

Opposition to popular legal participation and the reason-emotion framework: Empirical research on citizens' attitudes toward the lay judge system in Japan

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市民の司法参加に対する反対と理性・感情に基づく理解の枠組み—日本の裁判員制度に対する市民の態度に関する実証的研究—

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要約

裁判員制度は市民の司法参加の一つとして2009年に導入された制度である。しかし、この制度は「市民参加は理性的な意思決定の妨げになる」「裁判員は被害者に同情し、偏った判断をするおそれがある」といった批判を受けていた。本研究では裁判員制度に対する人々の態度の規定因を実証的に検討し、「裁判は感情の影響を受けず理性的に行われるべきだ」という考え(理性的裁判イメージ)を強く持つ人ほど裁判員制度に反対することを示した。人は理性と感情を対立的に捉える素朴な理解の枠組みを持っていることが指摘されているが、本研究はこのような理解の枠組みが司法制度に対する態度に関連することを明らかにした。さらに、「市民の感覚を裁判に反映する」という裁判員制度の導入目的を参加者に教示すると、上述の理性的裁判イメージと裁判員制度への賛否の関連が消失した。この結果は、制度に関する情報を提供することで人々の態度が肯定的に変化する可能性を示している。多くの市民が司法参加に否定的な態度を示している現状を踏まえると、市民の積極的な司法参加を促し、裁判員制度の円滑な運用を実現する上で本研究の知見は重要な意味を持つだろう。最後に、本研究の知見を外国の司法制度に適用できる可能性、および本研究の限界について議論した。

Key words

quasi-jury system, popular legal participation, reason-emotion framework, aim instruction, attitude change

1. Introduction

1.1 The background of the quasi-jury system's introduction in Japan

In May 2009, the Japanese mixed-court system called Saiban-in Seido (hereinafter called the quasi-jury system⁽¹⁾) took effect. Under this system, a judicial panel of three professional and six lay judges determines both the verdict and sentence of a criminal case (Wang & Fukurai, 2010).

To date, researchers on the judicial system have pointed out several rationales on which the quasi-jury system was based. They argued, for example, that laypersons with a wide range of experiences and backgrounds would be more capable decision makers, in certain situations, than professional judges (Anderson & Nolan, 2004), lay participation would strengthen the legitimacy of criminal justice, and that judges would be more autonomous and independent by invoking the authority of the quasi-jurors, who were not bound by the bureaucratic system (Goto, 2014). Also, Fukurai and Kurosawa (2010) pointed out that forced confessions had resulted in many wrongful convictions in Japan, and their survey revealed that laypersons were generally

skeptical about confessions, suggesting that their participation might improve the quality of the criminal justice.

However, the main aim of the system—as legislators officially admitted—was that it should reflect the common sense of citizens, not legal specialists, on criminal trials. This is evident, for example, in the Justice System Reform Council's (2001) recommendation, which stated, “Through having the people participate in the trial process, and through having the sound social common sense of the public reflected more directly in trial decisions, the people's understanding and support of the justice system will deepen and it will be possible for the justice system to achieve a firmer popular base” (Chapter IV). Takayama (2007) pointed out that some people had criticized Japanese criminal trials for deviating from citizens' common sense, and the quasi-jury system was introduced in order to make trials consistent with that common sense. Indeed, Tanase's (2007) survey reported that 70 % of respondents thought that punishments for criminals were too lenient. Tanase (2007) also showed that the tendency to expect heavier punishments was not related to social or economic attributes such as gender, age, educational background, and social class, indicating that this tendency prevailed among people from various backgrounds. Moreover, Maeda, Goda, Inoue, and Nohara (2007) reported that 80 % of respondents had the impression that the sentences for murder cases

were too light. These data showed that many people shared the idea that Japanese criminal trials were too lenient with defendants and supported the criticism that criminal trials deviated from public common sense.

1.2 Arguments against the quasi-jury system

After the government decided to introduce the quasi-jury system, however, quite a few people argued against it. Their arguments could be summarized as follows: “Citizens should not be in a courtroom because they are emotional beings and disturb reasonable or rational decision-making.” Those arguing against the quasi-jury system were especially concerned about the negative influence the system might exert in combination with the victim participation system, wherein the victim, surviving family members, or their legal agent was permitted to sit behind the prosecutor in the trial and question the witnesses and defendant (see Miyazawa, 2014 for details). This system was applied to serious cases, the likes of which the quasi-jury system would also be applied, so some were concerned about the possibility that victims’ emotional statements would exert a biased influence on quasi-jurors’ judgments. These criticisms were based on the idea that quasi-jurors are, unlike professional judges, easily affected by emotions (e.g., Shiratori, 2007; Takano, 2008). Japanese major newspapers agreed with these criticisms. Editorials were published making claims such as, “It is doubtful whether quasi-jurors, who are not specialists in law, are able to make a calm judgment after listening to victims’ emotional statements” (Yomiuri Shimbun, 2007). Other newspapers expressed concern about wrongful convictions and excessively heavy punishments (Asahi Shimbun, 2007; Mainichi Shimbun, 2009). These arguments categorize quasi-jurors and victim participants, who are non-professionals in law, as “emotional” persons, predicting that they are likely to interfere with “rational” decision-making in the courtroom.

Citizens seemed to accept arguments discrediting their own rationality. The Japanese Cabinet Office conducted an opinion poll, disclosing that 70% of respondents were unwilling to participate in criminal trials as quasi-jurors (The Cabinet Office, 2005). This opinion poll also asked respondents what the result would be if they were to participate in trials as quasi-jurors (multiple choice). The majority of respondents answered that “Citizens participating as quasi-jurors may make inappropriate judgments about verdicts and the contents of punishments because they are not specialists in law” (39.3 %); this exceeded the answer that “Citizens’ common sense is reflected in trials so their understanding of and trust in the judicial system would be deepened” (27.6 %). The Supreme Court’s (2015) survey showed that the majority of respondents answered that they were “moderately unwilling” (46.5 %) or “even if it is a duty, unwilling” (40.5 %) to participate in a criminal trial as a quasi-juror. This survey asked respondents what they were concerned about when participating in a trial (multiple choice), and 59.6 % were

concerned that non-professional people would not be able to carry out a difficult task in a trial. In sum, these results suggest that citizens are anxious about making judgments without specialized skills in law and they are therefore unwilling to serve as quasi-jurors. The Supreme Court (2012; 2013) also reported that, in fact, one in four candidates for quasi-jurors ignored a summons, and the absence rate was gradually increasing. Such a negative attitude among citizens undoubtedly acts an obstacle to the smooth operation of a system that is designed to incorporate the very people who are rejecting it.

The U.S. and Australia have a system similar to the victim participation system that allows for what is called a “victim impact statement” (VIS).⁽²⁾ Researchers have investigated the effect of VIS on outcomes of criminal trials, however, the empirical evidence does not clearly support the assumption that laypersons are influenced by victims’ statements and inclined toward heavy punishment. For example, a scenario experiment conducted in Australia by Hills and Thomson (1999) revealed that the presence or absence of the information about the victim impact did not have a significant effect on laypersons’ judgments of the sentence. Similarly, Nadler and Rose’s (2003) scenario experiment, conducted in the U.S., showed that laypersons’ judgment of the sentence was not significantly heavier when they received a victim impact statement of severe injury than when they received no victim impact statement. Moreover, in Nadler and Rose’s (2003) experiment, those who received a victim impact statement of mild injury selected a less heavy sentence than those who had received no information.

1.3 Confusion about the role of a quasi-juror

The opposition to the quasi-jury system might stem from some confusion about the role that a quasi-juror is expected to play. The opposing arguments mentioned above seem to be based on the ideas that a trial should be conducted rationally and that laypersons are likely to make emotional judgments. Underlying this opposition is the naïve notion that reason and emotion are incompatible (see Damasio, 1994) and that, in legal judgments, emotions are a corruptive force that lead to poor judgment (Blumenthal, 2005; Nussbaum, 2004). Opponents of the quasi-jury system seem to rely on this naïve notion in understanding the relationship between a trial and laypersons, and think that it is undesirable to incorporate laypersons into a trial because “emotional” laypersons and a “rational” trial are incompatible with each other.

As mentioned above, however, the quasi-jury system was introduced with the aim of reflecting citizens’ common sense in trials, and this policy seemed to meet citizens’ demands concerning the leniency of Japanese criminal trials (Tanase, 2007; Maeda et al., 2007). Given that the majority of citizens are opposed to participating in a trial in spite of the harmony between their initial demands and the policy’s aim, they might be confused and not understand the policy’s aim. Opponents to

the quasi-jury system seem to assume that a quasi-juror (a representative of emotion) has to play the same role as a professional judge (a representative of reason) and deem this prospect impossible. In other words, a naïve framework of reason and emotions leads people to see the quasi-jury system as bringing emotions into a courtroom and disturbing the administration of rational judgment, not as reflecting the citizens' common sense.

Empirical research has suggested that this reason–emotion framework is applied when understanding the quasi-jury system. Shiraiwa, Ogihara, and Karasawa (2012) surveyed Japanese undergraduate students' attitudes toward the victim participation system and asked students their reasons for opposing the system. The researchers analyzed the reasons listed by the participants and identified four major categories. The most prevailing response was “Victims' statements would affect legal judgments.”⁽³⁾ Among these responses were those indicating concern for victim participation influencing quasi-jurors negatively; for example: “Victims' emotional statements might prevent quasi-jurors from making reasonable judgments,” and “Quasi-jurors will inevitably sympathize [with victims], and decide a heavy sentence.” These responses should be analyzed in conjunction with the reason–emotion framework wherein citizens' legal judgments represent emotion.

However, it is necessary to note that the prevailing dichotomization of reason and emotion is not actually suitable for understanding a criminal trial. Indeed, the judicial system does not exclude emotions. Maeda et al.'s (2007) survey revealed that 80% of professional judges thought that the victims' requests for a harsh penalty should be considered in deciding the sentence, whereas only 50 % of citizens affirmed this notion. This result indicates that Japanese citizens are more cautious about accepting emotional statements than judges are, and perhaps even more cautious than the judicial system expects.

1.4 The purpose of the present study

Circumstances surrounding the popular legal participation system in Japan are fairly different from those in countries whose systems have more established roots. Opinion surveys have shown that jury systems receive substantial public support in countries such as the U.S., the U.K., Canada, and New Zealand (see Hans, 2008 for an overview) and thus, public affirmation of the legitimacy of such systems may not be a problem. However, the quasi-jury system is just passing its ten-year anniversary. Under such circumstances, it is important to investigate the elements that determine people's attitudes and the means by which the legitimacy of the system might be increased.

The authors of the present study began with the assumption that Japanese citizens share the belief that a trial should be conducted rationally (hereinafter called the “rational-trial image”), and empirically investigated the impact of this belief on citizens' attitudes toward the quasi-jury system. Although it is possible to regard reason and emotion independently of one another, previ-

ous research has suggested that the dichotomous framework is applicable in explaining people's psychological processes, at least in legal situations (Shiraiwa & Karasawa, 2015). Therefore, this framework is employed in the present study.

Given the naïve framework of the reason–emotion dichotomy and the prevailing idea that laypersons are emotional and professional judges are not, the authors predicted that the rational-trial image would lead people to exclude laypersons from a courtroom. Therefore, the first hypothesis was as follows.

Hypothesis 1: Those with a high rational-trial image will oppose the quasi-jury system more strongly than those with a low rational-trial image.

Supposing that the opposition to the quasi-jury system stems from the rational-trial image, this attitude may shift in a positive direction when people are informed of the system's aim to reflect citizens' common sense in trials. If knowing the system's aim can change people's attitudes, this may help the system operate more effectively.

Some researchers have empirically examined the determinants of laypersons' attitudes toward legal matters. For example Indermaur, Roberts, Spiranovic, Mackenzie, and Gelb (2012) conducted an experiment in Australia revealing that those who received information about punishments in the judicial system changed their attitudes in a less punitive direction and showed more confidence in their judgments, though these effects did not remain when re-tested seven months later. As to laypersons' decision-making in the courtroom, Archer, Foushee, Davis, and Aderman's (1979) mock trial experiment, wherein participants expressed their judgments as mock jurors, revealed that defendant attorney's strategy to compel jurors to sympathize with the defendant was effective in reducing attribution of causality to the defendant. However, this effect was significant only when participants received no other instruction. Participants' judgments were not influenced by the attorney's appeal when they were instructed to focus on the evidence. In another study, Bradshaw, Ross, Bradshaw, Headrick, and Thomas (2005) revealed that presenting an orientation video to jurors improved their knowledge and comfort levels. These studies suggest that it is possible to change laypersons' attitudes by providing appropriate information. In particular, Bradshaw et al. (2005) bears an important implication for the present study in that laypersons may feel more comfortable when they have received information regarding the trial procedure and what they are expected to do in the courtroom. Supposing that Japanese citizens are negative about participating in a trial because they are confused about the quasi-jurors' role, their negative attitudes might change when they know what is expected of them.

The present study focuses on “reflecting citizens' common sense” as the aim of the quasi-jury system, and examines the effect of informing the participants of this aim. This aim is

different from the other rationales for the quasi-jury system in that it was explicitly documented in the legislative process. It is important to know whether citizens can accept the official aim because it is this aim that is relevant to whether they are likely to attribute legitimacy to the system.

In the experiment, participants were informed of the system's aim and the extent that the information affected their attitudes was examined. In order to test the effect of the information, only half of the participants were informed and their attitudes were compared with those of the other participants, who remained uninformed. The second hypothesis was as follows.

Hypothesis 2: The rational-trial image will not predict citizens' attitudes toward the quasi-jury system among those who received instruction about the system's aim.

The set-up for the study included the presentation of a video of a mock quasi-jury trial. Japan has a short history of popular legal participation, and criminal trials are unfamiliar to most Japanese citizens. Therefore, it would be difficult for most citizens to imagine what it would be like to participate in a criminal trial. Indeed, the Supreme Court's (2015) survey reported that more than 70 % of respondents thought that the procedures and contents of trials prior to the introduction of the quasi-jury system were hard to understand. Furthermore, their unfamiliarity with the criminal trial process remained low even after the introduction of the quasi-jury system. The survey also reported that, as for people's impression of the quasi-jury system, only 30% thought that the procedures and contents of trials had become easier to understand. Goto (2014) pointed out that former quasi-jurors were bound to confidentiality, meaning that few people could know what the deliberation process was like unless they had gone through it themselves. Given such circumstances, it might be ineffective to briefly inform them about the system's content and ask them about their attitudes. By using a mock trial video and measuring the attitudes after this more vivid introduction to criminal trials, it was expected to retrieve more valid data that would contribute to future discussions of the quasi-jury system. Although some studies have performed scenario experiments to investigate citizens' legal judgments, most of them presented mock trial scenarios in text format (e.g., Shiraiwa et al., 2012; Shiraiwa & Karasawa, 2015), rather than video, which may be thought to provide a more realistic experience and results in more valid data.

2. Method

2.1 Participants

Seventy-two graduate and undergraduate students at universities in the Tokyo metropolitan area (51 from the University of Tokyo; 58 male, 14 female; mean age = 20.86; $SD = 1.53$) volunteered to participate in the study. Eleven of them majored in law, 26 majored in humanities and social sciences, 34 majored

in natural sciences, and one participant indicated "other" for his major.

Participants were randomly assigned to either the aim-instruction or non-aim-instruction condition. They were not informed of the purpose or hypotheses of the study before participating.

2.2 Procedure

In both conditions, participants were first asked to complete a questionnaire. The questionnaire began with short explanations of the quasi-jury system and the victim participation system. These sentences did not refer to the purpose of these systems. After reading the sentences, participants were asked a question designed to measure their rational-trial image ("In a trial, emotional statements of those involved in the case should be considered") using a 7-point scale (from 1 = "Strongly disagree" to 7 = "Strongly agree;" the score was reversed).

After completing the questionnaire, participants received instruction on the quasi-jury system. The instruction sentences depended on the participants' condition. In the non-aim-instruction condition, the sentences were as follows: "The quasi-jury system is a system in which citizens take part in criminal trials and decide the judgments (guilt and sentence), cooperating with professional judges. A trial is conducted by nine people: six quasi-jurors who are randomly selected from the public and three professional judges."

In the aim-instruction condition, the following sentences were added to the above description: "The quasi-jury system was introduced in order to consider the typical viewpoints and common sense of citizens in a courtroom. It is expected that ordinary citizens will take part in a trial that has been conducted by professional judges and that their common sense will be reflected."

In both conditions, the experimenter showed the participants a handout on which the instruction sentences were printed, and read it aloud. The participants were then told to watch a video of a mock trial.⁽⁴⁾ The video was about a murder case and consisted of four sections: (1) the opening statement by the prosecutor, (2) questions from the attorney to the defendant, (3) questions from the victim participant, who was the mother of the murder victim, to the defendant, and (4) the closing arguments of the prosecutor and the attorney. The defendant acknowledged his guilt and the prosecutor demanded twelve years' imprisonment.

After watching the video, participants filled out the questionnaire. One question concerned the manipulation check, asking, "Do you think the quasi-jury system recommends that quasi-jurors make a decision according to their natural feelings?" using a 7-point scale (from 1 = "Not at all" to 7 = "Completely"). Then their negative attitudes toward the quasi-jury system were assessed using a 7-point scale (from 1 = "Strongly support" to 7 = "Strongly oppose"). Finally, participants filled out demographic information and they were fully debriefed. All

study materials and interactions with participants were provided and conducted in the Japanese language.

3. Results

HAD13 (Shimizu, Murayama, & Daibo, 2006) was used to calculate the data. Before testing the hypotheses, a manipulation check was conducted. A two-sample t-test revealed that the manipulation was marginally effective. Those in the aim-instruction condition thought that the quasi-jury system recommended that quasi-jurors should make a decision following their amateur judgments ($M = 4.61$; $SD = 1.54$) more than those in the non-aim-instruction condition ($M = 3.94$; $SD = 1.53$; $t(70) = 1.84$; $p = .069$).

Then, a hierarchical multiple regression to assess the effect of the rational-trial image and the aim instruction on attitudes toward the quasi-jury system was conducted. In the first step of the regression, the independent variables were the rational-trial image and the aim instruction (0 = non-aim-instruction condition; 1 = aim-instruction condition). The model was statistically significant ($F(2, 69) = 5.09$; $p = .009$) and explained 10.3 % of the variance in the dependent variable. The rational-trial image had a significant negative effect on participants' attitudes toward the quasi-jury system ($\beta = .35$; $p = .003$).

The second step of the regression added the interaction term between the rational-trial image and the aim instruction to the model. This model significantly explained 17.6% of the variance ($F(3, 68) = 6.04$; $p = .001$), and the addition of the interaction made a significant contribution to the model, increasing the total variance explained by 7.2 % ($F(1, 68) = 7.04$; $p = .010$).

The main effect of the rational-trial image remained significant in the second step ($\beta = .35$; $p = .002$), and this main effect was qualified by the interaction ($\beta = -.28$; $p = .010$). This interaction revealed that the relationship between the rational-

trial image and the attitude toward the quasi-jury system weakened when there was aim instruction. Simple slope analyses confirmed that the rational-trial image significantly predicted attitude toward the quasi-jury system in the non-aim-instruction condition ($\beta = .63$; $p < .001$). In the aim-instruction condition, on the other hand, the rational-trial image was not a significant predictor ($\beta = .06$; $p = .67$) (Figure 1).

These results can be summarized as follows. The first step of the hierarchical multiple regression supported Hypothesis 1, showing that those who have a high rational-trial image tended to oppose the quasi-jury system. The second step of the regression supported Hypothesis 2. A high rational-trial image correlated with opposition to the quasi-jury system among those who were not instructed about the system's aim, and the correlation diminished when participants knew the aim.

4. Discussion

The analyses showed that people with a high rational-trial image are more likely to oppose the quasi-jury system. This implies that opposition to the quasi-jury system in Japan stems in part from the belief that a trial should be conducted rationally, and that laypersons, generally regarded as emotional, will interfere with rational courtroom processes. Although theorists have noted a shared naïve framework of the reason–emotion dichotomy (Blumenthal, 2005; Damasio, 1994; Nussbaum, 2004), the present research reveals that this framework can actually predict people's attitudes toward the quasi-jury system.

The rational-trial image did not predict participants' attitudes when they were instructed about the aim of the quasi-jury system. This result suggests three things. First, some people are likely to oppose the system because they do not know the purpose for which the system was introduced. This indicates that the aim of the quasi-jury system has not been adequately publicized. If people in the study knew the aim of the system already, their attitudes should have been unaffected by the instruction. Second, the fact that the instruction changed participants' attitudes implies that their original attitude was based on insufficient information. Few citizens are familiar with or concerned about the judicial system in Japan, and opinion polls usually survey respondents' attitudes without any discussion or information. As the study found that the participants' attitudes were influenced by instruction, caution is necessary for interpreting the opinion polls' results. Third, the present study found that information regarding the system actually affected people's attitudes. Although previous research has investigated personal factors related to attitude toward the quasi-jury system (Kinoshita, 2010), the present study implies that the effects of personal factors are not necessarily very strong and may be overridden by the introduction of the right information. Given that the majority of Japanese citizens are opposed to participating in a trial (the Cabinet Office, 2005; the Supreme Court, 2015) and that citizens' positive participation is essential to the smooth operation

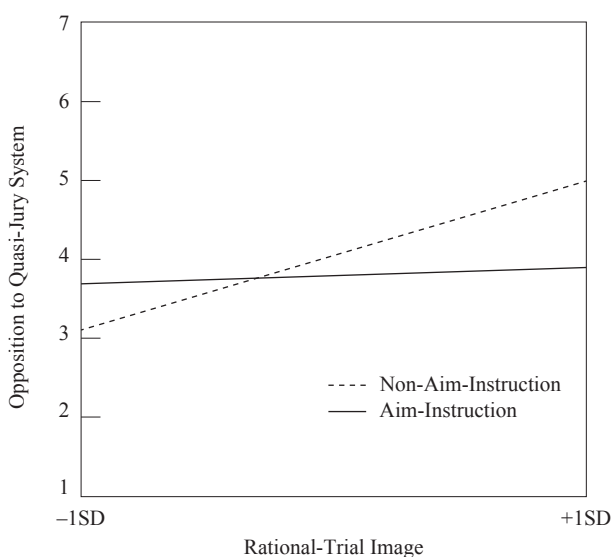


Figure 1: The effect of the rational-trial image on opposition to the quasi-jury system

of the quasi-jury system, it is significant to note that the provision of information might have a positive impact.

4.1 Further applications

The findings here are not necessarily limited to the Japanese population. The reason–emotion framework was originally proposed by theorists in Western countries, and the present study confirmed its existence in Japan. The relationship revealed in Japan between rational-trial image and attitude toward popular legal participation systems might be found in countries that also have short-term experience with such systems or are just introducing them. Moreover, the finding in the present study about the effect of aim instruction highlights the importance of public relations in the process of introducing new legal systems. Providing citizens with adequate information about the aim of a new system might have the power to elicit their ready participation and facilitate a smooth and successful introduction of the system.

4.2 Limitations

The present study does have some limitations. First, participants in the experiment were all graduate or undergraduate students, and the gender of participants was not balanced. It must be acknowledged that a more general sample is needed to validate the implications of the study for the design and operation of the judicial system. Since the judicial system relates to all citizens, future work should be conducted with a broader sample of participants in terms of age, occupation, and social class in order to ensure greater validity. However, it may be considered that even the results from this limited sample have some validity. Bornstein (1999) reviewed mock trial studies and concluded that student samples did not differ from non-student adult samples as to the judgments in mock trials and the effects of experimental factors. Gender of participants also did not affect their judgments, at least not in murder cases (Bray & Noble, 1978). More recently, Bradshaw et al. (2005) proved the effect of the orientation video with actual jurors participating, excluding arbitrariness of sampling. These studies suggest that the results of the present study may be generalizable to other samples.

Second, the effect of the aim instruction on participants' attitudes was confirmed only in a laboratory. Further research is necessary to examine whether providing information has a long-term effect and functions outside of the laboratory context.

Third, the effects of various instruction content need further investigation. The present study focused on the theory that the quasi-jury system would reflect the citizens' common sense in a trial because it was the aim of the system as officially expressed by legislators. However, as described above, researchers have discussed several other rationales behind the system (Anderson & Nolan, 2004; Fukurai & Kurosawa, 2010; Goto, 2014). Each of these should be examined concerning the degree of citizens' acceptance and overall influence on their attitudes.

Fourth, the system of popular legal participation is different depending on the country; therefore, future work should examine the hypotheses and findings of this study in countries other than Japan. In particular, the effect of informing laypersons as to what is expected of them in a courtroom might differ depending on whether they participate in an all-citizen jury or a mixed court.

Finally, the present study did not investigate the relationship between people's attitudes toward the system and their judgments as quasi-jurors. It is an important question whether people's attitudes influence the results of the trials. One possibility is that those who oppose the quasi-jury system may avoid making decisions by readily agreeing with whatever the professional judges say, perhaps because they think laypersons' "emotional" statements are not appropriate in a "rational" courtroom, or perhaps for other reasons yet to be explored.

5. Conclusion

The present study investigates the determinants of people's attitudes toward the quasi-jury system in Japan, focusing on people's belief that a trial should be conducted rationally, or the so-called rational-trial image. The empirical investigation made it clear that (1) those who had a high rational-trial image tended to oppose the quasi-jury system and that (2) the relationship between the rational-trial image and attitude toward the system diminished when people were instructed that the system was introduced to reflect their common sense in the trial.

There has been strong opposition to the introduction of the quasi-jury system and most citizens have a negative attitude about serving as quasi-jurors. Given these circumstances, the results of the present study are important since they indicate a possible way to change people's attitudes. Providing citizens with the right information about the quasi-jury system might inspire a more positive attitude about participating in a criminal trial and, subsequently, facilitate smoother operation of the whole system.

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This paper re-analyzes a part of the data from the experiment that was reported upon by Shiraiwa (2014), from a novel perspective.

Footnotes

⁽¹⁾ In translating the system's name, Wang and Fukurai (2010) and Croydon (2012) were followed.

⁽²⁾ VIS is a statement that victims or their surviving relatives of crimes express before jurors or judges. The statement includes economic losses, physical injuries, changes in the

victims' personal welfare or familial relationships, requests for psychological services initiated by the victims or victims' family and any other impact of the offense (Booth v. Maryland, 1987; Myers & Greene, 2004).

- ⁽³⁾ Other categories were "Victims' statements and emotions do not need to be considered in a trial," "I do not know enough about the victim participation system," and "Other or no answer."
- ⁽⁴⁾ The video was originally made by Ishizaki, Arakawa, and Wakabayashi (2010) and edited by the authors of the present paper to be about 11 minutes long.

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