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Fairness for All? **The Limits of Procedural Justice**

Exploring the effect of cultural collectivism on the relationship between perceived justice, institutional legitimacy, and return attitudes among asylum seekers in the Netherlands.

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Abstract

This study investigates whether cultural collectivism moderates the impact of perceived procedural justice (PPJ) on compliance among asylum seekers in the Netherlands. Using data from the 'Legacy' project, the results found no significant effect of PPJ on compliance, as well as no significant moderating effect of collectivism. Additionally, the effects of perceived institutional legitimacy (PIL) and perceived distributive justice (PDJ) were also investigated in an exploratory manner. Whereas no significant effects were shown for PIL, the exploration found that PDJ was a significant predictor of compliance, with collectivism significantly negatively moderating this relationship. The broader implications of these findings for normative theories of compliance are discussed at length in the final sections of this paper.

Key words: asylum seekers • compliance • cultural collectivism • procedural justice • return migration

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1 | Introduction

In response to the unprecedented migratory trends caused by globalisation in recent decades, the world has borne witness to nation-states progressively implementing stricter immigration policies and tighter border controls. Whether in efforts to reassert sovereignty amidst these changes to the international system (Schinkel, 2009), or to ensure national security against the purported threat that ‘illegal aliens’ bring with them (Schottdorf, 2018), nation-states have generally addressed irregular migration by establishing so-called ‘states of exception’. A state of exception, in this context, finds its physical embodiment in the asylum centre and can be best defined as a space which is not formally constituted; a space wherein the rule of law is suspended (Kasperek, 2016) and regular procedural standards are abandoned.

With such ‘spaces’ being increasingly resorted to by national governments, a state of normality vis-à-vis migratory states of exception has now become the norm when it comes to nation-states’ approach to asylum seekers (Agamben, 2008). Interestingly, such an approach is most widely prevalent in Western liberal democracies – an approach strikingly incongruent with the values that liberalism espouses. This is paradoxical because, on the one hand, Western liberal states claim that they place high value on democratic procedures, such as the rule of law, procedural justice, and due process. Yet, their systematic recourse to migratory states of exception fundamentally opposes such liberal values, signifying “powerful expressions of illiberalism” (p. 369, Kauth and King, 2021). This inherent conflict poses an existential threat to the West’s claims of upholding the fundamental values of liberalism, the paradox of which inspires this paper.

Among the manifold illiberal practices that characterise migratory states of exception, one such practice is the dismissal of regular procedural standards, assumed to be unnecessary within the confines of immigration control (Henderson, 2014). Generally defined, procedural justice refers to the idea of fair processes and how perceptions of fairness are strongly influenced by how well one is treated leading up to an outcome, even when that outcome itself is unfair (Tyler, 1988). Whereas states justify the curtailing of migrants’ individual liberties in purely legal administrative explanations (Nethery and Silverman, 2015), or by dint of non-citizens not deserving the same treatment as citizens, migrants in asylum centres often have little to no rights whatsoever, with their right to due process also being taken away from them (Kauth and King, 2021). Perhaps, could it be speculated that Western states do not afford asylum seekers these rights, for they do not believe that standards of procedural justice

are as important for legal compliance among people from a non-Western background (Chua and Engel, 2019)?

In this respect, the Dutch asylum system provides an interesting case study. While liberal in many aspects, the asylum system in the Netherlands is not without its procedural faults. A well-known problem within the Dutch asylum system is that asylum seekers often stay within asylum centres for extended periods of time (NOS, 2023), irrespective of an application's outcome. Whereby the Immigration and Naturalisation Service (IND) is responsible for reviewing asylum applications, in recent years it has been needing more time to do so on the pretext that the constant influx of asylum seekers has been slowing down the processing of asylum requests. Although such a pretext sounds just, the Dutch 'illiberal turn' apropos asylum governance becomes evident when one, for example, considers the Dutch government's tendencies to spaces of exception with the problematic use of PBLs¹ (process availability locations) at the Ter Apel asylum centre (Klungel, 2024). Additionally, in recent years it was also reported that the Netherlands had begun emerging as a relatively 'restrictive' European country vis-à-vis asylum seekers (Leerkes, 2015).

In academia, there have been interesting discussions regarding the universality of procedural justice theory (PJT) (Leung, 1987, 1988; Lind and Earley, 1992; Sugawara and Huo, 1994), with findings generally supporting its cross-cultural generalisability. However, while these studies have shown that non-Western individuals valued procedural justice to the same degree as Western individuals, they have not explored whether perceived procedural justice (PPJ) determined compliance to the same extent. Thus, it is interesting to analyse how asylum seekers with different cultural backgrounds experience and perceive the legitimacy behind the Dutch asylum procedure, and how this, in turn, relates to their compliance vis-à-vis the asylum authorities. To conduct such an analysis, this paper made use of the cross-cultural distinction of individualism and collectivism (Hofstede, 1980; 1983; Triandis, 1989) to measure differences between various asylum groups. In other words, if an asylum seeker comes from a highly collectivist society, would that impact the effectiveness that PPJ has on compliance?

The research question (RQ) is encapsulated as follows: "To what extent does the degree of collectivism in an asylum seeker's country of origin determine the effect that

¹ PBLs are specific sites designed for efficiently managing asylum applications in times of capacity constraints. Problematically, however, these sites bear illiberal practices, such as constraining the movement of asylum seekers, which invariably lead to isolation and psychological complications.

perceived procedural justice has on compliance with the Dutch asylum procedure?”. While the main focus of this study is on procedural justice, this paper also investigates in an exploratory manner whether the effect of collectivism² also applies to perceptions of institutional legitimacy and distributive justice.

Amidst the resurgent wave of anti-immigrant rhetoric since the 2023 Dutch national elections, answering the RQ could better inform public opinion as to why asylum seekers may have reservations with return migration. Moreover, should this study’s findings disprove the universal applicability of PJT, then the contributions of this paper for sociological relevance (Burawoy, 2005) are twofold: (1) academically, it could reignite the debate on the universality of PJT, since previous studies mainly focused on whether non-Western individuals also valued procedural justice, but not on whether such valuation also led to compliance to the same degree. This should, consequently, also inform future cross-cultural studies on individualism-collectivism, potentially further promoting the use of this cultural dimension as an analytical tool in the context of understanding asylum seekers; (2) socially, this paper could lead to a deeper understanding of the relativity of justice conceptions, thus informing Dutch policies on return migration.

In previous studies that have tested the universality of PJT, a limited subset of collectivist cultures was explored – namely, the cultures of Japan, China, and Hong Kong (Lind and Earley, 1992; Sugawara and Huo, 1994). In the Netherlands, however, the largest asylum seeker groups come from the Middle East. Thus, it would be worthwhile to explore whether respondents’ perceptions from this region might challenge the universal applicability of PJT, hitherto limited to East Asian societies.

Against the backdrop of this introduction, this paper turns to the next section where the key concepts of this research are defined. Subsequently, the methodology section outlines how the concepts were operationalised and how this research was carried out. In the final sections, the results are presented along with a discussion of the findings, a conclusion, and some remarks about the limitations of this study, as well as some suggestions for future research.

² At the outset, it is important to note that the terms ‘degree of collectivism in country of origin’ and ‘collectivism’ are sometimes used interchangeably throughout this paper. Thus, when the shorthand term ‘collectivism’ is used, this is to be understood as in reference to the level of collectivism of an asylum seeker’s country of origin.

2 | Theoretical framework

2.1 | Procedural Justice Theory

The concept of procedural justice has been studied extensively across various disciplines, most notably within sociology, criminology, and social & organisational psychology (Blader and Tyler, 2003; Leung and Lind, 1986; Lind and Tyler, 1988; Lind and Earley, 1992; Thibaut and Walker, 1975; Tyler, 2000; Sugawara and Huo, 1994). Across the board, a core finding of this vast scholarship is that individuals perceive authorities and institutions as more legitimate and are, thus, more willing to comply with a decision whenever those authorities employ fair procedures (Tyler, 2001). In other words, if authorities are perceived as legitimate *due to procedural fairness*, voluntary compliance with their decisions and rules is more likely to follow (Tyler, 2006).

Importantly, according to PJT, some procedures can be experienced as fairer than others, regardless of their outcomes (Carman, 2010; Jackson et al., 2012; Lind and Tyler, 1988; Thibaut and Walker, 1975; Tyler, 1988, 2003). Put in justice terms, procedural justice supersedes distributive justice as a determinant of compliance because individuals value quality of treatment more than the expectation of whether a procedure will provide fair outcomes (Leventhal, 1980; Lind and Earley, 1992). This is different than distributive justice, which examines the perceived fairness of *outcomes* insofar as they serve the common good or the principle of differentiation being upheld during the allocation of benefits/resources (Beetham, 1991).

Despite debates over whether procedural justice is more important than distributive justice (Jenness and Calavita, 2018), proponents of PJT claim that if those subject to the procedure are afforded dignity and respect; the procedure is explained clearly and transparently; and they perceive the authorities using the procedure as ethical or unbiased (Tyler, 1990), then the procedure is more likely to be viewed as fair, regardless of its outcome. Decades worth of research on procedural justice encapsulated these important procedural attributes in three ways, called ‘procedural justice effects’ (Lind and Earley, 1992): the ‘voice effect’, the ‘dignitary process effect’, and the ‘fair process effect’.

Beginning with the voice effect, its central tenet is that one’s perception of procedural fairness is enhanced whenever the procedure allows its subjects a chance to express themselves. Crucially, however, what is important for this effect to occur is if one *believed* that they had an opportunity to present information relevant to the decision which would be considered neutrally by a third party (Lind and Earley, 1992).

Concerning the dignitary process effect, the idea is that PPJ is enhanced if the procedure treats its subjects in a dignified and respectful manner (Lind and Earley, 1992). In this sense, politeness and diligence showcased by the authorities can go a long way in indicating to the subject that they are worthy in the eyes of the group – an effect that strongly predicts PPJ (Lind et al., 1989; 1990).

Finally, the fair process effect could be viewed as a culmination effect, in that individuals are more likely to comply with a decision if they consider the process leading up to that decision as just (Lind and Earley, 1992). This effect highlights the importance of a procedure involving transparency, respectful treatment, and the opportunity for voice and participation, for such procedural standards increase subjects' acceptance of the procedure's outcome, even if it does not prove favourable to them.

Lind and Tyler (1988) explain these procedural justice effects through their 'Group-value theory'. Group-value theory, according to their theoretical model, is linked to "values within a person's reference group and to the desire to be, and to be seen to be, a full-fledged, full-status member of the group, organisation, or society using the procedure" (p. 232, Lind and Earley, 1992). In a social-psychological vein, Lind and Tyler's (1988) group-value theory claims that procedural justice standards originate from one of two sources: (1) what the group's overall social values are; and (2) the interest of the individual to be accepted within said group by being treated as a full-status, full-fledged member of it (Lind and Earley, 1992).

Furthermore, out of these two sources, an important distinction must be made between "intrinsic" and "extrinsic" standards of procedural justice. Intrinsic standards refer to features of a procedure that embody standing and status within the group or society (how one is treated), whereas extrinsic standards relate to those values of the group that are not related to issues of standing and status of the perceiver and their relationship with the authorities (Lind and Earley, 1992). Thus, for procedural justice intrinsic standards are more important, for if one's attributions vis-à-vis their relationship to the group authorities are positive – meaning one has been treated fairly and ethically – then it is more likely that the procedure will be seen as fair. Looking back to the three procedural justice effects mentioned earlier, intrinsic standards of procedural justice are what most aptly characterise those effects (Lind and Tyler, 1988).

In the context of asylum centres, the link to intrinsic standards can be made when considering how asylum seekers are treated by the asylum authorities. For example, if asylum seekers are treated in accordance with human rights; are welcomed by the authorities; are not

interpersonally regarded as ‘illegals’ (De Genova, 2002); and perceive the asylum procedure as fair, then it can be speculated that asylum seekers’ intrinsic standards of procedural justice have been tapped into when finalising an asylum application decision. In contrast, if asylum seekers perceive inconsistencies and arbitrariness as to how asylum decisions are made; if one is granted asylum while another with similar circumstances is denied, then it could be speculated that asylum seekers’ extrinsic standards of procedural justice have been primed.

In sum, from this discussion on the theory of procedural justice, it becomes clear why procedural justice is relevant to the psychology of compliance with authority. The following section will be dedicated to exploring the concept of compliance, and what its determinants may be.

2.2 | Compliance

Research on compliance was a cornerstone of the twentieth-century *Zeitgeist*, with a great many attempts to explain its origins (Ash, 1956; Freedman and Fraser, 1966; Milgram, 1963). Although there is no simple way to define compliance, Cialdini and Goldstein (2004) provide a succinct definition which contains some important elements:

“Compliance refers to a particular kind of response — acquiescence — to a particular kind of communication — a request. The request may be explicit ... or it may be implicit... But in all cases, the target recognizes that he or she is being urged to respond in a desired way” (p. 592).

As understood through this definition, compliance could be construed in a plethora of ways. Firstly, compliance can be either induced by force or through persuasion; overtly or covertly. Secondly, compliance might embrace various domains, such as legal, social, and/or cultural compliance. Thirdly, compliance need not only come in response to an explicit authority figure but may also be motivated by implicit authority forces. A good many renderings of compliance, for instance, come in response to family expectations (Schuster and Majidi, 2013) or the voice of culture (Ent and Baumeister, 2014). Nonetheless, in this paper compliance is to be understood in the legal sense – as compliance vis-à-vis the government and its laws. In the case of asylum seekers, compliance comes in the form of agreeing with the destination country’s decision to grant asylum. Having noted this, the following section explores the concept of legal compliance in more detail.

Legal compliance and legitimacy

Understanding why individuals obey the law is complex, considering the various factors that motivate legal compliance. One of the most notable contributions to this field has been put forth by Tyler (2006) in his book *'Why People Obey the Law'*. According to Tyler (2006), factors influencing individuals' motivations to comply with the law include legitimacy, procedural and distributive justice, social norms and moral obligation, and trust in authorities. Having already touched upon the concepts of procedural and distributive justice and why they are conducive to legal compliance, here the concept of legitimacy is most pertinent in explaining legal compliance.

Tyler (2006) argues that obedience to the law is more likely to occur whenever individuals perceive legal authorities and institutions as legitimate. For Tyler (2006), "legitimacy is a property that, when it is possessed, leads people to defer voluntarily to decisions, rules, and social arrangements" (p. 376). Whereby it seems logical that legitimacy is bestowed onto institutions solely by virtue of their authoritative quality, it should be noted that this, in and of itself, is a separate type of legitimacy called 'institutional legitimacy', which does not capture the concept of legitimacy entirely.

Whereas institutional legitimacy refers to one's perception that legal institutions, such as the government or the police, are 'deserving' of obedience for their simply being 'state' institutions (Jackson et al., 2012), the broader concept of legitimacy differs, in that it consists of various legitimating qualities that go beyond mere institutionalism. For example, legitimating qualities may be normative, in French and Raven's (1959) sense that legitimacy could be induced by appeals to internalised norms and values. Whenever social norms and values embed themselves within one's moral compass, they take on the function of separately guiding one's behaviour so that the obligation to obey is not impacted by the potential of coercion and/or rewards but is rather driven by *voluntary deference* to authorities perceived as legitimate (Tyler, 2006).

Institutional legitimacy

As previously mentioned, there are different conceptualisations of the term legitimacy (Leerkes and Kox, 2017). The key distinguishing feature of institutional legitimacy is its boundedness to institutional frameworks, in that this type of legitimacy is manifest insofar as laws or institutions are esteemed as valid and justifiable by those subject to them (Jackson et al., 2012; Leerkes and Kox, 2017). In relation to procedural justice, Tyler (2003) asserts that,

while the presence of procedural justice may enhance institutional legitimacy, potentially by the establishment of trust, institutional legitimacy cannot solely be reduced to standards of procedural justice. This fact can be explained, for instance, when considering how one's socialisation may render them acceptant of an authority, even if it does not treat them appropriately.

Having detailed that the concept of legitimacy can have a normative or a legal character, along with the reasons why legitimacy strongly influences compliance, it becomes evident why procedural justice could enhance perceptions of legitimacy. However, considering that legitimacy is heavily induced by one's internal motivational systems – in other words, by cultural socialisation – this begs the question whether a fundamentally different socialisation creates different perceptions of legitimacy. For example, in countries that have a different conception of the relationship between state and individual (Jackson et al., 2012), this positive interplay between procedural justice, legitimacy, and legal compliance may not hold. To explain why there might be cross-cultural variation, the next section provides a discussion on Hofstede's (1980) individualism-collectivism cultural dimension, along with the research undergirding it.

2.3 | Individualism-Collectivism

With respect to understanding cross-cultural differences, Hofstede's (1980) theory of cultural dimensions qualifies as the most well-known analytical framework and has inspired extensive academic research (Darwish and Huber, 2003; Taras, Kirkman and Steel, 2012; Triandis et al., 1988). Whereby the Hofstede model contains six dimensions, the individualism vs. collectivism dimension has received the bulk of attention when comparing cultures (Triandis, 2001; Taras, Kirkman and Steel, 2012).

Hofstede (2011) defines culture as “the collective programming of the mind which distinguishes the members of one human group from another” (p. 3). A ‘collective consciousness’ which transmits itself from generation to generation (Triandis, 2001), culture can simply be viewed as being to society what memory is to individuals (Kluckhohn, 1954). In this vein, the individualism-collectivism dimension captures different cultural orientations as “the degree to which people in society are integrated into groups” (p. 11. Hofstede, 2011).

On the one hand, people from individualist societies – individualists – are regarded as highly autonomous and independent from their in-groups; they place higher value on their own needs and goals over those of their in-group; and their behaviour is primarily driven by

their attitudes rather than the norms and/or expectations of their immediate in-group (Hofstede, 1980; 2011; Triandis, 2001; Sugawara and Huo, 1994). On the other hand, collectivists – people from collectivist societies – are seen as being interdependent within their in-groups; they prioritise the needs and goals of their in-groups over their own; and they shape their behaviour to maintain interpersonal harmony and group solidarity (Hofstede, 1980; 2011; Triandis, 2001; Sugawara and Huo, 1994). Put simply, for individualists, an ‘I’ consciousness prevails, whereas for collectivists, a ‘We’ consciousness is predominant (Hofstede, 2011).

From a legal perspective, scholars have also previously assumed that the individualism-collectivism dimension would affect the role that justice concerns played in legal dispute resolutions (Sugawara and Huo, 1994). In a study conducted by Sugawara and Huo (1994), the underlying assumption was that collectivists, as opposed to individualists, would exhibit non-fairness considerations – such as wanting to quickly resolve the dispute – that superseded the value they placed on procedural justice standards. In other words, it was expected that collectivists would be less concerned with procedural fairness since they are more concerned with maintaining group harmony by conceding to the dispute’s outcome (Sugawara and Huo, 1994). The findings of this study found no significant differences in the way collectivists and individualists valued procedural justice, thus supporting the universal applicability of PJT (Leung, 1987; Leung and Li, 1990; Sugawara and Huo, 1994). This scholarship, however, and to reiterate once more, had only explored whether procedural justice was valued to the same extent cross-culturally, but not if PPJ was predictive of compliance per se.

It is important to note, moreover, that individualists and collectivists are not ideal types (Triandis, 2001). It is erroneous to assume that people who come from individualist or collectivist cultures should automatically be regarded as absolute, fully-fledged individualists or collectivists. Rather, people vary in their levels of individualism-collectivism, irrespective of the culture they come from (Triandis, 2001). This point is especially relevant given the dramatic waves of cultural globalisation in recent decades (Bauman, 2011) – effects which may translate onto how asylum seekers assess the fairness of an asylum procedure, for example.

2.4 | PJT, Compliance, and Individualism-Collectivism

Having elucidated the three main concepts undergirding this research paper, it is expected that the effect that PPJ has on compliance with asylum decisions will be moderated by the degree of collectivism. This expectation is built on two premises: (1) that PPJ is linked to compliance with asylum decisions; and (2) that collectivism moderates this. While there is research corroborating the first premise (Leerkes and Kox, 2017; Ryo, 2013), the second premise is, as already stated, under researched.

Nevertheless, drawing from the Sugawara and Huo (1994) study mentioned earlier, this paper speculates that collectivism will have a moderating effect on the link between PPJ and compliance for the following reasons. Firstly, as informed by Hofstede's (1980) cultural dimensions model, individuals from collectivist countries should theoretically place higher value on non-fairness considerations than on fairness concerns. Secondly, individuals from collectivist cultures come from countries where Enlightenment philosophies of the self are less socially widespread (Chua and Engel, 2019). This resultant cross-cultural difference in legal consciousness, thus, may undermine the effect that PPJ has on compliance for asylum seekers coming from collectivist cultures. Thirdly, and relatedly, considering that collectivist cultures may have different conceptions of the relationship between individual and state (Jackson et al., 2012) – owing, perhaps, to a state's dictatorial past or recent war-torn history – it could be speculated that such asylum seekers might place undue value on institutional legitimacy over procedural legitimacy when complying with an asylum decision. In other words, perceptions of hierarchy may be more pronounced among individuals coming from collectivist countries rather than individualist ones (Basabe and Ros, 2005; Realo, Allik, and Vadi, 1997), thereby enhancing the effect that institutional legitimacy might have.

2.5 | Other Possible Determinants of Compliance

For asylum seekers from collectivist cultures, the possibility that perceived institutional legitimacy (PIL) or perceived distributive justice (PDJ) supersedes procedural justice in terms of compliance warrants considering them as separate predictor variables for this paper's exploratory approach. Additionally, there are several control variables, such as one's age, gender, level of education, length of stay in the Netherlands, and perceived level of safety in one's country of origin, which should be introduced to account for potential confounding factors.

Age-related differences may have a confounding influence on the main variables being researched, since older individuals may have different attitudes towards authority and compliance in comparison to younger individuals (Yagil, 1998). In terms of gender, it is possible that males would be more likely than females to exhibit aggression and non-compliance – something which could be explained by social pressures of upholding gender roles (Granié, 2009). Furthermore, level of education can influence perceptions of legitimacy and compliance, in that highly educated asylum seekers may be more critical of authority as opposed to asylum seekers with lower education (Mayer, 2011; Persson, 2015). Length of stay may impact the outcome by decreasing asylum seekers' perceptions of fairness regarding the procedure. Finally, asylum seekers' perceptions of safety in their countries of origin may significantly impact their willingness to comply with a decision of rejection, for the obvious reason that potentially life-threatening circumstances cause aversion towards any prospect of return.

2.6 | Hypotheses and Conceptual Model

Based on the theoretical framework, and after having explained how the main concepts interact with each other and with external factors, this study presents its hypothesis and conceptual model.

H: The higher one's country of origin is on the collectivism scale, the lower the effect that PPJ will be on compliance with an asylum decision.

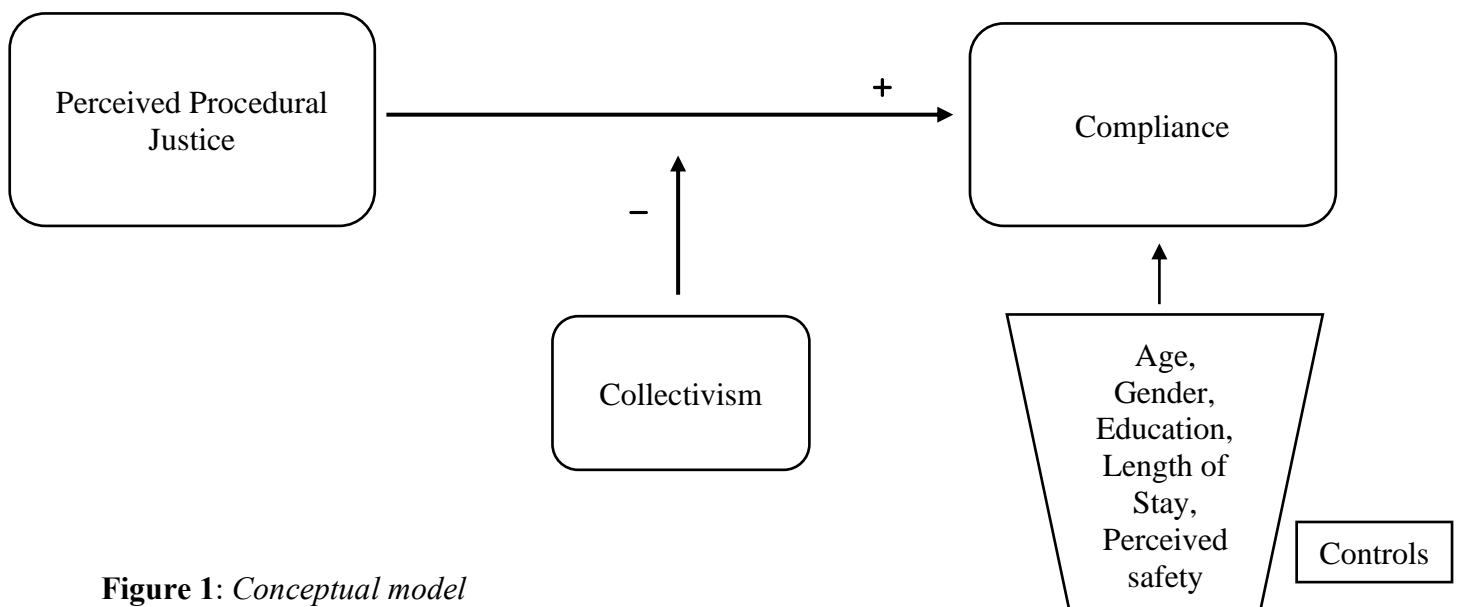


Figure 1: *Conceptual model*

3 | Methodology

3.1 | Data

To conduct the analyses, data was retrieved from the first and second round of the ‘Legacy’ project which surveyed asylum seekers over their experiences with the Dutch asylum procedure. The first round was conducted between the period of February 9th, 2022, and November 5th, 2022, and yielded a total of 441 cases. The second round began in March of 2024 and, as of writing, had gathered 191 cases. Whereas the first round yielded more observations, the second round included in-depth interviews over two focus groups of 6 people each. The questionnaire was translated into various languages³, which helped garner a total number of 619 cases – all of which came from collectivist countries⁴. Importantly, the respondents were informed that their participation was completely voluntary and that they could withdraw at any time, given the sensitive nature of some of the survey questions. Moreover, participants were reassured that all the information they provided would remain strictly anonymous and inaccessible to governmental bodies.

The ‘Legacy’ surveys consisted of various battery items related to questions over PPJ, PIL, PDJ, and return attitudes, among others. Rudimentary questions regarding the control variables were also asked, together with questions over one’s country of origin. It is important to note, however, that questions assessing individual levels of individualism-collectivism were not included in the original design of the survey. Thus, respondents’ levels of individualism-collectivism had to be manually retrieved from the ‘Hofstede Insights’ website (Hofstede Insights, n.d.). This website includes a ‘country comparison tool’ function that reports the scores of various countries on Hofstede’s (1980) six cultural dimensions. The data for these scores come from several different years, beginning with Hofstede’s original studies between 1967 and 1973, and most recently being updated in 2023.

The majority of respondents were aged between 25-34, male (62.4%), and university-level educated. In terms of country of origin, most individuals originated from the Middle East – Syria (23%), Iran (7.2%), Turkey (6.9), and Yemen (5.3%), with others also coming from African countries, albeit to a lesser extent. Across the sample, almost 50% of asylum seekers had been living in the Netherlands for less than 1 year, whereas around 30% reported more than 1 year. All in all, only 8.9% of the asylum seekers had been granted an approved

³ The languages were Arabic, Dari, Dutch, English, Farsi, French, Somali, Tigrinya, and Turkish

⁴ With all 619 respondents coming from collectivist countries, it should be noted that this was probably due to the nature of asylum-seeking in Western European states.

asylum status, with the remainder either awaiting a decision, staying despite a rejected decision, or not knowing and/or refusing to answer. For this reason, it was chosen to exclude from the analyses respondents who had been granted an approved asylum status, since their answers could bias the findings. Additionally, respondents who answered that they were no longer living in the Netherlands were also excluded from the analyses. Table 1 provides an overview of respondents' demographic profiles and can be found in Appendix A.

Finally, some reflections over the fieldwork and focus group interviews from the second round of the 'Legacy' project are provided in Appendix B. These reflections go over several aspects of the fieldwork, ranging from asylum seekers' opinions about the survey, to their experiences with the Dutch asylum procedure more generally. In presenting such reflections, the quantitative results are given a brief qualitative interpretation.

3.2 | Operationalisation

Drawing from the theoretical framework and conceptual model, the variables to be operationalised are: 'PPJ', 'PIL', 'PDJ', 'compliance', and 'collectivism'. Taken together, the former three justice concepts are the predictor variables, 'compliance' is the outcome variable, and 'collectivism' acts as the moderator variable.

Justice concepts

Beginning with PPJ, this concept was measured through fourteen items which tap into procedural justice effects, such as the 'voice' and 'dignitary effect'. Transformed into a scale, the reliability analysis performed to assess the internal consistency of the PPJ items resulted in a Cronbach's Alpha coefficient of $\alpha = 0.908$, indicating very strong internal consistency. To provide an example of the questions that were asked, one question looked as follows: "Generally, I feel that I am treated respectfully and politely by professional staff involved during my asylum procedure" (see Appendix C for all questions). All fourteen item questions were based on a 5-point Likert scale from 1 to 5 (strongly disagree to strongly agree), with higher values recoded to indicate higher levels PPJ. For the analysis, these mean score of these fourteen items was used to reflect one's perceptions of procedural justice.

The concept of PIL was measured through one single question: "In my opinion, the government of the Netherlands generally has the right to control migration". This question was similarly based on a 5-point Likert scale, with responses ranging from 1 to 5 (strongly

disagree to strongly agree). The answers to this question were recoded such that higher values indicate stronger PIL.

Finally, for PDJ there were two questions which measured asylum seekers' perceived fairness of the outcome: "In my opinion, all people should be free to live where the living circumstances are best for them" (*dist. justice 1*) and "In my opinion, states like the Netherlands have the responsibility to accept more asylum seekers than they currently do" (*dist. justice 2*). Respondents were asked to base their responses from 1 to 5 (strongly agree to strongly disagree), with higher values being recoded to indicate stronger perceptions of distributive justice. For the analysis, the mean of these two questions was used to reflect an asylum seeker's perceptions of distributive justice.

Compliance

For the concept of compliance, several questions from the survey were used to measure one's willingness to comply with the outcome of the asylum procedure. Appropriated as three separate variables, these questions tap into distinct dimensions of return, such as 'General rule acceptance', 'Personal rule acceptance', and 'Return intention in 12 months'.

Respectively, the survey questions corresponding to these variables were the following:

'In my opinion, asylum seekers from my country who receive a negative decision should for the most part leave the Netherlands'

'If my asylum case would be rejected, I would feel an obligation to return'

'I intend to return to my country of origin in the coming twelve months'

Whereas the indicator 'Personal rule acceptance' is the one that most directly taps into the concept of compliance as defined per this study, investigating the other two indicators of return is also valuable insofar as they provide a more nuanced understanding of the concept of compliance. All three variables were assessed along a 5-point Likert scale, ranging from 1 to 5 (strongly disagree to strongly agree). The values were recoded such that higher values indicate stronger return attitudes.

Collectivism

With respect to measuring respondents' level of collectivism, Hofstede's 'country comparison tool' was used. On a scale from 0-100, this tool reports various countries' score on the individualism-collectivism dimension, such that countries scoring below 50 are categorised as collectivist, while those scoring above 50 are considered individualist. By first making use of respondents' indicated response to the question: "In what country were you born?", each respondent's level of collectivism was then subsequently gauged by looking at their country's score on the 'country comparison tool'. After finding every country's score according to the 'country comparison tool', these scores were then manually assigned to the respondents in the dataset.

To simplify by way of example, since Syria has a value of 35 on the individualism-collectivism scale, then all respondents originating from Syria were automatically ascribed the value of 35. Another example is Egypt which has a score of 13, meaning that all asylum seekers that came from Egypt had a score of 13. After assigning each country its respective score in the dataset, scores were reverse coded so that higher scores indicated higher collectivism. In this case, the collectivism scores for Syria and Egypt became 65 and 87, respectively.

While not every reported country in the 'Legacy' survey had corresponding data in Hofstede's 'country comparison tool', a total of 346 valid cases were successfully registered in the dataset. In general, this study acknowledges that, though limited in some respects, this method of ascribing levels of collectivism was necessary considering that the original 'Legacy' questionnaire did not include questions measuring asylum seekers' levels of individualism-collectivism.

Control variables

Beginning with the control variable for 'Age', the 'Legacy' questionnaire assessed respondents' age along 13 possible answers, ranging from '18-19' to '65 and older'. For simplification purposes, however, the range of possible age items was treated as an ordinal variable, interpreting the coefficient as a one-unit change in the age group. Additionally, the answer options 'do not know/no answer' and 'Under 18' were excluded from the analyses.

'Gender' was assessed by having respondents answer between four options: 'male', 'female', 'other', and 'do not know/no answer'. Given that nearly all respondents answered

with male or female, the latter two options were recoded as missing. Thus, for gender, a dummy variable was created for males and females (male = 1; female = 0).

‘Level of education’ for respondents was determined through a 5-point Likert scale, with the score 1 indicating ‘no formal education’, and 5 indicating ‘university level education’. To accurately assess the impact of one’s education, two separate dummy variables were created, dividing respondents as either lowly or highly educated. In this case, ‘no formal education’ and ‘primary school’ were categorised as low education, whereas ‘secondary school (MBO)’, ‘high school’ and ‘university level’ were taken as high education. Importantly, here level of education refers to the education asylum seekers received in their country of origin.

For ‘Length of stay’, responses were assessed along a 5-point Likert scale ranging from 1 (less than a year) to 5 (more than 10 years). The response options ‘I no longer live in the Netherlands’ and ‘do not know/no answer’ were recoded as missing. To render the regression interpretation simpler, this control was divided into two dummy variables: ‘less than one year’ and ‘more than 1 year’.

Finally, ‘Perceived safety’ was measured on a 5-point Likert scale with the following question statement: “It is safe to live in my country of origin for people in my situation”. Responses were recoded as 1 (strongly disagree) to 5 (strongly agree), with higher values indicating higher perceived safety in one’s country of origin. To load this control variable into the regression effectively, 5 separate dummy variables corresponding to each level of safety were created.

3.3 | Analytical Methods

Given the main aim of this research paper and how the variable of PPJ is central to it, the analyses began with the creation of a correlation matrix for the fourteen PPJ items. To analyse the matrix, Spearman’s coefficient was used to detect possible issues with multicollinearity. Following this, a factor analysis was conducted to explore the various dimensions undergirding the PPJ items and whether the resulting dimensions were congruent with the theory on ‘procedural justice effects’ (Lind and Earley, 1992).

Finally, multiple regression analyses were conducted on all three dimensions of return. These regressions were divided according to the predictor variable being observed, making up three different groups of regression: PPJ, PIL, and PDJ as predictors, respectively. These regressions were conducted by using two blocks in the regression, wherein the first

block consisted of the respective predictor variable, the collectivism scale, and the interaction term, while the second block introduced the control variables. In total, 18 regression models were generated. Furthermore, out of the 619 cases from both ‘Legacy’ surveys, many cases were excluded either via ‘listwise exclusion’ or because of the lack of applicable data from Hofstede’s ‘country comparison tool’. The listwise exclusion of cases can be partially explained by the fact that many missing values were unevenly spread across the dataset’s variables, specifically on the indicators for the main justice concepts. In addition, the lengthy, complex, and sensitive nature of the ‘Legacy’ survey design may itself have led to participant non-response or even dropout.

As for the control variables, the values for ‘female’, ‘low education’, ‘less than 1 year in the Netherlands’, and ‘perceived safety (PS) – strongly disagree’ were used as the reference group when interpreting the effects of the control variables.

3.4 | Validity and Reliability

The questions in the ‘Legacy’ project survey are high in construct validity with respect to the main predictor and outcome variables. Having questions specifically tailored to tap into aspects of procedural justice effects or return intentions, for example, greatly ensures that the measurements are accurate.

With respect to internal validity, various measures have been undertaken to ensure that the variables being researched were not influenced by confounding factors. This was partially ensured by the inclusion of a moderator variable, as well as the introduction of various important controls. However, an important limitation compromising internal validity is this study’s inability to assess respondents’ level of collectivism on an individual basis. This invariance in collectivism among individuals from the same ethnic group not only threatens internal validity but could also be considered reductionist (Signorini, Wiesemes and Murphy, 2009).

Finally, the highly diverse sample obtained from the ‘Legacy’ surveys ensures a certain degree of external validity, although it remains compromised due to two important factors: (1) this research is a single case study; (2) a large portion of respondents came from the Middle East, particularly Syria, leading to an overrepresentation of asylum seekers from this region.

4 | Results

4.1 | Correlation matrix and Factor analysis

Beginning with the correlation matrix for the fourteen procedural justice items (see Table 2, Appendix D), most items were positively correlated with each other, showing statistical significance below the 0.01% threshold ($p < 0.01$). The strongest correlations were between the items ‘Treated with Respect’ & ‘Be Listened to’ ($r = .735, p < 0.01$), ‘Helpful and Flexible’ & ‘Be Listened to’ ($r = .761, p < 0.01$), and ‘Good Information’ & ‘Good Information in Writing’ ($r = .714, p < 0.01$). These results suggest, for instance, that asylum seekers who felt like they were treated with respect were also more likely to feel listened to – a trend congruent with the ‘voice effect’ and the ‘dignitary process effect’, which were discussed in the literature.

In further analysing these procedural justice items, the factor analysis revealed the following results. The Kaiser-Meyer-Olkin (KMO) measure of sampling adequacy had a value of .870, and Bartlett’s Test of Sphericity reported significance at a level of $p < 0.001$, both indicating that the data was suitable for factor analysis. When looking at the *Eigenvalues*, the results highlighted three distinct components. Component 1 included seven items which loaded on it (BLT, HF, TWR, SCN, AH, GIW, ODM). After being merged for a reliability analysis, the result was an $\alpha = .861$. On Component 2, six items were loaded (GIW, HFA, IU, HFS, GI, CTR)⁵, which, when later merged, revealed a Cronbach’s Alpha of $\alpha = .843$. Lastly, with Component 3, four items were loaded (ODM, PNF, OES, CTR), with the reliability analysis resulting in an $\alpha = .792$.

Taken together, these three Components can be classified as follows. For Component 1, the items tap predominantly into the ‘voice’ and ‘dignitary process’ effects of PJT. Thus, it could be taken that the first component is primarily about respectful treatment and support towards asylum seekers by the asylum staff. The items in Component 2 apply primarily to the information surrounding the asylum procedure, concerning issues such as transparency and honesty. Component 3, finally, loads on items that are most directly linked to the ‘fair process effect’ from PJT.

Moreover, when analysing all fourteen procedural justice items as an instrument, the reliability analysis produced a score of $\alpha = .901$, indicating very high reliability and excellent consistency among the items. Impressively, the reliability analysis showed that if any item

⁵ The item GIW loaded on both Component 1 and 2.

were to be removed from the instrument, Cronbach's Alpha would not improve above the .901 level. Because of this, it was decided to conduct the regression analyses with this single mean score of PPJ, instead of using the 3 components separately.

4.2 | Regression analyses

Perceived Procedural Justice

For PPJ, it was hypothesised that a higher level of collectivism moderates the relationship between PPJ and compliance, such that higher levels of collectivism decrease the impact of PPJ on compliance. This hypothesis was examined by conducting three separate regressions over the three dimensions of return. The table below presents the results of all models testing the impact of PPJ on the three dimensions of return attitudes.

Table 3: Linear regression models on the impact of PPJ on compliance

| | General Rule Acceptance | | Personal Rule Acceptance | | Return Intention in 12 months | |
|---------------------|----------------------------|-------------------|-----------------------------|-------------------|-------------------------------|-----------------|
| | Model 1 | Model 2 | Model 1 | Model 2 | Model 1 | Model 2 |
| (Constant) | .800 (2.175) | -.064 (2.229) | 3.507 (2.426) | 1.820 (2.486) | .873 (1.403) | .609 (1.422) |
| PPJ | .389 (.649) | .710 (.643) | -.125 (.724) | .119 (.719) | .177 (.417) | .167 (.410) |
| Collectivism | .015 (.032) | .034 (.033) | -.018 (.036) | -.002 (.037) | .003 (.021) | .002 (.021) |
| Interaction term | -.003 (.009) | -.007 (.009) | .002 (.011) | -.001 (.011) | -.002 (.006) | -.001 (.006) |
| Age | | -.103* (.048) | | -.003 (.054) | | .056 (.031) |
| Male | | -.056 (.203) | | .212 (.228) | | .110 (.130) |
| Highly educated | | -.027 (.339) | | .359 (.367) | | -.103 (.210) |
| More than 1 year | | -.581** (.207) | | -.644** (.232) | | .017 (.132) |

| | | | | | | |
|---------------------------|---------|------|---------|------|----------|------|
| PS str. agree | 1.465* | | 1.521* | | -0.060 | |
| | (.650) | | (.726) | | (.415) | |
| PS agree | .517 | | -.987 | | -.471 | |
| | (1.152) | | (1.284) | | (.734) | |
| PS do not know | .187 | | .583 | | 1.588*** | |
| | (.537) | | (.599) | | (.342) | |
| PS disagree | 1.010** | | 1.246** | | .238 | |
| | (.343) | | (.373) | | (.213) | |
| R² | .020 | .168 | .011 | .158 | .006 | .168 |
| Adj. R² | .000 | .103 | -.008 | .093 | -.014 | .104 |
| N | 154 | 151 | 154 | 151 | 154 | 151 |

Note: OLS regression coefficients with standard errors in brackets.

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

To begin, the impact that PPJ had on compliance was not statistically significant across any of the return dimensions. Although this impact was positive in most models, the findings generally do not support the universality of PJT. Similarly, one's level of collectivism proved to be statistically insignificant when predicting compliance. Although the interaction term between PPJ and collectivism was slightly negative, its effect was also not statistically significant across any of the return dimensions.

Moreover, the control variables showed statistically significant impacts throughout the regressions. For example, with the regression analysis on 'General rule acceptance', several important findings were made. The unstandardised coefficient for 'Age' was -.103 and statistically significant at the 0.05% threshold ($p < 0.05$). Duration of stay was also a significant predictor, in that asylum seekers who had lived in the Netherlands for more than one year displayed less compliance in comparison to those who had lived for less than one year ($B = -.581, p < 0.01$). Finally, for perceptions of safety in one's country of origin, there were some interesting results. Asylum seekers who strongly agreed that their country of origin was currently safe were 1.465 times more likely to comply than those who strongly disagreed, a finding that was significant ($B = 1.465, p < 0.05$). Furthermore, asylum seekers who disagreed with the statement were 1.010 times more likely than the reference group to comply on a general level, with this also being significant ($B = 1.010, p < 0.01$).

When looking at the results from the regression on 'Personal rule acceptance', similar control variables appear to be statistically significant. 'More than 1 year' ($B = -.644, p < 0.01$); 'PS – strongly agree' ($B = 1.521, p < 0.05$); 'PS – disagree' ($B = 1.246, p < 0.01$).

Interestingly, from the regression on ‘Return intention in 12 months’, the only statistically significant control variable was ‘PS – do not know’ ($B = 1.588, p < 0.001$), which makes sense considering the temporal aspect of this dimension.

Taken together, the results from this set of regression analyses where PPJ, collectivism, and their interaction term are the main predictors suggest the following. As a predictor, the impact of PPJ was not statistically significant across any of the return dimensions. Similarly, the interaction terms, though showcasing a very slight negative moderation, were also not statistically significant. Whereas these results do not warrant statistical support to accept the hypothesis, they do, however, paradoxically challenge the universality of PJT, as per the finding that PPJ as a predictor was not significant. This paradox will be discussed in further detail later on.

Perceived Institutional Legitimacy

In examining the effect of PIL on compliance (see Table 4), the findings indicate that it was not significant across any of the return dimensions, with its impact being mixed in direction. This trend of non-significance is also similar for collectivism and the interaction term, with the unstandardised coefficients being of minimal impact and mixed in direction too. Additionally, the control variables that were introduced had similar effects on compliance as in the previous table.

Most notably, the impacts of ‘Age’ ($B = -.106, p < 0.05$), ‘More than 1 year’ ($B = -.530, p < 0.05$), and ‘PS – disagree’ ($B = .799, p < 0.05$) were significant towards ‘General Rule Acceptance’. For ‘Personal rule acceptance’, the controls ‘More than 1 year’ ($B = -.473, p < 0.05$), ‘PS – strongly agree’ ($B = 1.331, p < 0.05$), and ‘PS – disagree’ ($B = 1.185, p < 0.01$) were statistically significant, while for ‘Return intention in 12 months’, only ‘PS – do not know’ ($B = 1.547, p < 0.001$) was significant.

Table 4: Linear regression models on the impact of PIL on compliance

| | General Rule Acceptance | | Personal Rule Acceptance | | Return Intention in 12 months | |
|------------|----------------------------|--------------------|-----------------------------|------------------|-------------------------------|------------------|
| | Model 1 | Model 2 | Model 1 | Model 2 | Model 1 | Model 2 |
| (Constant) | -.727 (2.069) | -.1.103 (2.177) | 4.634 (2.259) | 3.160 (2.356) | 1.538 (1.354) | 1.140 (1.397) |

| | | | | | | |
|---------------------|-----------------|------------------|-----------------|-------------------|-----------------|---------------------|
| PIL | .728 (.539) | .862 (.532) | -.386 (.590) | -.144 (.577) | -.043 (.353) | -.019 (.341) |
| Collectivism | .031 (.030) | .048 (.030) | -.051 (.033) | -.029 (.033) | -.001 (.020) | -7.590E-5 (.020) |
| Interaction term | -.007 (.008) | -.010 (.008) | .010 (.009) | .006 (.008) | .000 (.005) | .000 (.005) |
| Age | | -.106* (.048) | | -.017 (.053) | | .058 (.031) |
| Male | | -.013 (.205) | | .222 (.223) | | .112 (.132) |
| Highly educated | | -.048 (.334) | | .123 (.362) | | -.119 (.214) |
| More than 1 year | | -.530* (.205) | | -.473* (.224) | | -.002 (.132) |
| PS str. agree | | 1.208 (.617) | | 1.331* (.669) | | -.115 (.395) |
| PS agree | | -.201 (.806) | | -1.309 (.873) | | -.319 (.516) |
| PS do not know | | .290 (.537) | | .704 (.581) | | 1.547*** (.343) |
| PS disagree | | .799* (.340) | | 1.185** (.369) | | .265 (.217) |
| R ² | .058 | .176 | .085 | .215 | .009 | .169 |
| Adj. R ² | .039 | .113 | -.066 | .154 | -.010 | .105 |
| N | 155 | 152 | 154 | 151 | 154 | 151 |

Note: OLS regression coefficients with standard errors in brackets.

***p < 0.001, **p < 0.01, *p < 0.05

Based on this exploratory analysis of the effects of PIL, collectivism, and their interaction on the three dimensions of compliance, it becomes clear that PIL does not supersede PPJ as a determinant of compliance in the context of asylum seekers.

Perceived Distributive Justice

When analysing PDJ (see Table 5 below), the findings show its impact to be positive and statistically significant on the return dimensions 'Personal rule acceptance' ($B = 1.982$, $p <$

0.05) and ‘Return intention in 12 months’ ($B = 1.003, p < 0.05$). Notably, the impact of PDJ on these two dimensions remained significant even after introducing the control variables, respectively ($B = 1.991, p < 0.5$); ($B = 1.003, p < 0.5$). The effect of collectivism was also positive and, in some models, significant at the 0.5% threshold ($B = .055, p < 0.05$); ($B = .028, p < 0.05$).

Table 5: Linear regression models on the impact of PDJ on compliance

| | General Rule Acceptance | | Personal Rule Acceptance | | Return Intention in 12 months | |
|---------------------|----------------------------|--------------------|-----------------------------|-------------------|-------------------------------|--------------------|
| | Model 1 | Model 2 | Model 1 | Model 2 | Model 1 | Model 2 |
| (Constant) | .680 (1.535) | .926 (1.528) | -.770 (1.737) | -2.006 (1.715) | -.522 (.930) | -1.304 (.890) |
| PDJ | .548 (.756) | .383 (.721) | 1.982* (.834) | 1.991* (.792) | 1.003* (.459) | 1.088* (.421) |
| Collectivism | .014 (.022) | .017 (.021) | .048 (.025) | .055* (.024) | .026 (.013) | .028* (.012) |
| Interaction term | -.003 (.011) | .000 (.011) | -.031* (.012) | -.031** (.012) | -.015* (.007) | -.017** (.006) |
| Age | | -.094 (.049) | | .018 (.053) | | .083** (.029) |
| Male | | -.056 (.203) | | .271 (.223) | | .120 (.120) |
| Highly educated | | -.012 (.342) | | .552 (.363) | | .177 (.195) |
| More than 1 year | | -.708*** (.202) | | -.585** (.221) | | .062 (.119) |
| PS str. agree | | 1.169 (.613) | | 1.493* (.670) | | -.037 (.361) |
| PS agree | | -.203 (.796) | | -1.167 (.871) | | -.348 (.469) |
| PS do not know | | .064 (.532) | | .658 (.581) | | 1.706*** (.313) |
| PS disagree | | .981** | | 1.033** | | .160 |

| | | (.349) | | (.372) | | (.200) |
|---------------------|------|--------|------|--------|------|--------|
| R ² | .047 | .195 | .056 | .204 | .034 | .241 |
| Adj. R ² | .028 | .131 | .036 | .140 | .014 | .181 |
| N | 150 | 147 | 150 | 147 | 151 | 148 |

Note: OLS regression coefficients with standard errors in brackets.

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

After disaggregating the mean score of PDJ, it was found that only 'dist. justice 2' yielded statistically significant results.

Crucially, however, the interaction term produced a negative moderating effect in almost all models and was also statistically significant on 'Personal rule acceptance' ($B = -.031, p < 0.5$); ($B = -.031, p < 0.01$) and 'Return intention in 12 months' ($B = -.015, p < 0.05$); ($B = -.017, p < 0.01$). Put differently, this interaction term showed that the effect of PDJ on 'Personal rule acceptance' and 'Return intention in 12 months' somewhat decreased as collectivism increased – a result that was statistically significant on both the 0.05% and 0.01% significance thresholds.

The impact of the control variables on the return indicators, like in the previous tables, was shown to be statistically significant as well. For 'General rule acceptance', the impact of the controls 'More than 1 year' ($B = -.708, p < 0.001$) and 'PS – disagree' ($B = .981, p < 0.01$) were significant. With 'Personal rule acceptance', the controls 'More than 1 year' ($B = -.585, p < 0.01$), 'PS – strongly agree' ($B = 1.493, p < 0.05$), and 'PS – disagree' ($B = 1.033, p < 0.01$) were significant. Finally, the controls 'Age' ($B = .083, p < 0.01$) and 'PS – do not know' ($B = 1.706, p < 0.001$) had a statistically significant effect on 'Return intention in 12 months'.

Furthermore, to fully explore the significance behind PDJ, multiple regressions tests were separately conducted on the two items of distributive justice. This found that only the regressions including 'dist. justice 2' yielded significant results, which had greatly contributed to the statistically significant effects displayed by the mean score of PDJ in table 5. Specifically, the impact of the item 'dist. justice 2' was significant towards 'Personal rule acceptance' ($B = 1.651, p < 0.01$) and 'Return intention in 12 months' ($B = .631, p < 0.05$). In addition, collectivism only had a significant impact on 'Personal rule acceptance' ($B = .067, p$

< 0.05), while the interaction term was significant towards the indicators ‘Personal rule acceptance’ ($B = -.025, p < 0.01$) and ‘Return intention in 12 months’ ($B = -.010, p < 0.05$)⁶.

5 | Discussion and Conclusion

The purpose of this study was twofold: (1) to explore whether PPJ determined compliance for individuals from a non-Western background; and in doing so, (2) to challenge previous studies over the universality of PJT – the idea that individuals, irrespective of their culture, comply similarly if certain procedural standards are met. To answer the RQ, this paper chose the Dutch asylum system as its case study, and utilised two surveys from the ‘Legacy’ project. Using the data from these surveys, multiple regression analyses were performed to assess the degree to which collectivism moderated the impact of PPJ on various dimensions of return. Additionally, an exploratory approach was also employed towards investigating whether this moderating effect also applied for PIL and PDJ.

To begin, this study found that the impact of PPJ across all return dimensions was not statistically significant, with the interaction effect of collectivism also not yielding any significant results. While this warrants a rejection of this study’s hypothesis, such a rejection reveals a curious paradox. On the one hand, the lack of statistical power shown by the interaction effect suggests that PJT is valid for all individuals, irrespective of the degree of collectivism. On the other hand, however, the failure of PPJ to produce a main effect across the return indicators provides support that challenges the idea of the universality of PJT. This failure to find a main effect could be attributed to the fact that all the asylum seekers in the sample originated from collectivist countries, for instance.

Secondly, with respect to PIL, no main effect was found towards any of the return dimensions, with the interaction term also not being statistically significant. Contrary to speculation, what these findings suggest is that PIL – the perception that legal institutions deserve obedience for their simply being ‘institutions’ – did not supersede PPJ as a determinant of compliance for individuals originating from collectivist societies. Perhaps this is understandable in the context of asylum seekers – individuals who, after having felt forced to leave their country of origin, now have reasons to not blindly trust government institutions.

Thirdly, this study demonstrated that PDJ had a significant impact on the return dimensions ‘Personal rule acceptance’ and ‘Return intention in 12 months’. Similarly,

⁶ The reported significant results take account of the added control variables.

collectivism was also significant on these return dimensions, albeit after introducing the control variables. Most importantly, the moderating effect of the interaction term was shown to be significant towards the dimensions ‘Personal rule acceptance’ and ‘Return intention in 12 months’, with the item ‘*dist. justice 2*’ greatly contributing towards significance. This implies that respondents who thought the Dutch government was already accepting enough asylum seekers – and, thus, that the current asylum system in the Netherlands was fair – were more likely to feel a stronger personal obligation to leave the Netherlands and/or return to their country of origin in the upcoming 12 months. Looking back at the literature on PJT, this finding shows that it was the *valuation of outcomes* rather than whether a procedure afforded asylum seekers quality treatment, information, support, etc., that significantly predicted compliance. This finding, though revealed in an exploratory manner, goes contrary to the literature and shows that it is imprudent to universalise normative theories of compliance in general (Tyler, 1990).

Finally, the impact of some of the control variables not only proved highly important, but in most cases was even stronger and more significant towards compliance. Most notably, the impact of an asylum seeker’s age, length of stay, and perceived safety of their country of origin significantly predicted compliance.

All in all, this study reveals why universalising PJT should not be done heedlessly, highlighting the need for greater reflexivity. This study’s proposed caution against the tendency to universalise normative theories of compliance also inevitably transfers onto the other, more pernicious type of tendency – that of the state of exception vis-à-vis asylum seekers. With states of exception being the norm in Western liberal democracies, there is sufficient reason to suspect that the inner workings of such ‘states’ possibly share this same type of universalising tendency when thinking about culture. Hence, for example, the large discrepancy between, on the one hand, a Dutch migration control apparatus that metes out procedural standards of justice, and, on the other hand, a resultant noncompliance displayed by asylum seekers who refuse to return to their country of origin. Notwithstanding such conjecturing, however, there are several limitations which compromise the validity of this research and deserve discussion.

The first limitation concerns the small sample size of this research, and the fact that this study is a single case study, which give rise to generalisability issues. The second limitation of this study is over internal validity issues arising from the collectivism construct and can be described as twofold: (1) Hofstede’s (1984) cultural dimensions framework suffers from extensive criticism that it is oversimplified, reductionist, and/or static (Triandis,

2001). Importantly, some authors have argued that Hofstede's model ignores the 'fuzziness' of culture – the fact that individuals, especially in our globalised world, do not have one clear and independent culture, but rather a value set that is influenced by a many cultures (Signorini, Wiesemes and Murphy, 2009); (2) assessing aggregate levels of collectivism, as opposed to individual levels, undermines the internal validity of this study. While this method was a necessary compromise to conduct the research, this paper fully acknowledges that by doing so, it also falls into the trap of oversimplifying individuals' levels of collectivism as a reflection of the country that they originate from. Had the design of the 'Legacy' survey included an instrument which individually measured levels of individualism-collectivism, for instance, this limitation would have been mitigated. Nonetheless, despite this issue, perhaps this method was a good starting point for future research on the subject. To tackle these limitations, below are some general recommendations.

To begin with, future studies should make use of a larger sample size that encompasses multiple countries if possible. Not only will this greatly enhance generalisability, but it would also verify whether the impact of PPJ on compliance still does not produce a significant effect among collectivists, as this study concluded. Alongside this, future research should more deeply study normative theories of compliance in the context of asylum seekers, thus improving and expanding beyond this study's exploratory analysis. This should, for example, help better elucidate whether PDJ is, indeed, a more powerful predictor of compliance than PPJ for asylum seekers. Additionally, it is important that future studies address this study's issues with internal validity. This could be done by measuring individual-level cultural constructs, rather than ascribing levels of individualism-collectivism based on nationality. Alternatively, future research could utilise a different cultural framework altogether, such as the GLOBE study of cultural dimensions (House et al., 2004). Although it is uncertain that a different cultural framework would adequately address some of this study's limitations, perhaps the most important step for future cross-cultural research on asylum seekers and their conceptions of justice is the step towards in-depth qualitative research.

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Appendix

Appendix A:

Table 1. Demographic Profile of the Respondents

| Description | | Frequency | Percentage |
|--------------------------|----------------------------------|-----------|------------|
| Age Group | | | |
| Under 18 | | 8 | 1.3 |
| 18-19 | | 19 | 3.0 |
| 20-24 | | 79 | 12.6 |
| 25-29 | | 124 | 19.8 |
| 30-34 | | 123 | 19.6 |
| 35-39 | | 73 | 11.6 |
| 40-44 | | 54 | 8.6 |
| 45-49 | | 37 | 5.9 |
| 50-54 | | 21 | 3.3 |
| 55-59 | | 7 | 1.1 |
| 60-64 | | 6 | 1.0 |
| 65 or older | | 1 | .2 |
| Do not know/no answer | | 1 | .2 |
| Total valid | | 553 | 88.2 |
| Missing | | 74 | 11.8 |
| Gender | | | |
| Male | | 391 | 62.4 |
| Female | | 100 | 15.9 |
| Other | | 8 | 1.3 |
| Do not know/no answer | | 2 | .3 |
| Total valid | | 501 | 79.9 |
| Missing | | 126 | 20.1 |
| Country of Origin | Collectivism level (tool) | | |
| Afghanistan | No data | 17 | 2.7 |
| Algeria | 71 | 3 | .5 |
| Armenia | 83 | 1 | .2 |
| Azerbaijan | 72 | 2 | .3 |
| Bangladesh | 95 | 2 | .3 |
| Belarus | 52 | 1 | .2 |
| China | 57 | 3 | .5 |
| Colombia | 71 | 8 | 1.3 |
| Côte d'Ivoire | No data | 1 | .2 |
| Congo | No data | 1 | .2 |
| Egypt | 87 | 13 | 2.1 |
| Eritrea | No data | 8 | 1.3 |
| Ethiopia | 93 | 2 | .3 |
| Gambia | No data | 1 | .2 |
| Ghana | 91 | 2 | .3 |
| Iran | 77 | 45 | 7.2 |

| | | | |
|-----------------------------------|---------|-----|-------|
| Iraq | 75 | 5 | .8 |
| Jamaica | 61 | 2 | .3 |
| Jordan | 80 | 3 | .5 |
| Kazakhstan | 80 | 2 | .3 |
| Kenya | 96 | 2 | .3 |
| Kuwait | 72 | 1 | .2 |
| Lebanon | 73 | 1 | .2 |
| Libya | 83 | 5 | .8 |
| Morocco | 76 | 2 | .3 |
| Nicaragua | No data | 1 | .2 |
| Nigeria | 100 | 4 | .6 |
| Pakistan | 95 | 9 | 1.4 |
| Panama | 89 | 1 | .2 |
| Philippines | 83 | 2 | .3 |
| Russia | 54 | 18 | 2.9 |
| Saudi Arabia | 52 | 7 | 1.1 |
| Serbia | 58 | 1 | .2 |
| Seychelles | No data | 1 | .2 |
| Sierra Leone | 80 | 2 | .3 |
| Somalia | No data | 7 | 1.1 |
| South Africa | 77 | 1 | .2 |
| Sri Lanka | 65 | 1 | .2 |
| Sudan | No data | 2 | .3 |
| Syria | 65 | 144 | 23.0 |
| Tajikistan | No data | 1 | .2 |
| Trinidad and Tobago | 75 | 2 | .3 |
| Turkey | 54 | 43 | 6.9 |
| Turkmenistan | No data | 2 | .3 |
| Uganda | No data | 7 | 1.1 |
| United Arab Emirates | 64 | 4 | .6 |
| Uzbekistan | No data | 1 | .2 |
| Yemen | No data | 33 | 5.3 |
| Zimbabwe | No data | 1 | .2 |
| Total valid | | 428 | 69.14 |
| Missing | | 191 | 30.86 |
| Education | | | |
| No formal education | | 16 | 2.6 |
| Primary school | | 55 | 9.3 |
| Secondary school (MBO) | | 58 | 9.3 |
| Secondary school (High school) | | 105 | 16.7 |
| University level education | | 255 | 40.7 |
| Total valid | | 489 | 78.0 |
| Missing | | 138 | 22.0 |
| Asylum status | | | |
| Approved | | 56 | 8.9 |

| | | |
|-------------------------------------|------------|-------------|
| Do not know/refusals/missing | 321 | 51.2 |
| Pending | 216 | 34.4 |
| Rejected | 34 | 5.4 |
| Total valid | 627 | 100 |
| Missing | 0 | 0 |
| Years in the Netherlands | | |
| Less than 1 year | 301 | 48.0 |
| 1 to 2 years | 104 | 16.6 |
| 2 to 5 years | 81 | 12.9 |
| 5 to 10 years | 8 | 1.3 |
| More than 10 years | 2 | .3 |
| I no longer live in the Netherlands | 2 | .3 |
| Do not know/no answer | 1 | .2 |
| Total Valid | 499 | 79.6 |
| Missing | 128 | 20.4 |

Appendix B:

Reflections on the fieldwork

During the fieldwork for the second round of the ‘Legacy project’, there were a few poignant observations that deserve some reflection. The first of these observations came during the handing-out of the flyers for participation in the survey.

While perhaps it was expected that the vast majority of asylum seekers would express reservations at the thought of participating in the survey, what was most striking were the inter-group differences in terms of how different groups responded to being approached for the survey. Some people, more voluntarily than others, saw the survey as an opportunity to make their voices heard, and if that were an overstretch, they were more hopeful than others. For other people, however, and in particular people originating from Syria, the popular sentiment surrounding the thought of being interviewed was heavily imbued with cynicism and distrust. One asylum seeker from Syria explained it to me quite simply: ‘We come from a place where freedom of expression was not encouraged’. Perhaps, this residual feeling of not being able to express oneself without consequences was something which largely determined some asylum seekers’ reactions to being asked to participate in the survey. On different occasions, moreover, humour was displayed by some asylum seekers to dispel any ‘magical idea’ that one’s contribution would mean anything. Interesting and varied were the ways in which some individuals perceived the merits of participating in the survey.

The second important observation came during the interview focus groups that were being led by Dr. Leerkes. Diverse sentiments were expressed in those focus groups, with the predominant one being dissatisfaction with the bureaucratic apparatus of the asylum procedure. Some interviewees expressed dismay at the arbitrariness of the procedure. ‘Why was my friend, whom I arrived with at the same time and shared similar circumstances with, approved within two months, while I have been waiting here for over a year?’ was a common statement made by some interviewees.

For others, the lengthy waiting times and lack of updates from the IND regarding one’s process were aspects of great perturbation; aspects which, with their ambiguity and uncertainty, worsened some of the interviewees mental health. These problems, some would go on to claim, re-rendered their perceptions of the authorities as somewhat biased, if not outright negligent.

Taken together, the criticisms set forth by the interviewees during the focus groups are emblematic of what is termed ‘Kafkaesque bureaucracy’ (Clegg et al., 2016) – the

condition wherein those individuals subject to bureaucracy are caught up in a spiderweb of never-ending bureaucratic loopholes, the workings of which they find very hard to understand (Garud and Kumaraswamy, 2005). From such a description, the link between Kafkaesque bureaucracy and mental health deterioration becomes easy to locate. It is with urgency that the problems wrought upon asylum seekers – from the impersonality of bureaucracies, to take one example – needs to be resolved. An interviewee, with striking clarity and bemusement, simply entreated for the following, claiming that this would greatly improve asylum seekers' mental health: 'Why does the IND not at least provide que numbers? That way, we can be reassured of our position in the procedure, as well as how long we would have to wait, before becoming increasingly insecure and worried about our futures'.

Appendix C:

List of fourteen item questions that measure PPJ

1. 'During my asylum procedure, the institutions involved gave me good information on how the asylum procedure works in the Netherlands' (good information).
2. 'During my asylum procedure, the institutions involved gave me good information in writing on how the asylum procedure works in the Netherlands' (good information in writing).
3. 'During my asylum procedure, the institutions gave me enough information about updates on my asylum application' (information on updates).
4. 'During my asylum procedure, I had enough opportunity to explain my situation to the IND' (opportunity to explain own situation).
5. 'The IND carefully and thoroughly researched my asylum claim' (careful and thorough research).
6. 'I think that the Dutch asylum system ensures an objective and unprejudiced decision-making process' (objective decision making).
7. 'People who support my asylum case (e.g. lawyers, nongovernmental organizations, and friends) think that the Dutch asylum procedure is fair' (personal network finds asylum fair).
8. 'If I have a question about my asylum application, the institutions involved can help me find answers' (help to find answers).
9. 'If I have a problem or a complaint about my asylum procedure, the institutions involved can help me find a solution' (help to find a solution).
10. 'Generally, I feel that I am treated respectfully and politely by professional staff involved during my asylum procedure' (treated with respect).
11. 'In my opinion, professional staff involved during my asylum procedure generally really listen to me' (be listened to).
12. 'In my opinion, professional staff involved during my asylum procedure generally try to be helpful and flexible to meet my individual needs' (helpful and flexible).
13. 'In my opinion, professional staff involved during my asylum procedure are generally sensitive to the different cultural needs of asylum seekers' (sensitive to cultural needs).
14. 'I have/had access to the health care I need during the asylum procedure' (access to health care).

Appendix D:**Table 2:** Correlation matrix

| | GI | GIW | IU | OES | CTR | HFA | HFS | ODM | PNF | TWR | BLT | HF | SCN | AH |
|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| GI | 1.000 | .714** | .492** | .401** | .356** | .408** | .441** | .394** | .408** | .492** | .491** | .390** | .367** | .422** |
| GIW | .714** | 1.000 | .408** | .458** | .436** | .387** | .412** | .358** | .374** | .451** | .469** | .422** | .314** | .392** |
| IU | .492** | .408** | 1.000 | .388** | .432** | .504** | .552* | .312** | .301** | .264** | .352** | .282** | .250** | .368** |
| OES | .401** | .458** | .388** | 1.000 | .529** | .327** | .361** | .428** | .484** | .315** | .401** | .380** | .177** | .313** |
| CTR | .356** | .436** | .432** | .529** | 1.000 | .425** | .475** | .336** | .421** | .235** | .308** | .313** | .214** | .220** |
| HFA | .408** | .387** | .504** | .327** | .425** | 1.000 | .690** | .327** | .322** | .221** | .250** | .249** | .196** | .246** |
| HFS | .441** | .412** | .552* | .361** | .475** | .690** | 1.000 | .441** | .433** | .220** | .293** | .321** | .228** | .284** |
| ODM | .394** | .358** | .312** | .428** | .336** | .327** | .441** | 1.000 | .553** | .420** | .357** | .326** | .319** | .278** |
| PNF | .408** | .374** | .301** | .484** | .421** | .322** | .433** | .553** | 1.000 | .433** | .375** | .439** | .364** | .376** |
| TWR | .492** | .451** | .264** | .315** | .235** | .221** | .220** | .420** | .433** | 1.000 | .735** | .607** | .600** | .497** |
| BLT | .491** | .469** | .352** | .401** | .308** | .250** | .293** | .357** | .433** | .735** | 1.000 | .761** | .591** | .510** |
| HF | .390** | .422** | .282** | .380** | .313** | .249** | .321** | .326** | .439** | .607** | .761** | 1.000 | .674** | .421** |
| SCN | .367** | .314** | .250** | .177** | .214** | .196** | .228** | .319** | .364** | .600** | .591** | .674** | 1.000 | .367** |
| AH | .422** | .392** | .368** | .313** | .220** | .246** | .284** | .278** | .376** | .497** | .510** | .421** | .367** | 1.000 |

* $p \leq .05$; ** $p \leq .01$

GI = Good Information; GIW = Good Information in Writing; IU = Information on Updates; OES = Opportunity to Explain own Situation; CTR = Careful and Thorough Research; HFA = Help with Finding Answers; HFS = Help with Finding Solutions; ODM = Objective Decision Making; PNF = Personal Network Finds Asylum Fair; TWR = Treated with Respect; BLT = Be Listened to; HF = Helpful and Flexible; SCN = Sensitive to Cultural Needs; AH = Access to Healthcare

Appendix E:



CHECKLIST ETHICAL AND PRIVACY ASPECTS OF RESEARCH

INSTRUCTION

This checklist should be completed for every research study that is conducted at the Department of Public Administration and Sociology (DPAS). This checklist should be completed *before* commencing with data collection or approaching participants. Students can complete this checklist with help of their supervisor.

This checklist is a mandatory part of the empirical master's thesis and has to be uploaded along with the research proposal.

The guideline for ethical aspects of research of the Dutch Sociological Association (NSV) can be found on their website (http://www.nsv-sociologie.nl/?page_id=17). If you have doubts about ethical or privacy aspects of your research study, discuss and resolve the matter with your EUR supervisor. If needed and if advised to do so by your supervisor, you can also consult Dr. Bonnie French, coordinator of the Sociology Master's Thesis program.

PART I: GENERAL INFORMATION

Project title: Fairness for all? The limits of procedural justice

Name, email of student: Ali Basha, 708862ab@eur.nl

Name, email of supervisor: Dr. Arjen Leerkes, leerkes@essb.eur.nl

Start date and duration: 23-03-2023 to 04-08-2024

Is the research study conducted within DPAS YES - NO

If 'NO': at or for what institute or organization will the study be conducted?
(e.g. internship organization)

PART II: HUMAN SUBJECTS

1. Does your research involve human participants. YES - NO

If 'NO': skip to part V.

- NO If 'YES': does the study involve medical or physical research? YES -

Research that falls under the Medical Research Involving Human Subjects Act ([WMO](#)) must first be submitted to [an accredited medical research ethics committee](#) or the Central Committee on Research Involving Human Subjects ([CCMO](#)).

2. Does your research involve field observations without manipulations that will not involve identification of participants. YES -
NO

If 'YES': skip to part IV.

3. Research involving completely anonymous data files (secondary data that has been anonymized by someone else). YES - NO

If 'YES': skip to part IV.

PART III: PARTICIPANTS

1. Will information about the nature of the study and about what participants can expect during the study be withheld from them? YES - NO
2. Will any of the participants not be asked for verbal or written 'informed consent,' whereby they agree to participate in the study? YES - NO
3. Will information about the possibility to discontinue the participation at any time be withheld from participants? YES - NO
4. Will the study involve actively deceiving the participants? YES - NO
Note: almost all research studies involve some kind of deception of participants. Try to think about what types of deception are ethical or non-ethical (e.g. purpose of the study is not told, coercion is exerted on participants, giving participants the feeling that they harm other people by making certain decisions, etc.).
5. Does the study involve the risk of causing psychological stress or negative emotions beyond those normally encountered by participants? YES - NO
6. Will information be collected about special categories of data, as defined by the GDPR (e.g. racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a person, data concerning mental or physical health, data concerning a person's sex life or sexual orientation)? YES - NO
7. Will the study involve the participation of minors (<18 years old) or other groups that cannot give consent? YES - NO
8. Is the health and/or safety of participants at risk during the study? YES - NO
9. Can participants be identified by the study results or can the confidentiality of the participants' identity not be ensured? YES - NO
10. Are there any other possible ethical issues with regard to this study? YES - NO

If you have answered 'YES' to any of the previous questions, please indicate below why this issue is unavoidable in this study.

The possible ethical issues that might arise with respect to this study pertain to issues of emotional distress and/or psychological distress. Importantly, however, the data that was eventually used for the study was primarily quantitative in nature, and retrieved from an already existent dataset.

What safeguards are taken to relieve possible adverse consequences of these issues (e.g., informing participants about the study afterwards, extra safety regulations, etc.).

Participants will be informed about they are always able to withhold information or withdraw from the interview altogether.

Are there any unintended circumstances in the study that can cause harm or have negative (emotional) consequences to the participants? Indicate what possible circumstances this could be.

The possible unintended circumstances could be that participants might relive negative (emotional) memories from their pre-migration and/or en route migration to the Netherlands.

Please attach your informed consent form in Appendix I, if applicable.

Continue to part IV.

PART IV: SAMPLE

Where will you collect or obtain your data?

Data will be gathered from a study by Torres et al. (2022) on the Legacy project, which assessed asylum seekers experiences with the Dutch asylum procedure.

Additionally, trips will be made to the Asylum centre in Dronten where the second round of the 'Legacy project' will take place in the upcoming weeks.

Note: indicate for separate data sources.

What is the (anticipated) size of your sample?

The size of the sample is 619N.

Note: indicate for separate data sources.

What is the size of the population from which you will sample?

I don't precisely know, probably somewhere between 800 to 1000 people.

Note: indicate for separate data sources.

Continue to part V.

Part V: Data storage and backup

Where and when will you store your data in the short term, after acquisition?

On my laptop, possibly a hard drive if necessary

Note: indicate for separate data sources, for instance for paper-and pencil test data, and for digital data files.

Who is responsible for the immediate day-to-day management, storage and backup of the data arising from your research?

For the quantitative data of the second round of the survey, probably Dr. Leerkes and associates involved in the Legacy project.

How (frequently) will you back-up your research data for short-term data security?

After every edit, I will back it up.

In case of collecting personal data how will you anonymize the data?

This research guaranteed anonymity of respondents from the survey design itself.

Note: It is advisable to keep directly identifying personal details separated from the rest of the data. Personal details are then replaced by a key/ code. Only the code is part of the database with data and the list of respondents/research subjects is kept separate.

PART VI: SIGNATURE

Please note that it is your responsibility to follow the ethical guidelines in the conduct of your study. This includes providing information to participants about the study and ensuring confidentiality in storage and use of personal data. Treat participants respectfully, be on time at appointments, call participants when they have signed up for your study and fulfil promises made to participants.

Furthermore, it is your responsibility that data are authentic, of high quality and properly stored. The principle is always that the supervisor (or strictly speaking the Erasmus University Rotterdam) remains owner of the data, and that the student should therefore hand over all data to the supervisor.

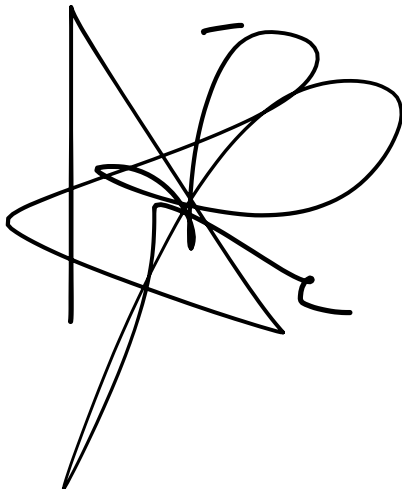
Hereby I declare that the study will be conducted in accordance with the ethical guidelines of the Department of Public Administration and Sociology at Erasmus University Rotterdam. I have answered the questions truthfully.

Name student: Ali Basha

Name (EUR) supervisor: Arjen Leerkes

Date: 23-03-2024

Date:

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned below the student's name and date.