08	-.11
Asian Origin	-.07	.09	-.07
<i>Perceptions of the Manipulation</i>			
Procedural Justice	.32	.02	.35 ***
Need	-.32	.05	-.22 ***
Deservingness	-.23	.03	-.17 ***
<i>Race/Perception Interactions: Need</i>			
White	.23	.07	.26 ***
Coloured	.20	.08	.20 **
Asian Origin	.16	.09	.13
<i>Experimental Manipulations</i>			
Procedural Justice	.03	.01	.04 *
Need	.00	.01	.00
Deservingness	-.01	.01	-.01
Social Class	.03	.01	.07 **
Level of Education	-.00	.00	-.01
<i>Equation Statistics</i>			
Intercept	.64	.06	

Gibson

Standard Deviation – Dependent Variable	.34	
Standard Error of Estimate	.26	
R <sup>2</sup>		.42***
N	1923	

Note: Significance of standardized regression coefficients ( $\beta$ ): \*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$

**TABLE 6 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	-.04	.04	-.07	.02	.02	.03	.03	.02	.05
Squatter Deservingness	-.04	.04	-.07	-.05	.02	-.09*	.03	.02	.06
Procedural Justice	-.01	.04	-.02	.02	.03	.03	-.05	.03	-.09
Perceived Squatter Need	-.29	.10	-.24**	-.43	.07	-.28***	-.22	.08	-.14**
Perceived Squatter Deservingness	-.12	.10	-.10	-.26	.08	-.16***	-.29	.07	-.19***
Perceived Procedural Justice	.44	.07	.49***	.27	.04	.35***	.21	.04	.28***
Intercept	.51	.09		.79	.08		.61	.09	
Standard Deviation – Dependent Variable	.29			.29			.26		
Standard Error of Estimate	.23			.24			.24		
R <sup>2</sup>			.39***			.31***			.17***
Number of Cases	136			396			414		

Note: Significance of standardized regression coefficients ( $\beta$ ): \*\*\*  $p < .001$  \*\*  $p < .01$  \*  $p < .05$