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Trust in the jury system: a comparison of Australian and U.S. samples

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Public trust in the criminal justice system, including the jury system, is important for maintaining a democracy that is fair for all citizens. However, there is little research on trust in the jury system generally and even less *cross-country* comparison research specifically. Trust in the jury system might relate to other legal attitude measures (e.g., authoritarianism). This study identified the degree to which trust in the jury system relates to legal attitudes and compared perceptions of trust between the U.S. and Australia. Community members completed a survey that included measures of trust in the jury system and legal attitudes. The U.S. sample had higher levels of trust in juries than the Australian sample. In both samples, just world beliefs and legal authoritarianism were positively related to trust. Results have both theoretical and practical implications regarding legal attitudes, trust in the jury system, and public opinions of juries in each country.

Key words: Attributions of crime; cross-national jury comparisons; fairness; institutional trust; just world beliefs; legal attitudes; legal authoritarianism; trust in jury system.

Jury system trustworthiness: a comparison of Australian and U.S. samples

The jury system is fundamental to democracy in both the United States and Australia, with both jurisdictions guided by common law (Vidmar, 2000). In general, both countries' systems are designed to protect defendants' rights and ensure defendants receive fair trials. However, juries are often criticized when people believe they have made the 'wrong' decision. For instance, in the United States after high-profile acquittals such as those received by George Zimmerman and O. J. Simpson, some bloggers and news outlets called for the

United States to eliminate the jury system (e.g. Francis, 2013). In Australia, there was a high-profile case of George Pell, a cardinal accused of child sexual abuse whose first trial ended in a hung jury and whose second trial ended in a conviction based on testimony from one accuser. Pell was subsequently acquitted following a High Court appeal in response to a Court of Appeal majority decision upholding his conviction. This case made many Australians skeptical of the jury system (e.g. Davey, 2019). Opponents of the jury system argue that it is an archaic practice that can no longer deliver justice (Fuchs, 2014; Love, 2014). Although the jury system does have its flaws, in general, juries typically and

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appropriately follow the law and make competent decisions (e.g. Bornstein & Greene, 2011, 2017; Vidmar & Hans, 2007). Even so, these examples indicate that the public often questions, and perhaps even mistrusts, the jury system.

It is important for citizens to trust the jury system, however. Institutional trust has been studied in a variety of settings, such as the law enforcement system, but has seldom been studied in the context of the jury system (e.g. Bornstein et al., 2020). Despite suggestions that the two systems can be studied through a social psychological framework, there has been little research – and even less *cross-national* research – on institutional trust (see, e.g. M. R. Kaplan & Martin, 2006; Vidmar, 2000). Furthermore, attitudes toward the criminal justice system and legal institutions in general differ across countries (Tyler et al., 2007; Ward et al., 2016), and therefore attitudes toward *juries* might differ between countries as well. Because jury systems differ across countries (e.g. different jury selection processes; Nolan & Goodman-Delahunty, 2015), cross-national research is important. The purposes of this study are to compare jury trust in U.S. and Australian samples and to explore the relationships between other legal attitudes and trust in the jury system in both the United States and Australia.

We use a previously validated measure of trust in the jury system (Jury System Trustworthiness, JUST; Bornstein et al., 2020) to determine whether the JUST scale relates to demographics and other legal attitudes including: belief in a just world, juror bias, legal authoritarianism, attributions of crime and preference for justice system goals (i.e. punishment versus rehabilitation) among U.S. and Australian samples. We also explore differences between the Australian and the U.S. samples on how the JUST scale relates to these constructs. This study provides insights on trust in the jury system, comparing between Australia and the United States, and identifies biases that might relate to trust in the jury system.

Comparing the U.S. and Australian jury systems

Although the basic guiding principles for the criminal jury systems in the United States and Australia are both entrenched within the common law framework (Vidmar, 2000), the application of these principles varies in a number of ways across these jurisdictions, especially with regard to issues relating to jury selection and service (see, e.g. Gastil et al., 2012; Goodman-Delahunty & Tait, 2006).¹ First, and perhaps most prominent, is the difference in approaches regarding the acquisition of juror information during *voir dire*. In the United States, the jury selection process traditionally allows the court and attorneys significant latitude with regard to amassing information about a potential juror through a variety of avenues (e.g. collection of public information regarding a juror, questioning a juror during the selection process). The Australian system, in contrast, is much more conservative with regard to the information that a barrister may acquire about jurors during the selection process. In most cases, barristers are provided only the age and occupation of the juror (see e.g. Victoria Law Reform Commission, 2018).

This difference between the *voir dire* procedures could be directly related to the second significant difference between the two systems, namely the use of both challenges for cause and peremptory challenges. Although both systems allow for the use of both types of challenges, the more conservative juror information process adopted by the Australian system culminates in a selection process that is generally quicker due to the lack of specific questioning of jurors in order to identify specific biases that could impact decision making. This situation has led some people to question

¹It is important to note that the Australian court system is very much state based with each state having their own codes and practices whereas states in the United States do have their own codes and practices, but they can be overridden by federal statutes (see Horan, 2005, 2006).

the need for peremptory challenges within the Australian system (see, e.g. Horan & Goodman-Delahunty, 2010).

It should be noted that the *voir dire* process is not universally believed to be the best way to address jury bias, however. Included among the specific factors that could lead to impartiality on the part of jurors are pre-trial publicity (Horan & Burd, 2013), trials involving terrorist activities (Tait, 2011), child sexual abuse (Goodman-Delahunty et al., 2016) and race (Anthony & Longman, 2017). Recognition of these potential biasing elements have led to a variety of initiatives to curb the possibility including alterations to jury instructions, pre-trial jury information sessions and the use of experts (see e.g. Spivak et al., 2020) as well as discussions relating to the abolition of the peremptory challenge process (Horan & Goodman-Delahunty, 2010). Even in the United States, where *voir dire* is quite broad and intended to *prevent* bias, critics claim it can be used to *cause* bias in the jury's make up by de-selecting potential jurors with certain characteristics. Because some parties are more able than other parties to afford consultants to help with *voir dire*, this bias is exacerbated by wealth. Thus, both countries' systems have come under fire from critics despite their differences.

The third difference between the two countries involves the extent and type of research conducted on juries. Although research on juries in the United States appears to encompass a fairly broad spectrum of topics, it can be argued that the research in Australia is comparatively limited and narrower in focus. Specifically, a review of the research on Australian juries indicates a concentration on two specific aspects of the jury system: procedural issues related to the instruction of jurors (see, e.g. Spivak, Ogloff, & Clough, 2019) and the impact of evidentiary information on juror decisions (see, e.g. Bright & Goodman-Delahunty, 2004). It is noteworthy that, unlike the jury decision-making literature in the United States (see, e.g. Bornstein & Greene, 2017; Mitchell et al., 2005), there is

somewhat less attention paid to research relating to extra-evidential biases of Australian jurors (but see Goodman-Delahunty, Martschuk, & Cossins, 2016, for an example of jury bias in child sexual abuse trials; Holmgren & Fordham, 2011, for discussion of the CSI effect; and ForsterLee et al., 2006 for example of jurors' race and gender biases). While an in-depth comparison is beyond the scope of this article, a casual comparison suggests that U.S. scholars have studied juror bias somewhat more (and more broadly) than Australian scholars. This distinction is not unexpected given the differential emphasis placed on juror bias by the two jurisdictions.

Institutional trust in the jury system

Citizens' positive perceptions of the criminal justice system are an important factor in maintaining a democracy that is fair and effective for all citizens. Positive perceptions and experiences with legal institutions, such as the jury system, predict increased involvement in other aspects of democracy such as voting (Fukuyama, 1996; Gastil et al., 2010). In addition, people who have low confidence in legal authorities or perceive them as illegitimate are less likely to obey the law (Tyler, 2006). For example, citizens who *do not* trust police officers are less likely to obey police commands than people who *do* trust the police. Trust, procedural justice and legitimacy are largely inter-related. Indeed, trust (or trustworthiness) is typically considered a multidimensional construct containing elements of procedural justice and legitimacy (and to some extent, vice versa; see, e.g. McEvily & Tortoriello, 2011; PytlikZillig et al., 2016). For current purposes, we use the term 'trust', as it subsumes these other constructs (such as 'confidence', used previously by Goodman-Delahunty et al., 2008). As such, trust will be conceptualized and measured by the Jury System Trustworthiness (JUST) scale, which is the only scale known to us that has been studied as a valid measure of trust in juries.

The scale is described below – after a brief discussion of the importance of studying institutional trust and the past research regarding trust in Australia and the United States.

The importance of trust in the jury system

Studying trust in the jury system is important for a number of reasons. First, the jury system is in place to protect citizens and their rights. Therefore, it is important for citizens to trust a system that is designed to protect them.

Second, trust in the jury system could lead to increased engagement in the jury system. In the popular media, jury duty is portrayed as something citizens should try to avoid (Bornstein & Greene, 2017; Hans, 2013). Recently, a news headline read that former President ‘Obama reported to jury duty and a bunch of regular people suddenly got excited about jury duty’ (Chen, 2017), suggesting that jury duty can only be exciting when significant public figures are in attendance.

Third, understanding jury system trust-worthiness could reduce failure-to-appear or ‘no shows’ rates. Many courts have problems with juror failure-to-appear rates (National Center for State Courts, NCSC, 2007). High failure-to-appear rates can narrow down the pool of potential jurors so much that it might not be representative of one’s peers. Juror failure-to-appear rates are likely associated with low levels of trust in legal institutions, which is increasing (Twenge et al., 2014). If people believe that legal institutions are fair, they are more likely to comply with the rules of those institutions (e.g. Tyler, 2006). Therefore, if citizens trust their jury system and believe it is fair, they might be more likely to comply with a jury summons, thus reducing the juror failure-to-appear rate.

Fourth, understanding trust cross-nationally is important because it can suggest changes that would increase trust. Trust in the jury system might differ between countries because attitudes toward the criminal justice system also differ cross-nationally (Jackson et al., 2011; Tyler et al., 2007). Comparing

trust levels can help researchers and policy-makers understand why people in different countries might trust their jury system more or less than people in other countries. For instance, researchers have investigated newly adopted mixed-tribunal systems that allow for lay participation; researchers have found mixed results as to whether such systems increase public trust in the legal system in Japan (Fujita et al., 2016) and Argentina (Bergoglio, 2012). Understanding differing trust levels between countries could provide insights on how countries might be able to increase their citizens’ trust in the jury system.

Institutional trust in the U.S. and Australian jury systems

Despite the importance of the jury system, there has been little research on citizens’ trust in juries. Using a scale specifically designed to measure trust in the jury system, Bornstein et al., 2020, found that, overall, citizens tend to trust juries. In another study, MacCoun and Tyler (1988) also found that people believed that juries were fair and gave appropriate verdicts. However, this study is several decades old, and attitudes toward juries have likely changed. Thus, studies like the current one are needed to have a fuller understanding of trust in juries in the United States.

Institutional trust research in Australia indicates that citizens were more likely to comply with tax laws, social security laws and police officers when they believed that these systems were legitimate and procedurally fair (Murphy et al., 2009). O’Brien et al. (2008) found that participating as a juror was associated with greater confidence and trust in the *criminal justice system* in general, but this is not a study about the public’s perceptions of the *jury system* specifically. Similarly, Goodman-Delahunty et al. (2008) found that jurors’ satisfaction with jury duty positively related to confidence in the jury system and that jurors’ confidence in the jury system was higher than that of community members. This same study found that ‘stakeholders’ (e.g.

judges, attorneys) had a high level of confidence in juries to do their job and in the jury system generally. While offering a great foundation for the current study, none of these studies used a validated scale measuring trust in juries, nor did any explore trust in juries cross-nationally – as does the current study.

Measuring trust

The research above suggests that there have been studies both in the United States and in Australia that have measured several components of trust in legal institutions, but they did not measure the entire construct of trust. There has been little research that has systematically assessed trust in the jury system. Bornstein and colleagues (2019) developed and validated a measure of jury system trustworthiness (JUST), based on past literature on institutional trust (Mayer et al., 1995) and attitudes toward legal authorities and institutions (PytlíkZillig et al., 2016). The final JUST scale consisted of seven items that measured discrete components of trust in juries: ability, benevolence, integrity, identification, impartiality, fairness and respect (see [Appendix](#)).

The first three dimensions/items derive from research on institutional trust: ability, benevolence and integrity. In the context of trust in the jury system, ability refers to the belief that juries are competent in reaching a sound verdict, benevolence refers to the belief that jurors care about the people who are affected by their decisions, and integrity refers to the belief that juries adhere to a moral code (Bornstein et al., 2020; Mayer et al., 1995). The next dimension of trust, identification, refers to the idea that juries share the same interests and values as others (e.g. Pirson & Malhotra, 2011; PytlíkZillig et al., 2016). The last three dimensions are drawn from research specific to procedural justice: impartiality, fairness and respect (MacCoun & Tyler, 1988; Tyler, 2006).

Legal attitudes and trust

Trust in juries might relate to other legal attitudes such as legal authoritarianism or juror bias. Many such measures of individual differences in legal attitudes often relate to each other as has been shown by past research. Devine and Caughlin (2014) used the Jury Bias Scale as a proxy for trust in the *legal* system in determining whether these individual difference independent variables (IVs) relate to verdict as a dependent variable (DV) – our study will expand this by testing whether Jury Bias Scale scores (and other individual difference IVs) relate to the DV of *jury* system trust specifically. Devine and Caughlin found that many individual difference measures related to verdicts, but did not test whether the measures related to each other. Even so, it is likely that trust in the jury system will relate to multiple relevant legal attitude measures – given that multiple attitude measures all relate to verdict. Understanding how individual differences relate to trust in the jury system could provide insights as to why someone might have lower trust in juries. Jury verdicts should be based on evidence and not on extralegal factors such as personal biases and individual differences, whether those biases come from trust in the jury system or other attitudes.

Authoritarian beliefs generally predict trust in authorities (Adorno et al., 1950), and legal authoritarianism is a subset of authoritarian beliefs specific to trust and beliefs in legal authorities (Kravitz et al., 1993). People high in legal authoritarianism believe the rights of legal officials trump individual rights (Butler & Moran, 2007). Furthermore, people high in legal authoritarianism tend to be more punitive than people low in authoritarianism (Devine & Caughlin, 2014; Narby et al., 1993). In the United States, legal authoritarianism was positively related to the overall construct of trust in the jury system, which is consistent with the idea that legal authoritarians tend to trust legal authorities and entities (Bornstein et al., 2020).

Legal authoritarian beliefs also relate to juror biases toward the prosecution (Devine &

Caughlin, 2014; Kassir & Wrightsman, 1983). Juror bias refers to the extent that people might be biased toward the prosecution in a criminal case (Kassir & Wrightsman, 1983). People who score high on the Juror Bias Scale tend to be more punitive than people who score low on the scale (Devine & Caughlin, 2014). It should be noted that Devine and Caughlin (2014) measured trust in the legal system using the Juror Bias Scale, so these constructs cannot be separated for this discussion of how trust in juries is related to other constructs such as bias. The study most directly testing this is Bornstein et al. (2020), which found that the JUST scale is related to pretrial bias such as conviction proneness.

Trust in the jury system could also be related to just world beliefs. General just world beliefs are the extent to which people believe that others get what they deserve, such that good people are rewarded and bad people are punished (Dalbert et al., 1987; Lerner, 1980). Thus, people who believe in a just world might be more likely to trust others and institutions because they believe that people will ultimately get what they deserve. Institutional trust is positively related to just world beliefs (Zuckerman & Gerbasi, 1977). In a meta-analysis, both general and personal just world beliefs were robust predictors of trust (Nudelman, 2013). In a U.S. sample, just world beliefs were moderately to strongly related to all dimensions of the JUST scale (Bornstein et al., 2020). As such, in the current study, we expect there to be a similar positive relationship between just world beliefs and JUST.

There might also be a relationship between attributions and trust in the jury system. People differ in how they attribute the cause of crime: some people perceive the root cause of crime to be societal or situational, while others perceive the root cause of crime to be the individual person (i.e. a dispositional attribution; see Carroll et al., 1987). In the context of a criminal trial, people who have dispositional attitudes about crime tend to be more punitive

than people who hold situational attributes about crime (Templeton & Hartnagel, 2012). In addition, in countries where people are more likely to make dispositional attributions regarding someone's behavior, trust levels are higher than in countries where people are less likely to make dispositional attributions (Schug et al., 2017). There has been little research on the relationship between trust and criminal attributions. Even so, attributions of crime might relate to trust in the jury system; thus a measure of crime attributions is included in the present study.

In addition, demographic variables likely relate to trust in the jury system. In general, racial minorities tend to be less trusting of the criminal justice system than White people (e.g. Howell & Fagan, 1988) and also have lower trust in the jury system than White people (Bornstein et al., 2020). Moreover, when asked to imagine themselves as a criminal defendant, Black participants were more likely to prefer a judge whereas White participants were more likely to prefer a jury (Rose et al., 2008). Black participants also believed that a jury would not be as accurate as a judge (Rose et al., 2008). Indeed, Black people are less trusting of the jury system overall than Whites (Bornstein et al., 2020). Similarly, participants who were fiscally conservative tended to prefer a judge rather than a jury, whereas participants who were socially conservative tended to prefer a jury over a judge (Rose et al., 2008). These preferences could indicate trust in a jury versus a judge.

Age, education level and political orientation could also influence trust in the jury system. In the United States, older and more conservative people tended to have higher levels of trust in juries than younger people (Bornstein et al., 2020). In contrast, in Australia, younger and more educated people tended to have more confidence in the criminal justice system than older and less educated people (Jones & Weatherburn, 2010).

In sum, individual differences are important predictors of various legal attitudes (e.g.

Devine & Caughlin, 2014). Thus, a number of these variables are likely related to trust in the jury system. Furthermore, there could be cross-national differences in how these variables relate to trust in the jury system. These research questions are the focus of the current study.

Overview of current study

The purposes of this study are (a) to compare levels of trust in the jury system in Australian and U.S. samples and (b) to explore the relationships between trust in the jury system and other legal attitudes in both countries. Specifically, this study replicates the findings from a previous study on trust in the jury system that found a seven-item scale measuring jury system trust (JUST) to be valid in a U.S. sample (Bornstein et al., 2020). Furthermore, we compare and contrast how legal attitudes (e.g. legal authoritarianism) and demographic measures (e.g. age) relate to JUST in both the U.S. and Australian samples. Both Australian and U.S. citizens completed an online survey assessing their trust in the jury system as well as relevant legal attitudes. Based on past research, we explored the following research questions:

Research Question (RQ1): How do trust in the jury system levels compare between U.S. and Australian samples?

RQ2: Does JUST relate to other legal attitudes such as legal authoritarianism and just world beliefs?

RQ3: Are there differences between the Australian and the U.S. samples on how JUST relates to other legal attitudes?

RQ4: Does JUST relate to demographic variables such as race, socioeconomic status (SES) or political orientation?

RQ5: Are there differences between the Australian sample and the U.S. sample on how JUST relates to demographic variables?

Method

Procedure and participants

Both U.S. and Australian surveys were hosted on Qualtrics, and participants in both countries completed the questions in the same order. In the Australian sample, all participants completed only the items relevant to this study. Australian participants were recruited on social media sites using snowball sampling. For the U.S. sample, data were collected as part of a larger study (T. Kaplan et al., 2017) in the United States with 252 American MTurk workers receiving a small monetary compensation for participation. Although not representative of the U.S. population, American MTurk workers are more representative of the community than college student samples (e.g. Buhrmester et al., 2011; Krupnikov & Levine, 2014). Although MTurk workers tend to be less religious and more educated than the broader population (Goodman et al., 2013), MTurk samples approximate the American electorate (Levay et al., 2016). The mean age was 37 years, and 48.2% identified as female. Seventy-four percent identified as White, 7.1% identified as Hispanic, 4.8% identified as Black/African American, and 7.1% identified as Asian. As compared to the U.S. Census, our sample contained slightly smaller percentages of Whites (76.3% in Census), Hispanics (18.5% in Census) and Black/African Americans (13.4% in Census). Our sample also slightly over-represented Asians (5.9% in Census; census.gov). Just under half of our participants (44.8%) had a minimum of a college degree, which is somewhat higher than the national average (31.5% in the Census; census.gov).

The Australian sample included a total of 174 participants from Australia who participated using an online psychology recruitment system. The mean age was 37 years, and almost 60% identified as female. The majority of the Australian sample identified as White or European (87%), 9% identified as Asian or Pacific Islander, and the remaining sample identified as Middle Eastern or Aboriginal.

Materials

All participants completed the seven-item simplified JUST scale measuring trust in the jury system ($\alpha = .92$; trust in the jury system; Bornstein et al., 2020; see Appendix). All items were measured on a 7-point scale from 1 = 'strongly agree' to 7 = 'strongly disagree'. All items were coded so higher scores indicated higher trust in juries.

The Jury Bias Scale (JBS) includes 17 items ($\alpha = .78$) that measure the extent to which a person might be biased as a juror (Kassin & Wrightsman, 1983). For example, 'A suspect who runs from the police most probably committed the crime'. All items were measured using a 5-point Likert scale ranging from 1 = 'strongly disagree' to 5 = 'strongly agree'.

The Revised Legal Attitudes Questionnaire (RLAQ, $\alpha = .85$) is a 23-item scale that measures legal authoritarianism (Kravitz et al., 1993). The RLAQ includes three subscales, Authoritarianism ('Upstanding citizens have nothing to fear from the police'), Anti-Authoritarianism ('A society with true freedom and equality for *all* would have very little crime') and Equalitarianism ('All too often, minority group members do not get fair trials'), which were all measured using a 5-point Likert scale ranging from 1 = 'strongly disagree' to 5 = 'strongly agree'.

The General Belief in a Just World scale includes six items that measure the belief that people get what they deserve (e.g. 'I think basically the world is a just place'; Dalbert et al., 1987). All items were measured on a 6-point Likert scale ranging from 1 = 'strongly disagree' to 6 = 'strongly agree'.

The attributions of crime scale measures the extent to which people believe crime is caused by the individual, the economy and society (Carroll et al., 1987). Six items assessed perceptions of social causation of crime (e.g. 'At the root of much crime are early family problems,' $\alpha = .68$). Five items measured perceptions of individual causes of crime (e.g. 'Criminals are people who don't care about the rights of others or their

responsibility to society,' $\alpha = .81$). Four items measured the belief that the economy is the primary cause of crime ($\alpha = .80$), for example, 'Poverty and inequality in society are responsible for much of crime'. All attribution items were measured using a 7-point Likert scale ranging from 1 = 'strongly disagree' to 7 = 'strongly agree'.

Participants also indicated whether they believe the criminal justice system should be focused more on punishment or rehabilitation. On a scale of one to four, participants indicated whether they believed the system should be 'mostly punishment' or 'mostly rehabilitative' (T. Kaplan et al., 2017).

Last, participants completed demographic information including race, education levels and political orientation. In the U.S. sample, participants selected their race, whereas in Australia they indicated their race in an open-ended response. Participants also reported whether or not they completed high school, completed a vocational or two-year degree, completed a college degree, or completed a post-graduate degree. Participants rated how conservative or liberal they were on a Likert scale from 0 being 'very conservative' and 10 being 'very liberal'.

Results

Trust in juries in Australia versus the United States

Overall, levels of trust in juries were moderately high and were similar to the JUST scores found in Bornstein et al. (2020). In order to compare trust in the jury system between Australia and the United States (RQ1), we conducted eight independent-sample *t* tests using country as a grouping variable. We averaged all seven dimensions into an overall JUST score, and we also compared each dimension separately. Results can be found in Table 1. The overall JUST score was significantly higher in the United States than in Australia ($M = 4.61$ vs. $M = 4.28$; $p < .01$). In addition, scores in the U.S. sample were significantly higher on the individual dimensions

of ability, impartiality, fairness and respect. This suggests that in this sample, U.S. citizens had higher levels of trust in juries overall than did Australian citizens, perceiving them more positively in most, but not all, respects (see Table 1).

Relationship between JUST and legal attitudes

In order to assess RQ2, we first ran Pearson’s correlations to assess the overall patterns of relationships of the legal attitude variables and JUST in the combined U.S. and Australian sample (Table 2). JUST was positively related

Table 1. Means and standard deviations for JUST scores.

	Australia	United States
Ability*	4.28 (1.35)	4.70 (1.39)
Benevolence	4.72 (1.30)	4.68 (1.37)
Integrity	4.71 (1.18)	4.85 (1.34)
Identification	4.23 (1.38)	4.38 (1.33)
Impartiality*	3.53 (1.37)	4.30 (1.41)
Fairness*	4.13 (1.32)	4.58 (1.33)
Respect*	4.38 (1.14)	4.76 (1.26)
JUST*	4.28 (1.01)	4.61 (1.17)

Note: JUST = Jury System Trustworthiness.
*Significant difference between the United States and Australia at $p < .01$.

to RLAQ, belief in social causes for crime, belief in individual causes of crime and just world beliefs, with just world beliefs having the strongest correlation. JUST did not relate to JBS or belief in economic causes of crime.

Next, we assessed the correlations separately between the U.S. and Australian samples (RQ3; see Table 3). In both the United States

Table 3. Australian versus American legal attitude variable correlations with JUST scores.

	JUST	
	Australia	United States
RLAQ	.17*	.17*
JBS	.03	.14*
Crime	.26*	.24*
Social Cause		
Crime	-.21*	-.06
Economic Cause		
Crime	.09	.28*
Individual Cause		
Just World Beliefs	.30*	.39*

Note: JUST = Jury System Trustworthiness; RLAQ = Revised Legal Attitudes Questionnaire; JBS = Jury Bias Scale.
* $p < .05$.

Table 2. Legal attitude variable correlations.

	JUST	RLAQ	JBS	Crime			Just world beliefs
				Social cause	Economic cause	Individual cause	
JUST	—						
RLAQ	.122*	—					
JBS	.089	.740*	—				
Crime							
Social cause	.245*	.085	.178*	—			
Economic cause	-.093	-.542*	-.407*	.147*	—		
Individual cause	.135*	.415*	.586*	.289*	.248*	—	
Just world beliefs	.369*	.253*	.327*	-.362*	-.110*	.245*	—

Note: JUST = Jury System Trustworthiness; RLAQ = Revised Legal Attitudes Questionnaire; JBS = Jury Bias Scale.
* $p < .05$.

and Australian samples, RLAQ, beliefs in social causes of crime and just world beliefs were positively related to JUST scores. JBS and beliefs in individual causes of crime were positively related to JUST scores, but only in the U.S. sample. Belief in economic causes of crime (e.g. inequality is responsible for crime) was negatively related to JUST scores, but only in the Australian sample.

In order to examine the relationship between country, attitude toward the criminal justice system (i.e. the preference for punishment–rehabilitation question) and JUST scores, we ran a general linear model using JUST as the dependent variable. There were few participants who had a preference for ‘complete punishment’ ($n=49$), and even fewer who had preference for ‘complete rehabilitation’ ($n=23$). Thus, we dichotomized this variable into (a) a preference for complete and mostly punishment, and (b) complete and mostly rehabilitation. Overall, attitudes toward the criminal justice system related to JUST scores, $F(1, 398) = 8.13, p < .01, \eta^2_p = .02$. Participants who preferred punishment had higher JUST scores ($M=4.64$) than participants who preferred rehabilitation ($M=4.32$). We tested the model in each subsample, and results indicated that there was a significant effect in the U.S. sample, $F(1, 251) = 6.0, p = .01, \eta^2_p = .02$, but not in the Australian sample, $F(1, 146) = 1.04, p = .6$. Specifically, U.S. participants had higher JUST scores when they preferred punishment ($M=4.74$) rather than rehabilitation ($M=4.36$). This created a difference of .38 for the U.S. sample, which was significantly different from the difference in the Australian sample.

Relationship to demographic variables

To assess our fourth and fifth research questions, we tested the relationship between demographic variables and JUST scores in the overall sample and in each subsample. To examine the effect of age, we ran a simple linear regression between age and JUST scores.

Overall, older participants had higher JUST scores than younger participants ($R^2 = .04, B=0.02, p < .01$). This effect remained significant in both subsamples but was moderately but non-significantly stronger in the Australian sample ($R^2 = .07, B=0.02, p < .01$) than in the U.S. sample ($R^2 = .03, B=0.02, p < .01$). This is consistent with past findings on juror trust (Bornstein et al., 2020).

We also ran a simple linear regression to assess the relationship between political orientation and JUST scores. Contrary to previous findings (Bornstein et al., 2020), we did not find a relationship between political orientation in JUST scores in the overall sample ($R^2 = .002, p = .41$), in the U.S. sample ($R^2 = .003, p = .41$) or in the Australian sample ($R^2 = .001, p = .25$).

We did not find any significant gender or racial differences as they relate to JUST scores. We ran an independent-sample t test to explore the relationship between gender and JUST scores and found no relationship in the overall sample ($p = .33$), the Australian sample ($p = .89$) or the U.S. sample ($p = .13$). We could not test the relationship between race and JUST scores in the overall sample because the categories did not match well. We ran a one-way analysis of variance (ANOVA) and found no significant relationship between race and JUST scores in the U.S. sample, $F(3, 235) = 1.46, p = .28$. However, it is important to note that the current U.S. sample was 74% White Americans and only 5% Black Americans and 7% Latino Americans, making it difficult to detect any potential racial differences. The Australian sample was too small to run any analyses on racial and ethnic differences.

We ran a one-way ANOVA to examine the overall relationship between education and JUST scores. In the combined sample, there were no effects of education and JUST scores, $F(3, 423) = 1.06, p = .37$. Similarly, in just the U.S. sample, there were no effects of education on JUST scores, $F(3, 251) = 1.47, p = .22$. In contrast, there was a significant

relationship between education and JUST scores in Australia, $F(3, 171) = 4.9, p < .01$. Least significant difference (LSD) post hoc tests indicated that those with a post-graduate degree had higher JUST scores ($M = 4.78$) than those with a college degree ($M = 4.23, p = .02$), a vocational degree ($M = 4.3, p = .03$) and only a high school degree ($M = 3.9, p < .01$). This significant relationship only occurred for the Australian sample.

Discussion

The purpose of this study was to examine the relationship between measures of legal attitudes and trust in the jury system and to compare and contrast those relationships in U.S. and Australian samples. Results suggest that the U.S. sample had higher overall levels of trust in juries than the Australian sample (RQ1). Furthermore, participants from the United States scored higher than Australians on measures of perceptions of jurors' ability, impartiality, fairness and respect. There were no significant differences between the United States and Australia for benevolence, integrity or identification. There were also differences in how various legal attitudes (e.g. belief in causes of crime) related to JUST in both the Australian and U.S. samples.

The differences we found in this study might be due to a number of reasons. In the United States, jurors go through an expansive *voir dire* in order to remove any potentially biased jurors, an often extensive process; however, there is not such an expansive system in Australia. Thus, people in the United States might trust juries more, and also believe juries are more fair and impartial, because there is a screening process in place designed to remove biased jurors. In Australia, people could be more skeptical of jurors' ability to be impartial or fair because there is a much more limited screening process. That is not to say that Australian courts do not address bias, but they tend to address it in more subtle ways (e.g. jury instructions) that are not as visible to the

public (or people called but not chosen for jury duty).

Another possible reason for our finding that the U.S. sample trusted juries more than the Australian sample is that, compared to other South Pacific countries, Australians tend to have lower institutional trust in general (Ward et al., 2016). Although we did not assess this in the current study, it is possible that overall, Australians tend to be less trusting of government and legal institutions than are citizens in other countries, which might include the United States. Furthermore, Australians tend to have low confidence in the courts in imposing the appropriate punishment for criminal offenders (Mackenzie, et al., 2012). For instance, representative samples of Australians reveal that people tend to believe that sentences are too lenient. This distrust of judges (who decide sentences) might carry over to juries (who decide guilt).

A third possible reason for this finding involves the different levels of secrecy surrounding juries in the two countries. Australian jurors are not permitted to talk about what occurs in the jury room, whereas U.S. jurors are generally allowed to do so (Nolan & Goodman-Delahunty, 2015). This allows American jurors to publically explain why they came to their verdict. Perhaps citizens then realize that the media had not presented a full and unbiased portrayal of the trial, and that the jury actually made a rational decision. Thus, Australians might be more skeptical because of the secrecy involved in the jury system, and, as a result, they trust juries less than did Americans.

JUST and legal attitudes

In the second research question, we explored whether JUST related to other legal attitudes. In both the Australian and U.S. samples, JUST scores were positively related to legal authoritarianism, social causes of crime beliefs and just world beliefs. The relationship between just world beliefs and JUST was the strongest relationship of all the legal attitudes we

measured, a finding that is consistent with past research (Bornstein et al., 2020) and suggests that just world beliefs and institutional trust (and trust in general) are strongly related to one another (Nudelman, 2013).

In the third research question, we further explored the relationship between legal attitudes and JUST by assessing differences between the two countries. In Australia, there was a negative relationship between the belief in economic causes of crime and JUST scores, but not in the United States. In the United States, there was a positive relationship between JBS (jury bias), beliefs in individual causes of crime and JUST scores. Although there is little research on attributions as they relate to trust, the findings for the United States are consistent with research that indicates people who tend to hold more dispositional beliefs about behavior tend to have more trust in public institutions (Schug et al., 2017). Furthermore, this is also consistent with past research indicating that just world beliefs strongly relate to trust in the jury system and that legal authoritarianism and juror bias moderately relate to trust in the jury system (Bornstein et al., 2020).

There are several possible explanations as to why we might have observed these differences. In terms of the JBS (jury bias), people in the United States who tend to have a pro-prosecution bias might trust juries more if they believe that juries favor the prosecution. However, this might not be as salient in Australia, especially if Australians tend to believe that the treatment of criminals is too lenient (Mackenzie et al., 2012). Thus, having a pro-prosecution bias in Australia might not be related to trust in juries, but it does relate to trust in the jury system in the United States. This could also be why people in the United States who believe in individual causes of crime have higher levels of trust in juries. The prosecution's job is to hold an individual accountable for his crimes regardless of the circumstances; therefore, there is likely a relationship between the JBS and belief in

individual causes of crime. In fact, in the current study, there is a very strong correlation ($r > .5$) between JBS and individual attributions of crime. A final possibility is that the difference in the predictive value of juror bias across countries is a function of the particular measure used. Bornstein et al. (2020) measured juror bias with the Pretrial Juror Attitude Questionnaire (PJAQ), whereas the present study measured it with the JBS. Some research has found the PJAQ to have superior predictive validity to the JBS (Lecci & Myers, 2008); hence the failure of the JBS to predict JUST could simply reflect poorer performance of the JBS as a measure of juror bias.

There was also a difference between the U.S. and Australian samples with regards to the perceived goal of the criminal justice system. In the United States, participants who believed the criminal justice system should be about punishment rather than rehabilitation had higher trust in juries. There was no such relationship in the Australian sample. In the United States, if people believe that the jury system leads to punishment of offenders, then they are more likely to trust the jury. In contrast, if people support a rehabilitative approach, they might not be as trusting in the jury system. Almost two thirds of Americans support rehabilitative crime policies rather than punitive policies (Baker et al., 2015), yet many believe that the criminal justice system is broken and does not focus on rehabilitation. This could make them less trusting of the jury system.

JUST and demographic variables

Finally, we assessed the relationships between JUST and demographic variables to assess our fourth and fifth research questions. The current findings are consistent with past research that older participants are more trusting of juries than younger participants (Bornstein et al., 2020). Contrary to past research, we did not find any racial differences. However, the trend was consistent with past research such that White people are more trusting of juries than

Black people, but this relationship was not statistically significant. Last, education level in Australia was positively related to trust in the jury system but there was no such relationship in the United States. In the Australian literature, this is consistent with research that more educated citizens tend to have more trust in the criminal justice system than less educated citizens (Jones & Weatherburn, 2010).

Implications

The current study has important theoretical and applied implications. First, the study has implications for psychology research, specifically for expanding on what is known about relationships between trust and various legal attitudes. Past research shows that individual difference measures relate to juror verdicts (Devine & Caughlin, 2014). Expanding on that research, the current study shows that these individual difference measures also relate to trust in the jury system, expanding on the individual difference literature. The findings contribute to efforts to build a larger model of how individual differences contribute to juror decision making and trust in the jury system.

Second, the study highlights potential limitations of such models, in terms of differences depending on jurors' nationality. This was the first study that we know of that compared perceptions of trust in juries in two different countries. In general, there are differences in how people from different countries view their respective criminal justice systems (e.g. Jackson et al., 2011; Tyler et al., 2007). The results of this study similarly suggest that American citizens trust juries more than Australian citizens do. Future research can explore *why* people in the United States have higher JUST scores than people in Australia, which can have important implications for not only improving the jury system, but also improving the public's perception and knowledge of the jury system.

Finally, there are implications for jury systems in the United States and Australia.

Understanding trust in the jury system could provide insights on how to address juror failure-to-appear rates. Juror failure-to-appear is associated with a lack of trust in legal institutions (Twenge et al., 2014). Understanding citizens' trust in the jury system could thus lead to effective strategies for increasing trust and consequently decreasing juror failure-to-appear rates. Furthermore, involvement with the jury system leads to increased involvement of other aspects of democracy such as voting (Gastil et al., 2010). It would be worthwhile exploring whether or not lower juror trust in Australia (relative to the United States) is related to lower levels of involvement with other aspects of civic engagement.

Limitations and future directions

There are some notable limitations of this study. Although this study was able to use the same measures in order to compare a U.S. and Australian sample, data were collected in different ways and through different sampling methods. The survey given to U.S. participants was part of a larger study with other measures, whereas the survey given to Australian participants only included the measures of interest in the study. In addition, U.S. participants were recruited through Amazon's Mechanical Turk using convenience sampling, whereas Australian participants were recruited through a different website using snowball sampling. These differences seem relatively minor, but future research should make efforts to collect data using identical methodology and sampling methods for both samples. Additionally, there has been some concern about MTurk samples, but, in general, research shows that, while MTurk samples are not identical to community samples, they are better than student samples and not terribly skewed (see discussion in Method section above). Indeed, MTurkers are better participants in some ways than other samples (e.g. performing better on attention check questions; Hauser & Schwarz,

2016). Even so, future studies could use a random sample of the entire population.

The current research did not measure whether JUST relates to actual jury verdicts. Because JUST was related to variables such as legal authoritarianism, which predicts verdicts (Devine & Caughlin, 2014), trust in the jury system might also relate to jury decisions. Bornstein and colleagues (2020) did not find that trust in the jury system affected sentencing verdicts in a death penalty case, but it did predict verdicts in a euthanasia case. Specifically, participants who convicted the defendant had higher trust in the jury system. Understanding whether and in what types of cases trust in the jury system affects verdicts would be useful information for lawyers and trial consultants. Further, the relationship between trust in the jury system and verdicts has not yet been studied cross-nationally. Such limitations could be addressed in future studies.

Although this research was one of the first studies to explore trust in the jury system cross-nationally, it only compared two countries; yet there are dozens of countries that have jury systems (Hans et al., 2017; Vidmar, 2000) or mixed tribunals (Bergoglio, 2012; Fujita et al., 2016). Future research should continue to explore the similarities or differences between the levels of trust in the jury system between other countries, especially in countries with cultures very different from those in the United States and Australia (e.g. Asian countries; see Hans et al., 2017). Furthermore, future research should also examine how system differences (e.g. differences in failure-to-appear rates) relate to levels of trust in jury systems in different countries. For example, is trust in the jury system lower in countries that have lower failure-to-appear rates than in countries with higher failure-to-appear rates? Such questions are fodder for future studies.

Conclusion

The purpose of the present study was to compare and contrast levels of trust in the jury

system in the United States and Australia and to determine how other legal attitudes relate to trust in the jury system in both countries. Juries are an important part of democracy and protecting citizens' rights in the criminal justice system. Thus, it is important for citizens to trust the jury as an institution. Participants in the United States had higher levels of trust in juries than did participants in Australia. There also were differences in beliefs about the criminal justice system, such that American participants trusted juries more if they believed the system should be about mostly punishment rather than rehabilitation – a relationship that did not occur among Australians. The relationship between trust in the jury system and other legally relevant attitudes also differed slightly between the two samples. The results have important implications for improving and implementing jury systems, as well as understanding the public perception of juries.

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Ethical standards

Declaration of conflicts of interest

Monica K. Miller has declared no conflicts of interest

Jeffrey Pfeifer has declared no conflicts of interest

Brian H. Bornstein has declared no conflicts of interest

Tatyana Kaplan has declared no conflicts of interest

Ethical approval

All procedures performed in studies involving human participants were in accordance with

the ethical standards of the institutional research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent

Informed consent was obtained from all individual participants included in the study

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Appendix
JUST scale

Item	Dimension
They are competent to make their decisions.	Ability
They generally care about the people they affect.	Benevolence
They have integrity.	Integrity
Values that are important to me are also important to them.	Identification
They treat all people and groups equally.	Impartiality
They treat people fairly.	Fairness
They treat people with courtesy.	Respect

Note: JUST = Jury System Trustworthiness.