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EXAMINING THE EFFECTS OF CULTURAL FACTORS
ON LAY DECISION MAKERS IN CRIMINAL TRIALS
IN JAPAN AND THE UNITED STATES

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Hideya Isshiki

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EXAMINING THE EFFECTS OF CULTURAL FACTORS ON LAY DECISION
MAKERS IN CRIMINAL TRIALS IN JAPAN AND THE UNITED STATES

By

Hideya Isshiki

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ABSTRACT

EXAMINING THE EFFECTS OF CULTURAL FACTORS ON LAY DECISION MAKERS IN CRIMINAL TRIALS IN JAPAN AND THE UNITED STATES

By

Hideya Isshiki

This research examined the effects that cultural elements have on hypothetical lay judge deliberation processes. Inclination toward harmony and vulnerability to social status are regarded as cultural elements expected to have significant effects on the deliberations in the new 'lay judge' system in Japan. In this research, the effects of cultural elements were examined through assertiveness, aggregated scores of respondents' confidence and comfort at sticking to their viewpoints while confronting other lay judges (jurors) who may have different social statuses, or at the expense of group disharmony. Data were collected through self-administered questionnaires from university students in Japan and in the United States.

Results indicate that Japanese students tended to lose their assertiveness more than American students when confronting other lay judges. The results also substantiate what many scholars have already found, that the interdependent construal of self was dominant in Japan, but it only had interaction with inclination toward harmony for American students and it did not have any interaction with the effects of cultural factors concerned by scholars for Japanese students. Among Japanese students, regression analysis revealed that knowledge of the lay judge system, motivation to participate in the system, and the perception that the system is suitable for Japanese culture lead to positive views of the lay judge system. The author concludes with research and policy implications.

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TABLE OF CONTENTS

LIST OF TABLES.....	vi
LIST OF FIGURES.....	vii
CHAPTER I: INTRODUCTION.....	1
CHAPTER II: LITERATURE REVIEW.....	4
A. Overview and feature of different systems.....	4
i. Japan's old jury system.....	4
ii. The United States.....	5
iii. Germany.....	8
iv. Japan's new lay judge system.....	11
B. Japan's new lay judge system comparing with American jury system and German mixed court system.....	13
C. Japan's culture and the lay judge system, <i>saiban-in seido</i>	15
D. Research Hypotheses.....	24
CHAPTER III: METHODOLOGY.....	27
A. Development of survey.....	27
B. Survey population and sampling procedure.....	29
CHAPTER IV: ANALYSIS.....	32
A. Overview.....	32
B. Univariate statistics.....	32
C. Bivariate analyses.....	37
i. Country Difference between American and Japanese students.....	37
ii. Gender Differences.....	38
D. Multivariate statistics.....	39
i. Effects of interdependent construal of self on assertiveness.....	39
ii. Effects of independent-interdependent construal of self and demographic variables on assertiveness.....	50
iii. Effects of independent variables on approval of lay judge (jury) system.....	53
iv. Effects of one's impression of professional judges on assertiveness when confronting a professional judge.....	54
CHAPTER V: CONCLUSION.....	56
A. Summary of Findings.....	56
i. Hypothesis 1.....	56
ii. Hypothesis 2.....	56

iii. Hypothesis 3.....	57
iv. Hypothesis 4.....	57
v. Hypothesis 5.....	58
B. Discussion.....	58
C. Research Implication.....	60
D. Policy Implication.....	61
E. Conclusion.....	63
APPENDICES.....	65
Appendix A. Questionnaire (English version).....	66
Appendix B. Consent form (English version).....	76
Appendix C. Details of cases (English version).....	77
Appendix D. Questionnaire (Japanese version).....	80
Appendix E. Consent form (Japanese version).....	90
Appendix F. Details of cases (Japanese version).....	91
Appendix G. A scale of independent and interdependent construal of self.....	93
REFERENCES.....	95

LIST OF TABLES

Table 1. Independent variables- Mean comparisons between American and Japanese students.....	35
Table 2. Dependent variables- Mean comparisons between American and Japanese students	36
Table 3. Effects of gender difference on independent-interdependent construal of self for American students.....	38
Table 4. Effects of gender difference on independent-interdependent construal of self for Japanese students.....	38
Table 5. Designs for repeated-measures ANOVA.....	40

LIST OF FIGURES

Figure 1. Conceptual representations of the self	26
Figure 2. Interaction effect between “social status” and “age” on assertiveness for American students.....	43
Figure 3. Interaction effect between “interdependent construal of self” and “group” on assertiveness for American students.....	44
Figure 4. Interaction effect between “social status” and “age” on assertiveness for Japanese students.....	46
Figure 5. Interaction effect between “judge” and “group” on assertiveness for Japanese students.....	47
Figure 6. Interaction effect between “group” and “country” on assertiveness.....	49
Figure 7. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 4.....	51
Figure 8. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 8.....	52
Figure 9. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 11.....	52
Figure 10. Effects of independent variables on approval of the lay judge (jury) system.....	55

CHAPTER I

INTRODUCTION

Until now, the finding of guilt or innocence in Japan has been reserved for professional judges. This is about to change as now Japanese people face one of the biggest judicial reforms. The Japanese government decided to introduce a lay judge system that will take effect by 2009, called *saiban-in seido*, where lay people will participate in certain criminal proceedings. Trials are no longer only for court professionals.

According to Ikeda (2005), the purpose of Japan's new lay judge system is to increase the citizens' understanding of the judicial system and to enhance the legitimacy of trials by having Japanese people join criminal proceedings. As Kodner (2003) mentioned, the Japanese legal system started to lose the trust and support of citizens because of miscarriages of justice. The trust in courts in Japan had been deteriorated by revelations of misjudgments in capital punishment cases where some death row inmates were exonerated by reinvestigations of those cases (Kiss, 1999). The Judicial Reform Council (JRC), which framed this law, expected lay participation to build a bridge between the citizenry and the judiciary system.

Additionally, lay participation is expected to speed-up case processing. Some scholars have indicated that trials in Japan are described as exhaustive since very detailed information is discussed in a trial in Japan, especially in difficult and serious crime cases where lay judges will be asked to join (Ikeda, 2005; Sakamaki, 2006; Tatsuoka, 2006). Based on the idea that the burdens of citizens should be lightened as much as possible, the introduction of the new lay judge system is expected to speed up trial processes by

introducing pretrial procedures in order to reduce on-duty hours of lay judges.

Besides the advantages described above, it has been said that lay participation is one of the best ways to embody democracy in Japan (Dean, 1995; Maruta, 2004). As some researchers mentioned, since lay participation toward justice is significantly limited in Japan (Kodner, 2003; Martuta, 2004; Tokyo Bar Association, 1992), many Japanese people regard the judicial process as not a part of their lives, but existing beyond their world. The JRC attempts to rank the lay participation in trials as one of the main pillars of democracy second to voters' rights.

As shown above, the lay participation in criminal proceedings appears to have a number of benefits for the Japanese people. Achieving these goals is the ideal; however, some objections against Japan's new lay judge system were claimed by researchers both domestic and overseas (Anderson & Nolan, 2004; Katayama, 2006; Takayama, 2006). Many researchers indicated cultural factors, such as Japan's hierarchical culture or the Japanese people's inclination toward harmony, as potential causes for failure of the new system (Anderson & Nolan, 2004; Kiss, 1999).

The purpose of this research is to examine whether certain cultural elements, particularly the role of hierarchy and the inclination towards harmony play a role in hypothetical scenarios in deliberations. Two hypothetical scenarios will be asked of American and Japanese students, for which their responses, if they were one of lay judges (jurors), will be solicited. This research hopes to provide results that could inform the future workings of the new lay judge system that will be put in place by 2009.

These cultural factors will be discussed in the second half of the literature review section, for now I would like to introduce the lay judge system in Japan, *saiban-in seido*,

as well as the systems that Japan's system modeled itself after: the Anglo-American jury system represented by the United States and the Continental mixed court system represented by Germany.

CHAPTER II

LITERATURE REVIEW

A. Overview and feature of different systems

i. Japan's old jury system

Although it is not a well-known fact even for Japanese people, there was once a jury system¹ in Japan in the Meiji era. The Japanese government adopted the jury system in 1923 though the law did not go into effect until 1928 (Kiss, 1999). Japan adopted an Anglo-American style, twelve-person jury for having citizens participate in the judiciary processes as part of democratization during that era (Dean, 1995).

Many scholars pointed out that the jury system in Japan had huge flaws compared with other jury systems (Kiss, 1999; Kodner, 2003; Dean, 1995, Anderson & Nolan, 2004). For example, the court was not bound by the determinations of jurors and it could replace as many new jurors as it wanted if courts regarded the jurors' answer as unreasonable. Also, the defendants could not appeal once they had been judged by jurors and the defendants had to pay the whole or a part of jury expenses in their cases if they were convicted. Additionally, jurors had to meet the following conditions:

1. Literate Japanese male citizen, thirty years old or above,
2. Resided in the same village, town or city and paid certain amounts of direct national tax for two consecutive years or more.

Only limited people were, therefore, eligible as jurors in the old jury system (Tokyo Bar Association, 1992).

Due to these flaws, the number of cases judged by jurors kept decreasing while the

¹ In this study, the term, "jury system," mainly focused on the petit jury, not the grand jury in criminal cases.

Jury Act was effective because defendants chose to have professional judges oversee their cases. The Jury Act was suspended in 1943 because of the declining usage of the jury system and the escalation of World War II². It became clear that the Japanese government had to modify the system in order to achieve lay participation. In order to accomplish this goal, the JRC sent their members overseas to gather information about the judiciary systems in 2000³. Since Japan's new lay judge system modeled itself mainly from both the jury system in the United States and the mixed court system in Germany, it is beneficial to know how lay people participate in the judicial system in the United States and Germany in order to better understand the new judicial system in Japan.

ii. The United States

The jury system in the United States has a long history since it was implemented by the United Kingdom as a tool for conflict resolution in the Colonies. With a ground swell of anti-British feelings in the Colonies, the jury system started to play another important role as a countermeasure against authorities in order to protect one's right by using a jury of citizens, not professional judges appointed by the United Kingdom (Maruta, 1990).

In the United States, the detail of the jury system varies by state. For example, although citizens aged 18 years old or over are eligible as a juror in most states, the border line is 19 years old in Alabama and Nebraska; it is 21 years old in Mississippi and Missouri (Bureau of Justice Statistics, 1999). Compared with civil cases, however, there are more similarities in criminal cases (Jonakait, 2003). Hence, descriptions of

² http://www.nichibenren.or.jp/ja/citizen_judge/about/column2.html

³ <http://www.kantei.go.jp/jp/sihouseido/dai19/19gaiyou.html>

American jury system in this research mainly focus on the jury system for criminal cases.

Typically, jurors are randomly selected from eligible voters and twelve jurors are selected through *voir dire*, the process of winnowing out appropriate jurors. In trials, the jury judges whether the prosecution provides “facts that convince the jury ‘beyond a reasonable doubt’” (Horowitz & Kirkpatrick, 1996). In deliberation, whether the defendant is guilty or not is discussed only by jurors. Even the professional judge in the case can scarcely affect their decision though it is often said that the judge’s instruction has some effect on the jurors’ decision (i.e. Horowitz & Kirkpatrick, 1996).

Maruta (1990) stated that the first advantage of the jury system is the realization of fairer trials. In the jury history in the United States, the first role of the jury system is the deterrent against the abuse of public authority. As long as jurors are a fair cross section of the community requested by the American Constitution, the voices of jurors are considered to be voices in the community. This means that the verdict in the jury trial reflects the commonsense of the citizens in the community. The verdict is considered the community judgment (Jacobsohn, 1977).

Additionally, jury trials are good opportunities for courts to maintain good relationships with citizens because many people are supportive of the judiciary system after serving as jurors. This means that serving as jurors have an educational effect on people. The support of the jury system led to the independence of professional judges (Roscoe Pound Institute, 2001).

In the meantime, several problems in jury trials in the United States were reported by scholars (Maruta, 1990, Sakuraba, 2000; Vidmar, 1998). First, it is pointed out that jurors cannot comprehend the evidence and legal debates in trials in complex cases

(Sakuraba, 2000; Horowitz & Willging, 1991; Vidmar, 1998). In his work of the American jury system, Sakuraba (2000) pointed to the prolongation of the trial in complex cases as an important cause of this issue. As the trial continues, the evidence in the case increases. If the trial continues for a long time, therefore, the amounts of evidence exceed the limit jurors can deal with. Also, the prolongation of the trial and the increase of evidence make it difficult for jurors to remember all the information related to the trial.

Second, Sakuraba (2000) stated that emotional factors affect the decision of jurors and lead to misjudgment in the United States. Emotional factors explained around 70 % of the difference of opinion between professional judges and jurors (Kalven & Zeisel, 1966). Sakuraba (2000) mentioned that jury consulting firms played an important role in making the difference between professional judges and jurors. For these reasons, although other researchers claimed that there is no difference between professional judges and jurors as fact finders (i.e. Lempert, 1992), Sakuraba (2000) reported that the judge is a better fact finder compared with the jury because professional judges are less likely to be influenced by emotional factors.

Third, as Maruta (1990) mentioned, even though jurors are randomly selected from the list of voters, not every eligible juror is included in the list. Since there are many immigrants who cannot speak English well and many poorer people are not on the list, the jury pool does not truly represent the community.

Fourth, since the defendant has a right to choose the jury trial or the bench trial, once the defendant decides to take a bench trial, the professional judge has discretion in sentencing in the case. That is, lay people cannot restrict the professional judge's

discretion (Langbein, 1981).

Finally, the cost of the jury trial and the time for the trial are important concern. This is partially because of the complexity of cases in jury trials. Most criminal cases in the United States are resolved by plea bargaining or bench trials. Only controversial cases, therefore, go to jury trials. It may not be exaggeration, therefore, to say that most of the jury trials are somewhat complex. It is reasonable to assume that a trial takes more time in complex cases. It is also reasonable to say that the cost of the trial rises as the trial takes longer.

iii. Germany

Germany adopted a jury system similar to the American jury system in the past. However, due to dissatisfaction with the system, it was abolished in 1924 (Langbein, 1981). There are two different forms of mixed courts depending on the level of crime. “The first type, *Schoffengericht*, consists of one professional judge and two lay judges who hear cases dealing with misdemeanors, serious petty infractions, and non-serious felonies, The other type, *Landgericht*, is comprised of two lay judges and, depending upon the circumstances two or three professional judges” (Kodner, 2003, p247).

In Germany, the results of trials tend to be more predictable compared with the United States due to pretrial presentation. There are burdens of proof to neither the prosecution nor the defense, but to the court. “In order to convict, the court must satisfy itself of the truth of the charges after taking the relevant evidence, including that requested by prosecution and defense” (Langbein, 1981, p201). The presiding judge can conduct both an examination and a cross-examination to gather enough information (Langbein, 1981).

In a mixed court system, lay people participate in the sentencing process after the defendant's guilt is established. In deliberation, two-thirds majority rule is taken if the decision is disadvantageous to the defendant in both verdict and sentence. In a case judged by two lay people and three professionals, therefore, four of five judges have to agree with the guilty verdict.

The election of lay judges is conducted every five years. That is, lay judges serve for five years⁴. The election is divided by two processes. In the first process, local public authorities make a list of candidates aged from 25 to 70 years old. There are two ways to make this list. One way is a random selection from all residents in the community. The other way is a selection based on the recommendations of local organizations and political parties. In the second process, a selection commission chooses enough lay judges for the next four years. Traditionally, members of the selection commission reflect the power of each party in the local assembly, such as the number of the delegates of each party (Maruta, 2000a).

One of the advantages of the mixed court system in Germany is the speed of the trial. The impartial pretrial presentation and the professional judge's strong initiative in the trial speed up the legal procedure in Germany. Another advantage is the broadness of lay participation. Since lay people discuss not only the verdict but also the sentence with professional judge(s), the system broadens the role of lay judges. In addition to these advantages, professional judges' participation in deliberation can be an advantage for lay judges. The professional judges' instruction or explanation can be helpful for lay judges in order to understand legal discussion and complex evidence (Langbein, 1981).

⁴ Although the term of lay judges was formerly four years, it was amended in 2005 (Kato, 2006).

There are some disadvantages in the German legal system. First, the presiding judge has so much power in a trial. The professional judge's power considerably surpasses the power of lay judges. According to Kodner (2003), the lay judges can play only marginal roles, while the professional judge(s) play the central role in criminal proceedings because only professional judges have access to the dossier. Moreover, the mixed court system has been criticized for the risk that lay judges follow the professional judges' opinion (Saito, 2001). The results of the study by Casper and Zeisel (1972) give a support of this criticism. In their study, even though there were disagreements between professional and lay judges (6.5 percent of the cases), lay judges' voting against professionals changed only 1.4 percent of the outcome of all cases they studied. Taking into account the fact that jurors in the United States reached a verdict which is different from that of the presiding judge in 22 percent of all cases in Kalven and Zeisel's (1966) study, it can be said that lay judges have relatively less influence on a verdict.

This comparison, however, should be considered with caution because of several reasons as Langbein (1981) pointed out. For example, properties of those cases are different between those two studies. Jurors tend to deal with relatively controversial cases because of the application of plea bargaining compared with lay judges in Germany. The ratio of disagreement between jurors and presiding judges becomes high in the United States. That is to say, it is a hasty decision to judge the importance of lay participation between America and Germany by the data Casper and Zeisel used due to the institutional difference between those countries.

Another disadvantage of German mixed court system is the way lay judges are elected. Although it varies by region in Germany, the list of candidates for new lay

judges can be based on the recommendation from local organizations or political parties as mentioned above. Since the candidates are not randomly selected in that case, it is impossible to say that lay judges represent the community. It is unreasonable to guess that the candidates recommended by others are the poor or minorities. Additionally, since candidates are recommended by political parties and the member of selection commission is influenced by political power in local assembly, it may be possible to say that lay judges are influenced by political parties. If so, lay judges are no longer independent. The lay judge can be regarded as just a representative of a political party.

iv. Japan's new lay judge system

After the jury system in Japan was abolished in 1943, lay participation in the judiciary process was strongly restricted. In other words, the legal process was only for professionals. In 1999, the JRC was established in order to create a new judiciary system, utilize citizens easily, and to allow citizens to play an active role in the system⁵. In 2001, after multiple discussions over two years, the JRC submitted a proposal for introducing a new lay judge system, called *saiban-in seido*. In response to this proposal, Committees for Recommendations for Judicial Reform were founded in 2001. After further discussion, the committees collected ideas from citizens, legal professionals, and mass media. Finally, a bill for a lay judge system was passed into law in the Diet on May 21st, 2004.

In order to lighten the burdens of citizens, the target of this new system is restricted to serious criminal cases. The cases judged under the new system must meet the following conditions:

⁵ <http://www.kantei.go.jp/jp/sihouseido/990803dai1.html>

1. The cases to which heavy statutory penalties are attached, such as the death penalty or life imprisonment⁶,
2. where the defendant allegedly murdered the victim on purpose,
3. where the lay judges carry out their tasks without the risk of being attacked because of their involvement of the case.

Under the new system, there is no distinction between whether the defendant admits the facts constituting the offense charged. That is, the indication that Japan's criminal justice system puts too much emphasis on defendants' confession (Kodner, 2003) is no longer applicable in serious criminal cases. Additionally, the defendant of serious cases cannot choose being judged by only professional judges contrary to the previous jury system in Meiji era.

The lay judges are randomly selected from a pool of eligible voters, aged 20 years or more, contrary to the Japan's old jury system where the eligibility was restricted to men aged 30 years old or more. Although any voter can be selected as a lay judge, there are some restrictions on the eligibility. Individuals cannot work as a lay judge by the following conditions:

1. failure to complete compulsory education,
2. a criminal conviction resulting in imprisonment or more severe penalties,
3. inability to carry out the task as a lay judge due to mental or physical disorder,
4. holding a legislative or governmental administrative office,
5. legal expert or a member of the judiciary including lawyers,
6. currently under prosecution for the crime for which imprisonment or more severe punishments are attached,
7. involvement as an arrestee, a detainee, a defendant, or a plaintiff in another

⁶ For example, murder, robbery resulting in death or bodily injury, arson, rape cases are subject to lay judge trials.

case, and

8. status as involved parties of the case.

In addition to the conditions, the court screens out those who would allegedly judge the case unfairly.

In the new system, the defendant is judged by three professional judges and six lay judges in principle. The chief of the judiciary panel is selected from the professional judges. One professional judge and four lay judges may discuss the case if the court decides that the case is appropriate for smaller judicial panel considering the circumstances, such as no dispute on the facts constituting the offense charged.

Recognizing facts related to the case, applying laws and ordinances, and determining sentence are the tasks that will be given to the lay judges as well as the professional judges. Other decisions, such as interpretations of laws and decisions about the criminal proceedings are discussed only by the professional judges. That is, lay participation is limited to certain areas in a trial. It is because those decisions discussed only by professional judges require the expert and technical knowledge of laws.

In deliberation, the professional judges discuss the case with lay judges in a way similar to the German mixed court system. The decision of the judiciary panel is by majority opinion of the members of the panel, which shall include a professional judge and lay judges. A vote of a lay judge has the same weight as that of a professional judge (Ikeda, 2005).

B. Japan's new lay judge system comparing with American jury system and German mixed court system

As stated above, Japan's new lay judge system is a mixture of Anglo-American jury system and Continental mixed court system. The selection process of lay judges is

modeled itself, mainly, after the American jury system so that lay judges represent the community. Unlike Germany, political influence in Japan is limited because of the random selection of lay judges. In deliberation, not only lay judges but also professional judges participate in the discussion like in a mixed court system. This will be beneficial especially in complex cases to maintain the quality of the trial.

The ratio of lay judges to professional judges was a controversial topic when JRC decided the form of the judiciary panel. The numbers of lay judges in the judiciary panel suggested by the members of JRC were roughly classified into three groups: three to four, five to six, and nine to twelve lay judges. Eventually, six lay judges style was selected to maintain the smoothness of the trial and better reflect the community values.

Numerous scholars indicated that the number of lay judges affects the success and failure of lay participation in court system (Fujita, 2003; 2005; Saks & Marti, 1997). In their study of the American jury system, Saks and Marti (1997) concluded that 12 jurors are more likely to include minorities in the community and to recall trial testimony and evidence in comparison to the 6-person jurors. The positive effect of increasing lay people in a trial is also reported in Japan. Fujita (2005) reported that legal professionals evaluated lay participants positively as the number of lay participants increased in mock trials. Additionally, lay participants in mock trials were more likely to support judiciary panels that contain two or three times as many lay judges as professional judges (Fujita, 2003). Despite the benefits, Saks and Marti (1997) reported that the more lay people participating in the deliberation, the more time it takes to reach an agreement. Thus, the JRC decided that 3 professional judges and 6 lay judges are appropriate form in order to ensure smoothness and a reflection of commonsense in the trial.

In addition to the structure of the judiciary panel, the decision rule in deliberation was another debated point. Although the majority rule is dominant in mixed court system in the world, we cannot overlook majority voting rules' risk as pointed by Anderson and Nolan (2004). The authors were concerned that lay judges, whose opinions are not adopted in deliberation, may feel that their participation is not important for the system. Thus, citizens may lose their zeal for the participation in the system. Contrary to majority voting rules, Nemeth (1977) reported that jurors tended to reach full-consensus through deliberation with unanimous voting rules. Unanimous voting also gives jurors more confidence in verdicts and they feel the defendant was duly judged.

Unanimous voting rule has drawbacks, too. With this decision rule, the time of deliberation taken in a trial will increase. Unanimous voting also increases the risk of a hung jury (Martin, Kaplan, and Alamo, 2003). Additionally, previous studies indicated that the differences of voting rules do not have a strong impact on the verdict (Martin, Kaplan, and Alamo, 2003; Nemeth, 1977). In this sense, Japanese lay judge system puts the smoothness of the trial above possible psychological costs for lay participants by adopting majority decision rules as stated above.

C. Japan's culture and the lay judge system, *saiban-in seido*

Besides the structure of the judiciary panel and the voting rules, whether the lay judge system is suitable for Japanese culture is the most controversial topic. Most scholars have pointed out some facets of Japanese national character as the most important and strongest factor influencing the success and failure of the new system (Anderson and Nolan, 2004; Fujita, 2004; Kiss, 1999; Maruta, 1990; Maruta, 2000a;

Maruta, 2000b; Takayama, 2006). For example, Japanese people's inclination toward harmony and hierarchical culture can be impediments to active participation in a trial (Kiss, 1999). All of the factors of Japanese people's characteristics may be explained by cultural views of self.

Kitayama (1995) explained cultural views of self as based on a self historically shared in a certain culture. That is, the views of self are composed of underlying concepts, ideologies, images, and discourses of each culture, which are developed in the history of each culture, determine the nature of the culture including conventions, usage of words, and routinized social contexts and behavior, and also constitute social realities in daily life. Thus, cultural views of self affect most psychological processes, such as thinking, emotion, and motivation.

Based on this, Markus and Kitayama (1991) developed two distinctive construals of self focusing on the relationship between the self and others in order to explain the cultural differences. One is called *independent construal of self*, which "emphasizes the separateness, internal attributes, and uniqueness of individuals" (Singelis, 1994, p. 580). The other is called *interdependent construal of self*, which emphasizes "connectedness, social context, and relationships" (Singelis, 1994, p.580). That is, the central attribution of independent construal of self is inherent and relatively independent from any social situations, such as personality characteristics and talents. On the other hand, the core attribution of interdependent construal of self is defined in relatively specific social context such as roles or status in a group (Kitayama, 1995). The most important difference between these two construals of self is, therefore, the roles of others in self-definition. For independent self, others mainly play a marginal role in terms of

self-definition because development of self is assumed to be completed without connecting to others. Meanwhile, for interdependent self, others in a large variety of social contexts actively participate in one's self definition because the characteristics of the self are supposed to be shaped based on the relationship with others (Markus and Kitayama, 1991).

The independent construal of self is typically represented in Western cultures, especially in American culture. Meanwhile, the interdependent construal of self is illustrated in Asian cultures, especially in Japanese culture (Markus and Kitayama, 1991). This typical notion that Asian (Japanese) people are more interdependent and less independent compared with Westerners is supported by Takata's (1999) study of university students. Kitayama (1995) reviewed several studies focusing on cultural differences between Asian countries and the United States in order to show the influences of cultural views of self. For example, he introduced Triandis's (1989, 1994) studies. In the studies, participants were asked to write up to 20 sentences starting with "I am ..." and Triandis compared each cultural group based on the ratio of statements referring to social categories such as "family, ethnicity, occupation, institution, religious group, or gender" to those that did not (Triandis, 1989, p512). This ratio for Chinese people was considerably high (52%) compared with Americans (15%). This result suggests that Asian people are more likely to recognize themselves in social contexts than do Americans.

As another support for the idea that cultural views of self can explain the cultural differences between Western countries and Asian countries, Takata (1993) indicated that the interdependent construal of self was connected to the characteristics of Japanese

students found in his research. In his study, Japanese university students were more likely to use social comparison with same age peers while evaluating themselves than American students. The inclination was remarkable in the social and physical aspects of self-concept, such as sociability and appearance. Additionally, Takata (1995) reported that Japanese university students use social feedback and social comparison more often than American university students. Thus, Japanese students are more likely to be influenced by others.

Since Markus and Kitayama (1991) presented these cultural views of self, numerous scholars conducted studies about cultural differences by using these concepts (Kitayama, 1995; Markus & Kitayama, 1994; Singelis, 1994; Takata, 1993; Takata, 1995, Takata, 1999; Takata, Omoto, & Seike, 1996). That is, the full-fledged study of cultural views of self just started about a decade ago. Nowadays, there is a more widely used model, individualism-collectivism, when explaining cultural differences as opposed to independent-interdependent model.

Individualism and *collectivism* are concepts typically used to explain cultural differences. Triandis (1995) defined these concepts as followings;

Collectivism may be initially defined as a social pattern consisting of closely linked individuals who see themselves as parts of one or more collectives (family, co-workers, tribe, nation); are primarily motivated by the norms of, and duties imposed by those collectives; are willing to give priority to the goals of these collectives over their own personal goals; and emphasize their connectedness to members of these collectives. A preliminary definition of *individualism* is a social pattern that consists of loosely linked individuals who view themselves as independent of collectives; are primarily motivated by their own preferences, needs rights, and the contracts they have established with others; give priority to their personal goals over the goals of others; and emphasize rational analyses of the advantages and disadvantages to associating with others (p2).

As Takano and Osaka (1997) mentioned, the view that Japanese people are more

collective than Americans is widely accepted in both Japan and the United States. It would not be an exaggeration to say that this view is common knowledge. However, Takano and Osaka (1997) doubted this widely accepted notion. They reviewed nine previous empirical studies, which considered individualism-collectivism as one dimensional concept, the extent of individualism-collectivism was directly compared between Japan and the United States, extraneous factors were controlled, and validity was assumed to be high. As a result, they found that there was no study supporting the commonly accepted notion.

Oyserman, Coon, and Kimmelmeier (2002) also concluded that the view of Japan as collective and America as individualistic cannot be supported by meta-analyses of previous studies. In their research, they analyzed studies related to not only individualism and collectivism but also independent-interdependent construal of self and *allocentrism* (collective feature in individual) and *idiocentrism* (individualistic feature in individual) (Triandis, Leung, Villareal, & Clack, 1985). Oyserman et al. (2002) found that although Americans were more individualistic than East Asian, there was less difference than expected in the extent of inclination to individualism between Japan and the United States. More surprisingly, they found that Americans were slightly more collective than Japanese people. Although there was only a small difference between Japan and the United States, the difference was statistically significant.

Yamagishi (2002) reviewed his studies about collectivism-individualism model between Americans and Japanese people. In the first study, whether Japanese people think the benefit of the belonging group is more important than one's own benefit was checked. Results of the study revealed that Japanese people were more individualistic

than Americans. In the next study, Yamagishi compared the number of people who prefer to work alone between American and Japanese participants. As a result, Japanese people behaved more individualistically than Americans did. Thus, the commonly accepted notion that “Americans are more individualistic than Japanese people” or “Japanese people are more collective than Americans” was not supported by these studies.

According to the studies above, it seems inappropriate to explain the cultural differences between Japan and the United States by using the individualism-collectivism model. The denial of individualism-collectivism model does not lead contradiction to independent-interdependent construal of self model. Although the contents of independent-interdependent concept and individualism-collectivism concept look superficially similar, these concepts cannot be treated as such. Individualism and collectivism are concepts based on dichotomy: that is, independent individuals and the surrounding society. Individualism and collectivism are defined by which side is emphasized; individuals or the surrounding society. In this sense, both individualism and collectivism are rooted in an independent construal of self. Interdependent construal of self is a view where one verifies the meaning of one's existence by voluntarily fitting oneself into social relationships (Kitayama, 1995). That is, for interdependent construal of self, it is impossible to separate self from the surrounding others. Figure 1 shows the difference between independent self and interdependent self.

As Komiya (1999) mentioned, a self for Japanese people is more dependent on social situations than in Western countries. In this sense, the independent-interdependent model better captures Japan's social mechanism and better

explains the features of Japanese people than the individualism-collectivism model. According to Kiss (1999), inclination toward harmony and the effects of one's status can be impediments to the success of the new system in Japan. The interdependent construal of self can explain these factors. In the interdependent construal of self, one's opinion has only secondary role and "one's behavior is determined, contingent upon, and, to a large extent organized by what the actor perceives to be the thoughts, feelings, and actions of *others*" in social relationships (Markus and Kitayama, 1991, p.227). That is, individuals behave based on expectations of others and social norms rather than one's own opinion. This tendency leads Japanese people to incline toward harmony with others. Furthermore, because of Japanese history, where hierarchy played a considerably important role, Japanese people are likely to follow the opinions of others who have high status including seniority, occupation, and authority (Kiss, 1999).

As Kiss (1999) indicated, given that Japanese people emphasize the inclination toward harmony in deliberation, lay judges may not discuss or express one's opinion in front of other lay and professional judges in order to maintain harmony within a judiciary panel. As stated above, bringing the commonsense of citizens to trials is regarded as one of the most important benefits of lay participation. If each lay judge in the judiciary panel does not or cannot express his/her opinion to the other judges, the new lay judge system may end up losing the benefits it was purported to have.

Maruta (2000a) summarized the Japanese people's characteristics, which may relate to the deliberation in the new lay judge system. According to him,

1. Japanese people do not want to be separated from others;
2. do not directly oppose others' opinions;

3. do not express their opinions clearly;
4. obey elders' ideas;
5. follow the decisions of the group they belong to;
6. worry about how others look at their group;
7. are obedient to authorities;
8. understand each other without discussion;
9. yield to the powerful; and
10. are not good at debating.

Maruta (2000a) concluded that these characteristics do not affect the success of the new system because these features appear only in inner groups, which are relationships with close others. However, whether Maruta's conclusion is correct is unclear because his conclusion has not been verified by studies about the new lay judge system by means of mock trials.

As Maruta (2000a) mentioned, Japanese people are amenable to opinions of those in power. Taking into account the fact that Japan is a seniority-based country, people in Japan are deferential to seniors. This hierarchical culture in Japan can have potential negative impact on the new lay judge system. That is, it is possible that lay judges just follow professional judges' opinions without thinking seriously. Moreover, the compliance to others can occur among lay judges themselves. In other words, a lay judge may follow another lay judge who is senior or has a highly valued job in Japanese society such as a president of a company or a university professor. Thus, professional judges and high-status lay judges may have *legitimate power* in deliberation.

Legitimate power is one of the bases of social power suggested by French and

Raven (1959). *Social power* is defined as the “maximum potential ability ... to influence” someone in a system (French & Raven, 1959, p. 152). According to them, “Legitimate power of O/P is ... defined as that power which stems from internalized values in P which dictate that O has a legitimate right to influence P and that P has an obligation to accept this influence” (French & Raven, 1959, p. 159). They suggested three possible bases for this power: “cultural values”, “acceptance of the social structure”, and “designation by a legitimizing agent” (p. 160). Age and occupation for both professional and lay judges are considered to have cultural values, the primary base of legitimate power. Based on the fact that Japanese people traditionally stress seniority rule, it is predicted that Japanese people are more vulnerable to legitimate power than the Americans.

Besides, professional judges have the two bases of power. People accept professional judges’ authority because they are currently the only people who have a right to adjudge whether the defendant is guilty or not in Japan. Since professional judges are regarded as representatives of justice, they are given power by the court. Thus, there is a high possibility that, in deliberation, lay judges can be influenced by professional judges and lay judges will blindly believe that the professional judges’ opinion is correct.

Although social power has been studied for a long time, there are only a few studies where the effects of legitimate power on the Japanese lay judge system are examined. Sugimori, Kadoike, and Omura (2005) examined the effects of legitimate power created by professional judges’ opinion on the decision of lay judges. As a result, they found that participants were likely to change their opinion after professional judges’ view was presented when great deal of information about the case was presented to them.

However, this tendency was not observed when relatively simple information was provided. Therefore, professional judges have legitimate power in more complex cases. Other studies also indicated that Japanese people put more weight on professional judges' opinion (Fujita, 2004; Sugimori, 2006).

The tendency that lay people are influenced by background information rather than the content of an argument is not inherent in Japanese culture. Cooper, Bennett, and Sukel's (1996) study about the effects of the difficulty of testimony reveal that jurors judge whether the testimony is credible based on the witness's background information, such as graduating school or occupation in a complex case. In other words, Americans also can be influenced by legitimate power.

In sum, although Japanese national characteristics have been discussed in the context of Japan's new lay judge system, there are only a few empirical studies related to the features and the system. Additionally, though jury system in the United States was typically used as reference point to Japan's new lay judge system, there are not many studies where Americans and Japanese people are directly compared.

D. Research Hypotheses

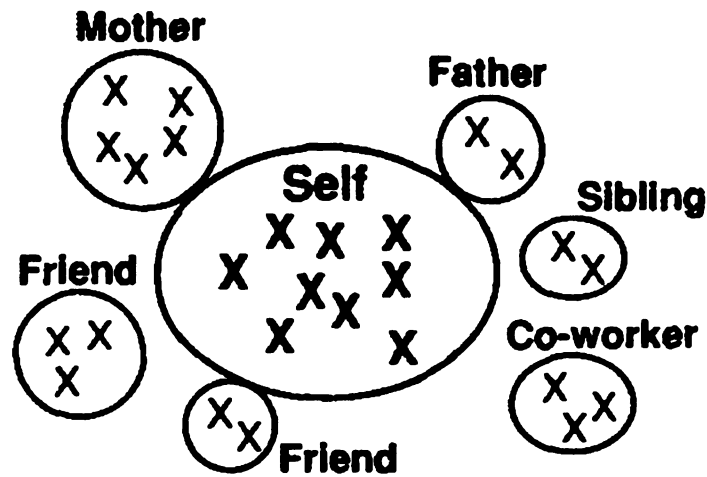
The main hypothesis in this research is that Japanese students' characteristics will negatively impact their assertiveness as one of the lay judges. In other words, it is hypothesized that Japanese students will be reluctant to express their opinions to others who have legitimate power during deliberation. Specifically, Japanese students are hesitant to oppose the opinions of others who are older or whose occupations are highly valued at the social level. In this sense, the inclination toward harmony and the effects of one's status are the most important factors in this study.

Additionally, whether the independent-interdependent model can effectively explain the cultural differences between Japan and the United States is examined. That is, the assumption that the interdependent construal of self is dominant in Japanese culture and the independent construal of self is dominant in the American culture is examined. Whether the interdependent construal of self can explain the variation of respondents' assertiveness in each case scenarios will also be examined in this study.

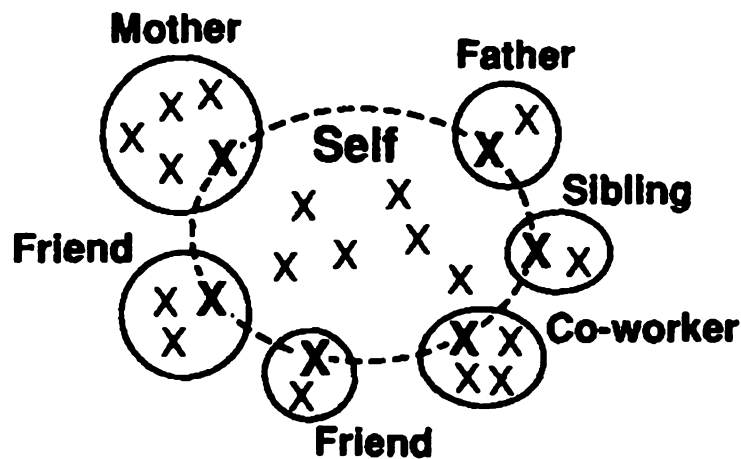
Moreover, the extent of one's trust of professional judges will also be assessed. It is expected that one's trust of professional judges affects whether one favors or does not favor the lay participation in trials. Given that one places high confidence in professional judges rather than lay judges, one probably believes lay participation is not necessary. Besides, one's reliance on professional judges can play important roles in social power. That is, the more people trust professional judges, the more professional judges have legitimate power, and the more lay judges are likely to follow professional judges' opinions blindly.

Based on these ideas, the research hypotheses in this thesis are:

1. Japanese people become less assertive than Americans when they are objected to by other lay judges who are senior, have highly valued jobs, or professional judges.
2. Interdependent construal of self is dominant in Japanese students and independent construal of self is dominant among American students.
3. Interdependent construal of self explains the extent of one's inclination toward harmony and vulnerability to others' status.
4. One's trust of professional judges has a positive relationship with the opposition to lay participation in trials.
5. One's reliance on professional judges has a positive relationship with the reluctance to oppose professional judges' opinions in deliberation.



A. Independent View of Self



B. Interdependent View of Self

Figure 1. Conceptual representations of the self (A: Independent construal B: Interdependent construal) (Markus and Kitayama, 1991)

Xs represent various facets of the self or others. The Xs, which exist in intersection between two circles in B, represent “the self-in-relation-to-others or a particular social relation” (Markus and Kitayama, 1991, p. 226). In independent construal, the various aspects of the self exist without relation to the others. That is, personal attributes mostly compose the self. Meanwhile, in interdependent construal, even though some personal attributes are included in the self, “the self-in-relation to specific others in particular context” constructs the core of the self (Markus and Kitayama, 1991, p. 227).

CHAPTER III

METHODOLOGY

A. Development of survey

In order to examine the research hypotheses for this study, a survey was developed in both English and Japanese. Although the English version and the Japanese version of the surveys were mostly similar, some questions were added to the Japanese version due to the systematic differences between Japan and the United States, such as the participation of professional judges in deliberation. Specifically, questions about professional judges in deliberations were added.

The survey consisted of four parts. In the first part, a scale for independent and interdependent construal of self (Takata, 1999) was used in order to capture the cultural differences in Japan and the United States. This scale is based on the revised scale for independent and interdependent construal of self created by Takata, Omoto, and Seike (1996) with some items modified for simplification. Although Singelis's (1994) self-construal scale has been typically used in Western countries, it was pointed out that the scale contains inappropriate items for Japanese people (Matsumoto, 1999), and therefore Takata's (1996) scale was used in this study. The original scale was invented by Takata (1993) based on the ideas of Markus and Kitayama (1991). Since there was a sign of instability in this scale (Takata, 2004), Takata et al. (1996) reconstructed the original version to consist of 20 items on a seven-point Likert scale by asking how much each statement applied to the respondent.

In the second part of the survey, the respondents were asked to answer a series of questions while they were pretending as if they were one of the lay judges deliberating a

murder case and a robbery case that resulted in an injury. Several situations were provided to respondents in order to examine the inclination toward harmony and legitimate power based on age, occupation, and gender. For example, “president in an IT company” and “university professor” were used to represent highly valued jobs; “unemployed”, “part-timer”, and “homemaker” were presented as relatively low valued work. The respondents were asked to rate their confidence and comfort level in each situation from 0% to 100% if they were confronting any of other hypothetical lay judges (jurors) (i.e., homemaker, president of IT company, etc.). In order to let the participants easily imagine the situation, two cases were provided in a separate sheet. The first case was quoted from Maruta’s (2004) example (see pp. 32-33). The second case was created by the author based on a mock trial case held by Osaka District Court (Osaka District Court, 2005).

Third, the extent of reliance on professional judges was examined on a seven-point Likert scale by asking how much the respondent agrees/disagrees with specific statements. Finally, several questions related to the new lay judge system (Japanese version) and the jury system (English version) were asked. Some demographic information including gender, age, race (English version only), majors, and the experience of serving as a lay judge in a mock trial (Japanese version) or a juror (English version) were also collected.

Of these items, respondents’ reactions toward each situation and whether respondents agree/disagree with the lay judge system (Japanese version) or the jury system (American version) were regarded as dependent variables. The extents of independent and interdependent construal of self, respondents’ trust of professional

judges, questions about the lay judge system (the jury system), and demographic factors were considered as independent variables in this study.

Since the main focus of this study is Japan's new lay judge system, the Japanese version of the survey was created first. Then, the author translated every question to English except the unique questions for the Japanese version. The translation was checked by a native Japanese person by re-translating from English to Japanese. Then, the re-translated Japanese contents were compared with the original Japanese contents. After discussion about the contents with the native Japanese person, appropriate modifications were made to the questionnaire. To assure that human rights are protected in this study, both the English and Japanese questionnaires were submitted to the Institutional Review Boards (IRBs) at Michigan State University and were approved.

B. Survey population and sampling procedure

Sample for this study were native university students in Japan and the United States. In Japan, surveys were taken at the University of Tsukuba. The same survey written in English was taken at Michigan State University in the United States. These two universities have some similarities. First, both universities are widely open to foreign students. For example, 1,221 international students total (7.5 percent of whole graduate and undergraduate students) from 88 countries enrolled in University of Tsukuba in 2006⁷ comparing with 3,526 international students total (7.7 percent of whole students) from 125 countries enrolled in Michigan State University in 2006⁸.

In addition, both universities have long histories and a relatively large school site surrounded by nature. A forerunner of the University of Tsukuba is Tokyo University of

⁷ <http://www.tsukuba.ac.jp/public/booklets/pdf-details2007/p23-p30.pdf>

⁸ http://www.oiss.msu.edu/about_stats.php

Education, which was originally founded in 1872, as one of the oldest universities in Japan⁹. Meanwhile, the Michigan State University was established in 1855 and it was the first agricultural university in the United States¹⁰.

Moreover, Tsukuba city, where University of Tsukuba is located, and East Lansing, where Michigan State University is located, are regarded as college towns. Besides, both universities are highly evaluated in *Academic Ranking of World Universities 2007* by Shanghai Jiao Tong University based on the academic or research performance of universities in the world¹¹. Based on their ranking, Michigan State University took 80th place in world ranking (47th in the United States). Meanwhile, University of Tsukuba took 115th place (8th in Japan). Therefore, for the purpose of this research, these two universities can be regarded as one of the top level universities in each country.

The surveys were given out to students in classes where distribution of the survey was approved by the instructors in charge; they were mostly distributed at the end of the classes. At the same time, consent form and the details of the cases were distributed with the survey. After a short description about the purpose of the survey, respondents were informed that they can stop answering the questions at any time in the survey without any penalty. The respondents were informed that the results will be analyzed in the aggregate so that none of their personal answers could ever be linked to them. After signing the consent form, the respondents were asked to start answering every question. The surveys were collected anytime when the respondents finished filling out the questionnaire. The same procedure was taken in Japan by a representative.

⁹ <http://www.tsukuba.ac.jp/public/booklets/bulletin/pdf/sokuho031008.pdf>

¹⁰ <http://keywords.msu.edu/a-z/viewpathfinder.asp?id=7#28>

¹¹ <http://ed.sjtu.edu.cn/rank/2007/ranking2007.htm>

The surveys were taken from June 18th to July 13th, 2007 both in Japan and the United States. As a result, data were collected from 206 students (133 American students and 73 Japanese students). Since the purpose of this survey is to capture the influence of cultural elements in Japan and the United States, 21 international students (18 students from American data and 3 students from Japanese data) were excluded from analyses. Consequently, 115 American students (49 male students and 66 female students) and 70 Japanese students (33 male and 37 female) were used for analyses. Average ages of samples are 21.79, 21.49, and 22.29 (aggregated data, American students' data, and Japanese students' data, respectively).

CHAPTER IV

ANALYSIS

A. Overview

As mentioned earlier, this thesis investigates the effects cultural factors have on deliberations among lay judges. Hypothetical scenarios were included in a self-administered questionnaire and given to university students in both Japan and the United States. Several hypotheses which examine the effects of cultural differences measured through the independent and interdependent construal of self on one's decision making process in deliberation were tested. This chapter begins with a discussion of the univariate statistics including the independent and dependent variables. Next, bivariate analyses and multivariate analyses were conducted. All analyses in this paper were performed with SPSS 11.5 for WINDOWS (SPSS Corp, Chicago).

B. Univariate statistics

Table 1 and 2 illustrate characteristics of independent and dependent variables in this study. In regard to experience as a juror (English version) or a lay judge (Japanese version), there were only four American students (3.5 percent of American students) having had experience as a juror and Japanese students in this study had never participated in a mock trial. Due to the small number of students serving as a juror, this variable was excluded from further analyses.

Variables, "independent construal of self" and "interdependent construal of self," were aggregated scores obtained from the scale of independent and interdependent construal of self. Following Takata (1999), 20 items of the scale were classified into two scales: 10 items for independent construal of self, and another 10 items for

interdependent construal of self. Cronbach's alphas as indicators of internal consistency for the scale of independent construal of self were .77, .73, and .64 (aggregated data, American students, and Japanese students, respectively). Cronbach's alphas for the scale of interdependent construal of self were .70, .69, and .43 (aggregated data, American students, and Japanese students, respectively). Although the alpha for interdependent construal of self in Japanese students' data was relatively small, the same items used in Takata's (1999) study were used for each scale to keep the consistency between the current study and Takata's previous studies.

The score of variable "independent construal of self" was obtained by adding reversed scores of every odd item. Similarly, the score of "interdependent construal of self" consisted of the sum of reversed scores of every even item (See Appendix G). Reversed scores were used instead of the scores themselves was to make it easy to interpret these variables. The direction of the variables would go from low to high, such as low independent construal of self to high independent construal of self. For the same purpose, some variables, "approval of the lay judge system," "willingness to participate in the lay judge system," "knowledge of lay judge system," "suitability of the lay judge system," "fairness of professional judges," "trust on professional judges," and "accuracy of professional judges," were counted based on reversed scores for each question. That is, if a participant answered one of the items as 1, the answer is scored as 7 in reversed scores.

As dependent variables of this research, "assertiveness" was created for each case scenario as average scores of respondents' confidence in their opinion and comfort on

insisting their opinion to other lay judges and professional judges¹² with various characteristics (Table2). “Assertiveness” indicates likelihood that respondents express their opinion while confronting other lay and professional judges⁹. For example, if one has high confidence of his/her opinion and feels comfortable on insisting his/her opinion while confronting other lay or professional judges, the one is also likely to express his/her opinion without hesitation. Because one of the concerns about introducing the lay judge system in Japan was whether the Japanese people are able to express their opinion in front of others without hesitation, “assertiveness” for each situation was used in this research as the dependent variables.

¹² Only for Japanese version

Table 1. Independent variables - Mean comparisons between American and Japanese students

Name [Range]		Coding	Aggregated				American				Japanese				t-value
			N ^a	% ^a	Mean	(S.D.)	N ^a	% ^a	Mean	(S.D.)	N ^a	% ^a	Mean	(S.D.)	
Independent Variables															
Gender	Male=0	82	44.3	.56	.50	49	42.6	.57	.50	33	47.1	.53	.50		
	Female=1	103	55.7			66	57.4			37	52.9				
Age [18-57]		185		21.79	4.26	115		21.49	4.41	70		22.29	4.00		
Experience as a lay judge ^c	No=0	181	97.8	.02	.15	111	96.5	.03	.18	0	0	0	0		
	Yes=1	4	2.2			4	3.5			70	100				
Country	American=0	115	62.2	.38	.49										
	Japanese=1	70	37.8												
Opinion to case1 (Murder)	Not guilty=0	165	90.2	.10	.30	103	91.2	.09	.29	62	88.6	.11	.32		
	Guilty=1	18	9.8			10	8.8			8	11.4				
Opinion to case2 (Robbery)	Not guilty=0	95	51.4	.47	.50	50	45	.55	.50	45	65.2	.35	.48		
	Guilty=1	85	45.9			61	55			24	34.8				
Fairness of professional judges [1-7] ^b		182		4.74	1.16	112		4.99	1.17	70		4.33	1.02	3.89 ***	
Trust on professional judges [1-7] ^b		182		4.89	1.18	112		5.09	1.10	70		4.57	1.26	2.84 **	
Accuracy of professional judges [1-7] ^b		182		3.53	1.47	112		3.42	1.54	70		3.71	1.33	-1.37	
Knowledge of lay judge system ^c [1-4] ^d		182		2.66	.68	112		2.90	.55	70		2.29	.68	6.35 ***	
Willingness to participate in lay judge system ^c [1-7] ^b		182		3.69	1.92	112		4.33	1.92	70		2.66	1.42	6.73 ***	
Adequacy for fact-finder [1-5] ^e		182		3.73	1.69	112		2.94	1.23	70		2.10	.75	5.71 ***	
Suitability of lay judge system ^c [1-7] ^b		182		4.27	1.67	112		5.21	1.13	70		2.76	1.22	13.86 ***	
Independent construal of self [10-70] ^f		180		48.94	7.76	111		52.22	6.39	70		43.44	7.08	8.48 ***	
Interdependent construal of self [10-70] ^g		180		46.93	7.32	111		44.17	7.38	69		51.38	4.54	-8.11 ***	

*: p<.05

***: p<.01

***: p<.001

^a: missing is not reported^b: low=unfavorable, high=favorable^c: For American students, questions were asked about the jury system instead of the lay judge system.^d: low=unknowledgeable, high=knowledgeable^e: low=preference for professional judges, high=preference for lay judges (jurors)^f: low=not independent, high=independent^g: low=not interdependent, high=interdependent

Table 2. Dependent variables - Mean comparisons between American and Japanese students

Name [Range]	Aggregated				American				Japanese				t-value
	N ^a	% ^a	Mean	(S.D.)	N ^a	% ^a	Mean	(S.D.)	N ^a	% ^a	Mean	(S.D.)	
Dependent Variables													
Approval of lay judge system ^b [1-7] ^c	181		4.08	1.61	111		4.98	1.03	70		2.64	1.31	12.70 ***
Assertiveness in situation1 (High Status, Young, Male, Case1)	[0-100] ^d	184	72.04	21.24	114	82.98	17.02		70	54.21	14.21		11.83 ***
Assertiveness in situation2 (Low Status, Old, Male, Case1)	[0-100] ^d	184	72.36	22.73	114	84.12	17.60		70	53.21	16.20		11.92 ***
Assertiveness in situation3 (Low Status, Young, Male, Case1)	[0-100] ^d	184	73.55	21.93	114	84.93	16.67		70	55.00	16.04		12.00 ***
Assertiveness in situation4 (High Status, Old, Male, Case1)	[0-100] ^d	184	65.00	24.60	114	78.03	19.19		70	43.79	16.27		12.43 ***
Assertiveness in situation5 (Low Status, Old, Female, Case1)	[0-100] ^d	182	72.58	21.38	112	84.28	15.68		70	53.86	15.04		12.94 ***
Assertiveness in situation6 (Judge, Case1)	[0-100] ^d								70	42.00	15.73		
Assertiveness in situation7 (Judge, Group, Case1)	[0-100] ^d								70	31.29	17.38		
Assertiveness in situation8 (Lay, Group, Case1)	[0-100] ^d	182	55.09	29.59	112	71.93	22.36		70	28.14	17.20		14.85 ***
Assertiveness in situation9 (Low Status, Old, Case2)	[0-100] ^d	181	67.60	20.63	112	75.09	20.74		69	55.43	13.47		7.73 ***
Assertiveness in situation10 (High Status, Young, Case2)	[0-100] ^d	180	63.06	23.96	111	74.68	20.61		69	44.35	15.74		11.14 ***
Assertiveness in situation11 (Group, Case2)	[0-100] ^d	180	50.32	28.30	111	65.16	22.95		69	26.45	17.85		12.65 ***
General Assertiveness across situations (1, 2, 3, 4, and 5)	[0-100] ^d	182	71.56	20.90	112	83.77	14.49		70	52.01	13.36		14.82 ***

*: p<.05

**: p<.01

***: p<.001

^a : missing is not reported^b : For American students, the question was asked about the jury system instead of the lay judge system.^c : low= unapproval, high=approval^d : low= unassertive, high=assertive

C. Bivariate analyses

i. Country Difference between American and Japanese students

In order to examine the effects of country differences between American students and Japanese students, independent samples t-tests on some independent and dependent variables were conducted. Table 1 and 2 illustrate the results of the t-tests. As a consequence of the t-tests, American students scored significantly higher than Japanese students in most of the independent variables. As expected, American students scored significantly higher than Japanese students on “independent construal of self” ($t(178)=8.48, p<.01$); Japanese students scored higher than American students on “interdependent construal of self” ($t(177.99)=-8.11, p<.01$). This result is consistent with the findings of Takata (1999).

It is important to mention that Japanese students scored lower than American students on “willingness to participate in lay judge system,” “suitability of lay judge system,” and “approval of lay judge system” ($t(174.59)=6.73, p<.01$; $t(180)=13.86, p<.01$; $t(121.52)=12.70, p<.01$; respectively). In other words, Japanese students do not appear to welcome the new lay judge system even though the system has not started yet.

At the same time, American students scored significantly higher than Japanese students on “assertiveness” in every situation at 1 percent significance level (Table 2). The results indicate that American students were more assertive than Japanese students when confronting others. It is important to note, however, that there were drops of assertiveness levels for both American and Japanese students in situation 4 (High Status, Old, Male, Case 1) when compared with situations 1 to 3. Furthermore, there were huge differences in assertiveness levels between American and Japanese students in situations 8 and 11 ($t(172.29)=14.85, p<.01$; $t(169.18)=12.65, p<.01$; respectively). For those two situations,

Japanese students had lower than 30 % of assertiveness levels (see Table 2). The reasons of these differences will be examined later.

ii. Gender Differences

Independent sample t-tests on “independent construal of self” and “interdependent construal of self” were examined by gender difference for American students and Japanese students to examine whether there were gender differences in the independent and interdependent construal of self. The results were shown in Tables 3 and 4. As a result of the t-tests, there was no significant difference between male and female students in both countries. It means that gender did not affect the scores of independent and interdependent construal of self for the Japanese and the American students.

Table 3. Effects of gender difference on independent-interdependent construal of self for American students

t-test by gender (American)						
Test Variable	Gender	N	Mean	S.D.	<i>t</i> value	<i>p</i>
Independent construal of self	Male	49	52.73	6.23	.76	n.s.
	Female	62	51.81	6.54		
Interdependent construal of self	Male	47	44.36	7.59	.23	n.s.
	Female	64	44.03	7.27		

Table 4. Effects of gender difference on independent-interdependent construal of self for Japanese students

t-test by gender (Japanese)						
Test Variable	Gender	N	Mean	S.D.	<i>t</i> value	<i>p</i>
Independent construal of self	Male	33	42.03	7.14	-1.59	n.s.
	Female	37	44.70	6.89		
Interdependent construal of self	Male	33	51.12	5.24	-.44	n.s.
	Female	36	51.61	3.86		

D. Multivariate statistics

i. Effects of interdependent construal of self on assertiveness

Repeated measures analysis of variance (ANOVA) was used here in order to examine whether interdependent construal of self affects assertiveness as the characteristics of other lay judges (jurors) vary (by age, gender, and social status) and whether assertiveness was affected by a unanimous group decision by the other lay judges' (jurors). By using repeated-measures ANOVA, it is possible to examine not only the effects of between subject factors, such as low or high scores of interdependent construal of self, but also the effects of within subject factors, such as the other lay judge's (jurors) age or social status. Therefore, it is possible to examine the effects of other lay judge's (jurors) age or social status on the drops of assertiveness in situation 4 as stated above. For this analyses, "interdependent construal of self" was divided into low and high score groups based on the median. The designs for repeated-measures ANOVA are shown in Table 5.

Table 5. Designs for repeated-measures ANOVA

Design 1 (social status * age * interdependent construal of self) for American students		
Between Subject Factor		
interdependent construal of self (Low score-High score)		
Within Subject Factors		
social status	age	Variables
Low	Young	Assertiveness in situation3(Low Status, Young, Male, Case1)
	Old	Assertiveness in situation2(Low Status, Old, Male, Case1)
High	Young	Assertiveness in situation1(High Status, Young, Male, Case1)
	Old	Assertiveness in situation4(High Status, Old, Male, Case1)

Design 2 (group * interdependent construal of self) for American students		
Between Subject Factor		
interdependent construal of self (Low score-High score)		
Within Subject Factors		
Group	Variables	
One	General Assertiveness across situations(1, 2, 3, 4, and 5)	
All	Assertiveness in situation8(Lay, Group, Case1)	

Design 3 (social status * age * interdependent construal of self) for Japanese students		
Between Subject Factor		
interdependent construal of self (Low score-High score)		
Within Subject Factors		
social status	age	Variables
Low	Young	Assertiveness in situation3(Low Status, Young, Male, Case1)
	Old	Assertiveness in situation2(Low Status, Old, Male, Case1)
High	Young	Assertiveness in situation1(High Status, Young, Male, Case1)
	Old	Assertiveness in situation4(High Status, Old, Male, Case1)

Table 5. Designs for repeated-measures ANOVA(cont'd)

Design 4 (group * judge * interdependent construal of self) for Japanese students		
Between Subject Factor		
interdependent construal of self (Low score-High score)		
Within Subject Factors		
Group	judge	Variables
One	Lay	General Assertiveness across situations(1, 2, 3, 4, and 5)
	Professional	Assertiveness in situation6(Judge, Case1)
All	Lay	Assertiveness in situation8(Lay, Group, Case1)
	Professional	Assertiveness in situation7(Judge, Group, Case1)
Design 5 (group * country) for all students		
Between Subject Factor		
country (American students-Japanese students)		
Within Subject Factors		
Group		Variables
One		General Assertiveness across situations(1, 2, 3, 4, and 5)
All		Assertiveness in situation8(Lay, Group, Case1)

First, three-way repeated-measures ANOVA (design1: “social status” by “age” by “interdependent construal of self”) for American students was performed. As a result, “social status”, “age”, and “interdependent construal of self” had main effects on respondents’ assertiveness ($F(1,108)=38.12, p<.01$; $F(1,108)=28.79, p<.01$; $F(1,108)=16.08, p<.01$; respectively). Based on estimated marginal means, respondents lost their assertiveness when they were confronted by another older lay judge (juror) or a lay judge (juror) who have high social status. Additionally, respondents lost their assertiveness when they had high scores in a scale of interdependent construal of self. However, these main effects were qualified by interaction effects between “social status” and “age” ($F(1,108)=19.32, p<.01$). Therefore, simple main effect in this design was tested in this design. The test shows that American students became least assertive when they were confronted by an older juror having high social status (Figure 2). Interestingly, when juror’s status was low, the juror’s age did not make a difference in respondents’ assertiveness.

Second, two-way repeated-measures ANOVA (design2: “group” by “interdependent construal of self”) for American students were conducted. As a result, “group” and “interdependent construal of self” had main effects on assertiveness ($F(1,106)=87.25, p<.01$; $F(1,106)=20.46, p<.01$; respectively). Based on estimated marginal means, American students lost their assertiveness when they were confronted by all of the jurors having a unanimous decision different from their own or when they scored highly on the interdependent construal of self. These main effects were also qualified by interaction effects between “group” and “interdependent construal of self” ($F(1,106)=9.88, p<.01$). Consequently, test of simple main effect was conducted. As a

result, significant differences in assertiveness across all four combinations were observed (Figure 3). That is, both “group” and “interdependent construal of self” had significant effects on respondents’ assertiveness.

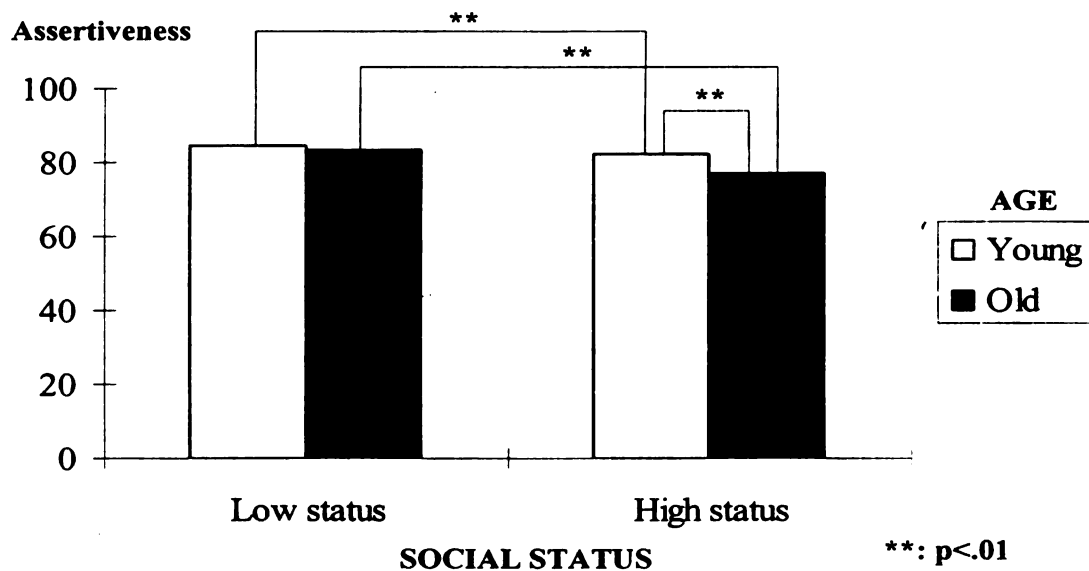


Figure 2. Interaction effect between “social status” and “age” on assertiveness for American students

“Age (Young or Old)” and “social status (Low or High status)” indicate characteristics of other lay judge (juror) respondents confronted. For example, the left white box shows estimated marginal mean of respondents’ assertiveness when they confront a lay judge (juror) who is young and has a low valued job. The line connecting two boxes indicates there is statistically significant difference between those two boxes (estimated marginal means of respondents’ assertiveness in each condition). Figures 3 to 6 can be interpreted in the same way.

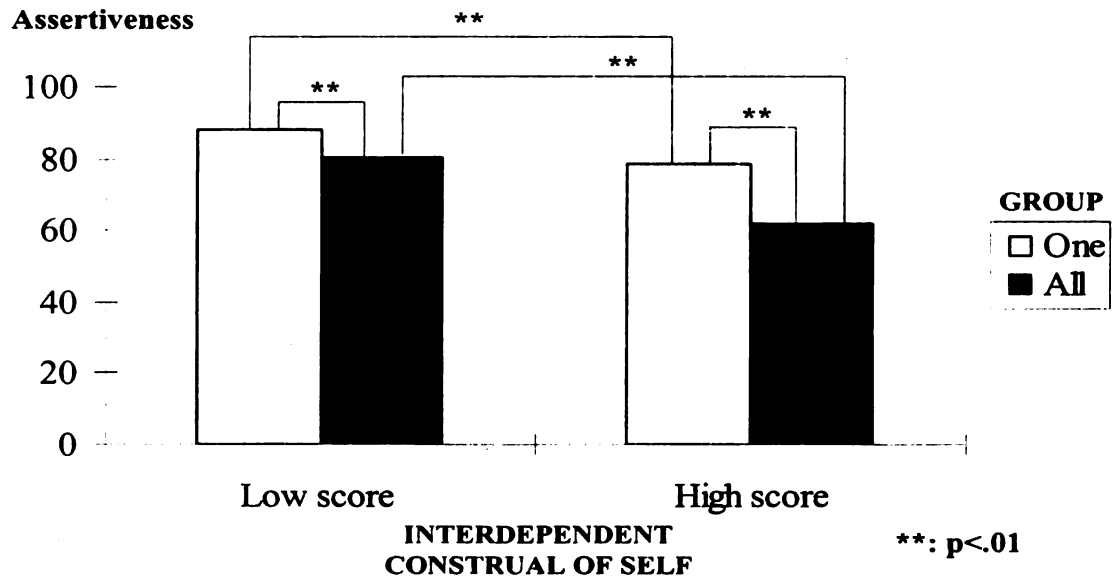


Figure 3. Interaction effect between “interdependent construal of self” and “group” on assertiveness for American students

“Interdependent construal of self (Low or High score)” shows whether respondents’ scores on a scale of interdependent construal of self are above average or below. “Group (One or All)” indicates whether confronting party (lay judge or juror) is single or group. For example, left white box indicates that estimated marginal mean of assertiveness for those who scored low in a scale of interdependent construal of self when they confront a lay judge (general assertiveness across situations was used). Meanwhile, the right black box indicates estimated marginal mean of assertiveness for those who scored high when all of lay judges (jurors) opposed respondents’ opinions (assertiveness in situation 8 was used).

Third, three-way ANOVA (design3: “social status” by “age” by “interdependent construal of self”) for Japanese students was performed. As a result, “social status” and “age” had main effects on assertiveness ($F(1, 67)=21.16, p<.01$; $F(1,67)=27.05, p<.01$; respectively). Based on estimated marginal means, Japanese students lost their assertiveness when they were confronted by a lay judge having high social status or an older lay judge. This pattern is similar to the American students shown above. These main effects were qualified by interaction effects between “social status” and “age” ($F(1,67)=16.69, p<.01$). As a result of a test of simple main effect, whether the confronting lay judge was old or not did not affect the Japanese students’ assertiveness when the lay judge had low social status. At the same time, difference in social status also did not affect their assertiveness when the lay judge was young (Figure 4).

Fourth, three-way repeated-measures ANOVA (design4: “group” by “judge” by “interdependent construal of self”) was conducted. As a result, “group” and “judge” had main effects on respondents’ assertiveness ($F(1,67)=124.26, p<.01$; $F(1,67)=6.95, p<.01$; respectively). Japanese respondents lost their assertiveness more when they confronted a group (all lay judges) or professional judges. These main effects were qualified by interaction effect between “group” and “judge” ($F(1,67)=45.81, p<.01$). Test of simple main effect showed that whether respondents confronted lay judges or professional judges, group effect had a significant effect on their assertiveness. Whether the opposing party was professional or not did not influence Japanese students’ assertiveness when the party was a group (Figure5). “Interdependent construal of self” did not have any significant effects on respondents’ assertiveness for Japanese students as opposed to American students.

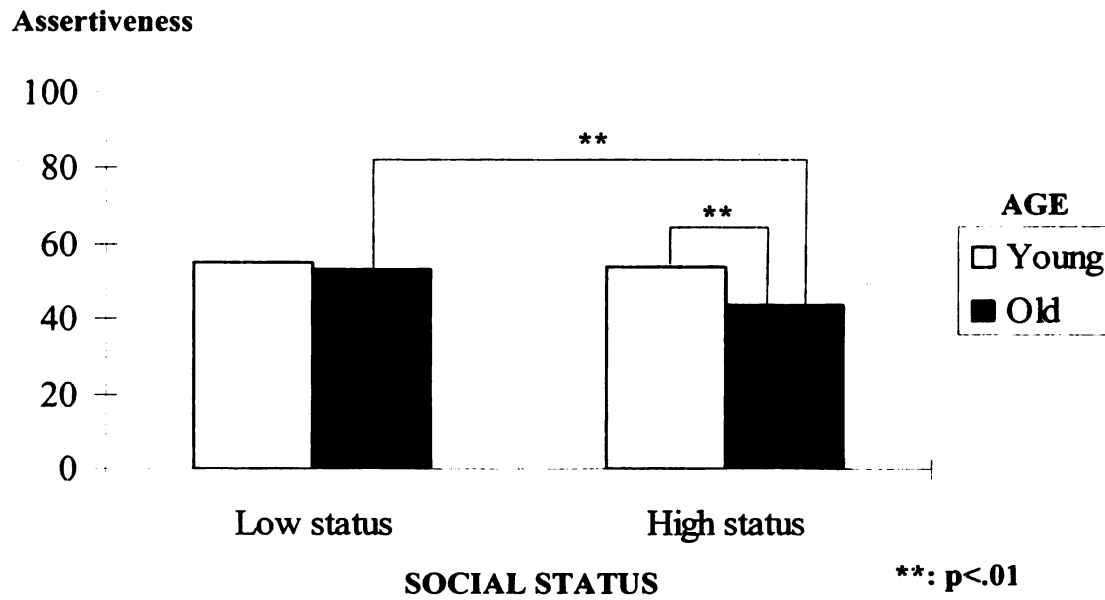


Figure 4. Interaction effect between “social status” and “age” on assertiveness for Japanese students

Assertiveness

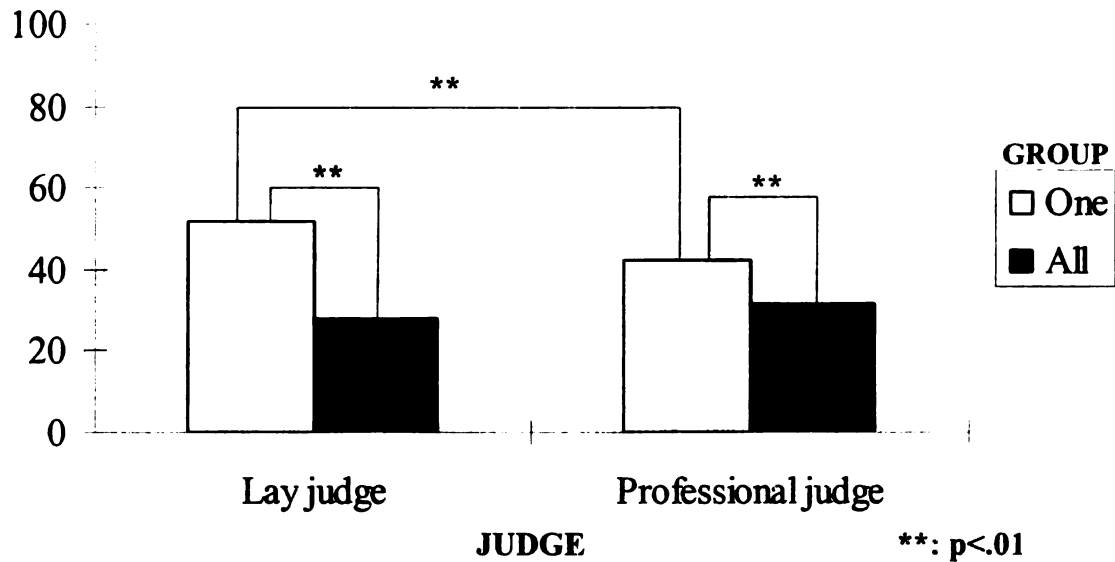


Figure 5. Interaction effect between “judge” and “group” on assertiveness for Japanese students

“Judge (Lay or Professional judge)” indicates whether confronting party is professional judge(s) or lay judge(s). For example, the right black box shows estimated marginal mean of respondents’ assertiveness when they confront all professional judges.

Lastly, two-way repeated-measures ANOVA (design5: “group” by “country”) was conducted in order to reveal the huge country difference observed in the independent sample t-test shown above (in Table 2). The ANOVA shows that “group” and “country” had main effects on respondents’ assertiveness ($F(1,180)=248.45$, $p<.01$; $F(1,180)=241.45$, $p<.01$; respectively). Both American and Japanese students lost their assertiveness when they confront all lay judges (jurors for American students). Additionally, Japanese students lost their assertiveness more than Americans when they confront other lay judge(s). These main effects were qualified by interaction effects between “group” and “country” ($F(1,180)=28.21$, $p<.01$). The results of the test of simple main effect show that all four comparisons had significant differences. Hence, the country effect and “group” effect appeared to be independent of each other.

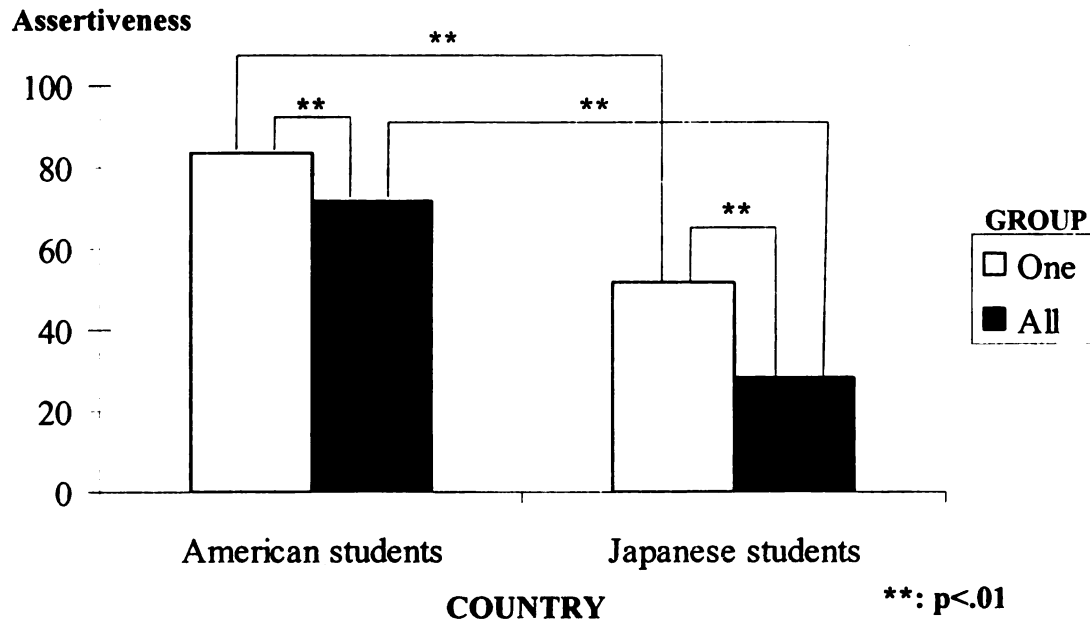


Figure 6. Interaction effect between “group” and “country” on assertiveness
 “Country (American students or Japanese students)” indicates whether the respondents are American students or Japanese students. For example, the left white box indicates estimated marginal mean of American students’ assertiveness when they confront one juror (one lay judge for Japanese students).

ii. Effects of independent-interdependent construal of self and demographic variables on assertiveness

Based on the results of repeated measures ANOVA, interdependent construal of self did not have significant effect on Japanese students' assertiveness. In this section, whether independent and interdependent construal of self and some demographic variables (respondents' age and gender) have any effect on respondents' assertiveness was examined using linear regression. Respondents' assertiveness in three situations (situation 4, 8, and 11) was used as dependent variables of these analyses. The assertiveness in situation 4 was used to reveal which factor affected respondents' assertiveness because both American and Japanese students lost their assertiveness more in this situation when compared to other situations, such as in situations 1, 2, 3, and 5. Similarly, assertiveness in situations 8 and 11 was used to examine whether independent and interdependent construal of self can explain the huge differences of assertiveness between American students and Japanese students found in there two situations.

Results of the regression analyses revealed that the independent variables function differently depending on whether the respondents were American students or Japanese students. "Independent construal of self" had a positive effect on respondents' assertiveness in most of the situations analyzed here. That is, when the respondents were more independent, they were more likely to be assertive regardless of country difference between American and Japanese students.

Meanwhile, "interdependent construal of self" had negative effect on one's assertiveness for American students. That is, the more 'interdependent' the orientation of American students was, the less assertive they were. Interestingly, "interdependent construal of self" did not have any statistically significant effect on assertiveness for

Japanese students. Therefore, whether the respondents were interdependent or not did not affect their assertiveness levels. This lack of effect may also be due to the fact that the Japanese students already had very high interdependent construal of self to begin with (Table 1 and 2). Thus, there are no vast differences among the Japanese students in this scale.

“Age” had significant effects on assertiveness throughout the three situations for Japanese students though it did not have any effects for American students. The result indicated that the older Japanese students were, the less they became assertive. In other words, older Japanese students became less assertive when other lay judge opposed to their opinion.

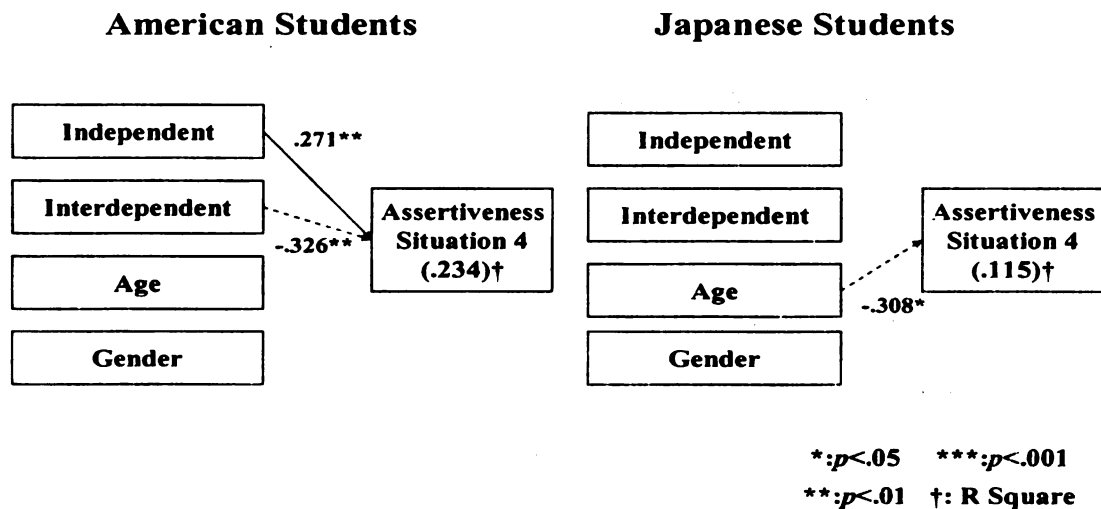


Figure 7. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 4

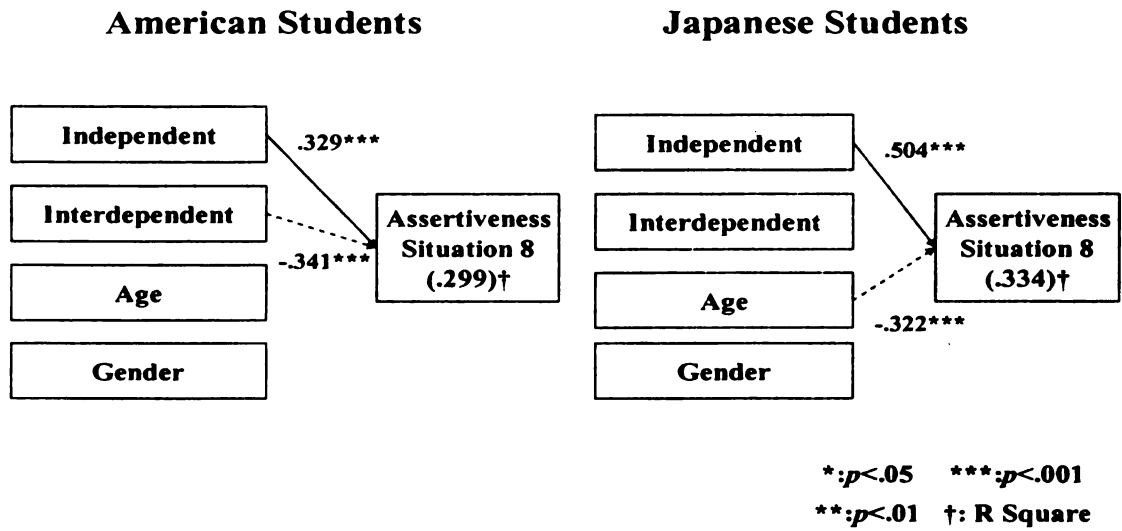


Figure 8. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 8

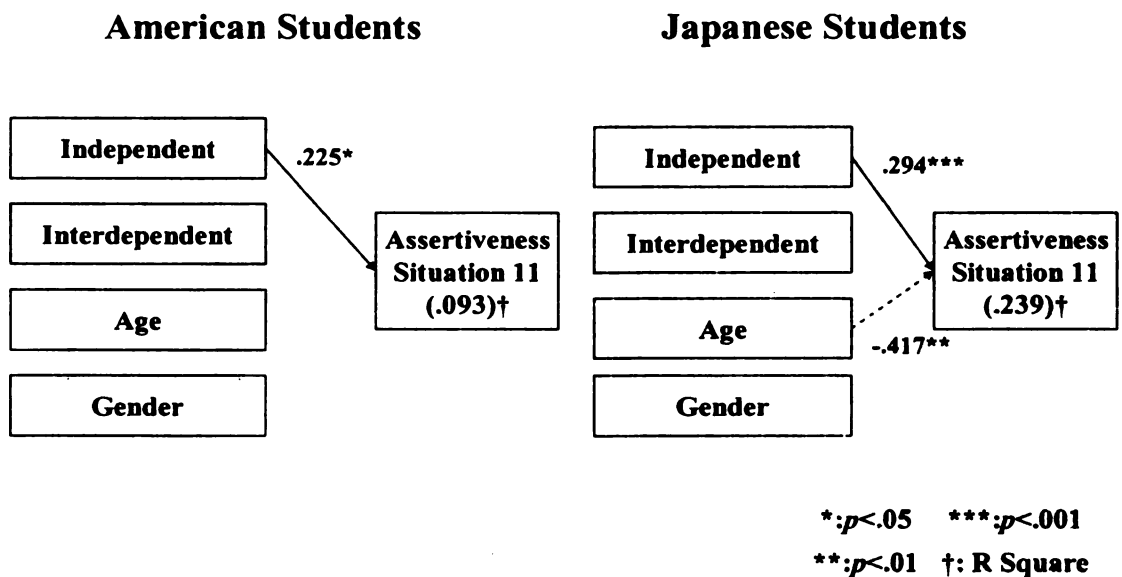


Figure 9. Effects of independent-interdependent construal of self and demographic variables on assertiveness in situation 11

iii. Effects of independent variables on approval of lay judge (jury) system

In order to capture what kind of factors affect respondent's opinion about the lay judge system (jury system), linear regression for "approval of lay judge system¹³" was performed. As a result of the regression, there was a risk of multicollinearity in this model. In order to avoid multicollinearity, three variables, "fairness of professional judges," "trust on professional judges," and "accuracy of professional judges," were combined into a variable, "evaluation of professional judges." Furthermore, a variable of respondents' age was excluded from this model.

As a result of the regression, "evaluation of professional judge" ($b=194$) "willingness to participate in lay judge system" ($b=.216$) and "suitability of lay judge system" ($b=.454$) had significant positive effects on "approval of lay judge system" for American students. Thus, American students who had good impression of professional judges were likely to approve the jury system. Additionally, the result illustrated that those who wanted to participate in the jury system and those who think the system is suitable for America agreed with the system more. Total explained variance (R square) of this model was .435, which is 43.5 percent of the variance of approval of the jury system explained by these three variables (Figure 10).

The same analysis was performed for Japanese students. As a consequence, "evaluation of professional judges" ($b=.296$), "adequacy for fact-finder" ($b=.224$), "knowledge of lay judge system" ($b=.391$), "willingness to participate in lay judge system" ($b=.275$), and "suitability of lay judge system" ($b=.211$) had positive influence on "approval of lay judge system." Thus, Japanese students who had good impression

¹³ For American students, questions were asked about the jury system instead of the lay judge system.

on professional judges, who were willing to join the lay judge system, and who thought the new lay judge system is suitable for Japanese culture approved the system more than American students. Furthermore, Japanese students who thought lay judges were suitable as fact-finder comparing with professional judges and who had more knowledge of the system were likely to agree with the system (Figure 10). Total explained variance (R square) of this model was .442.

iv. Effects of images of professional judges on assertiveness when confronting a professional judge

For Japanese students, linear regression was conducted in order to examine whether one's positive evaluation of professional judges affects one's assertiveness while confronting a professional judge. For this purpose, variables "fairness of professional judge," "trust on professional judge," and "accuracy of professional judge," were selected as independent variables for explaining "assertiveness in situation6 (Judge, Case1)." As a result of linear regression, no statistically significant effect was observed. Hence, it seems that respondents' views of professional judges do not affect their assertiveness while confronting a professional judge.

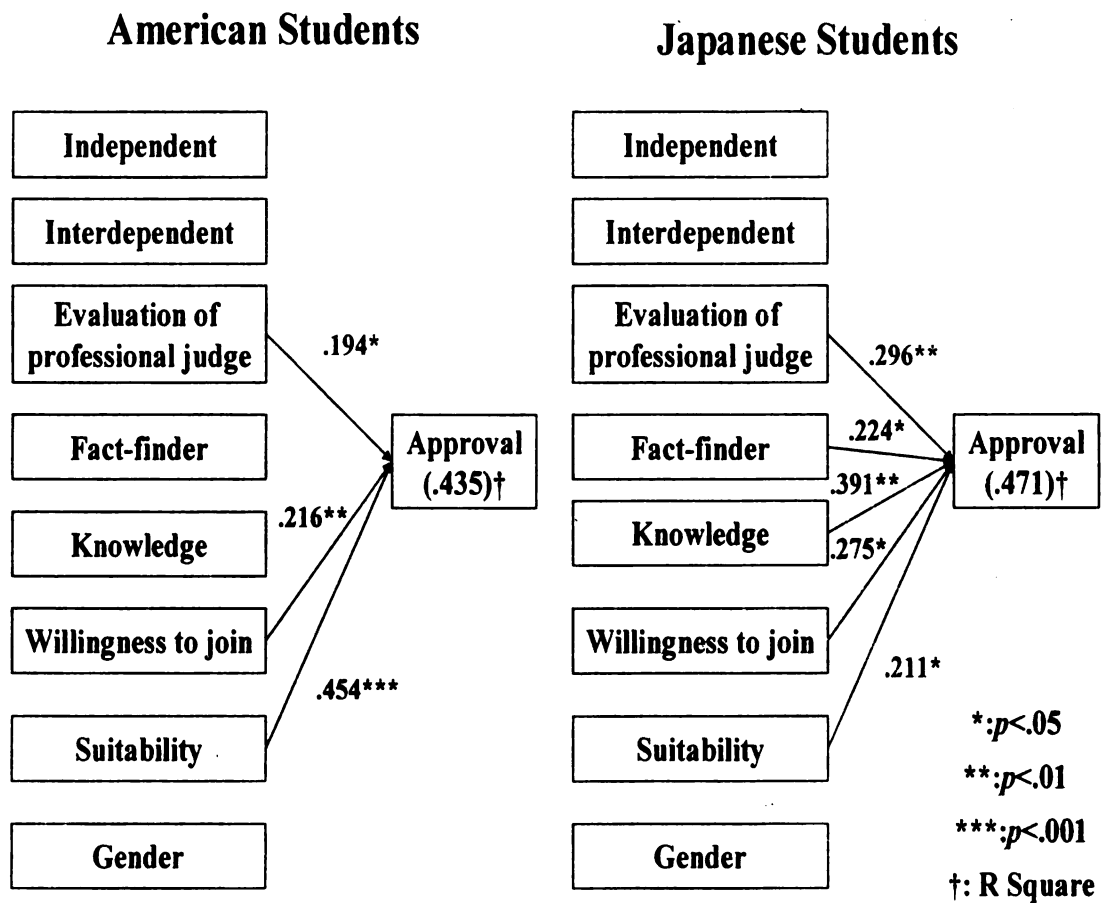


Figure 10. Effects of independent variables on approval of the lay judge (jury) system

CHAPTER V

CONCLUSION

A. Summary of Findings

i. Hypothesis 1

Based on the bivariate and multivariate analyses reported above, hypotheses of this study were tested. In regard to hypothesis 1, independent samples t-test of assertiveness by country and repeated measures ANOVA analyzing interactions of country difference and group effect on assertiveness revealed that American students had more assertiveness than Japanese students in every situation including a case where all of other lay judges (jurors) opposed respondents' opinion. That is, American students are highly likely to express their opinion even though they confront another juror who has higher social status, or who is much older than them, or when all other jurors opposed their opinion comparing with Japanese students. This assumption is supported by the fact that American students' assertiveness in each situation was all above 65 %. On the other hand, Japanese students lost their assertiveness by 30 % in some situations, especially when they confront other lay judges as a group. It can be, therefore, concluded that Japanese students are more vulnerable to confrontation with other lay judge(s). Since not all contents of hypothesis 1 were statistically tested such as whether Japanese students are statistically more vulnerable than American students, it may not be appropriate to conclude that hypothesis 1 is fully supported. However, it can be said that the hypothesis 1 is partially supported by the results of the present study.

ii. Hypothesis 2

Based on independent sample t-test by country, American students obtained higher

scores in a scale of independent construal of self and lower scores in that of interdependent construal of self than Japanese students. In other words, independent construal of self is dominant among American students and interdependent construal of self is dominant among Japanese students. Therefore, the hypothesis 2 is supported by the results of the present study.

iii. Hypothesis 3

Repeated-measures ANOVA for respondents' assertiveness revealed that interdependent construal of self had interaction with group effect for American students. Also, interdependent construal of self had a negative effect on assertiveness for American students. However, it did not have any significant effect on assertiveness for Japanese students. Furthermore, regression analyses for assertiveness in situations 4, 8 and 11 also showed that interdependent construal of self did not have a significant effect for Japanese students though it had a significant negative effect on assertiveness for American students. Hence, although interdependent construal of self may have interaction with inclination toward harmony and has negative effects, the effect is limited to American students. Hypothesis 3 is not totally supported in this research.

iv. Hypothesis 4

Based on linear regression, respondents' impression of professional judges had a significant "positive" effect on approval of the lay judge system for Japanese students. Meanwhile, those who think lay judges can perform better in fact-finding support the lay judge system more. This result can be interpreted as follows. When people believe professional judges can be trusted to do well, they may believe professional judges can fit in with the lay judge system and professional judges can become important resources and

guides for lay judges in deliberation. If Japanese students have a good impression of professional judges and trust them blindly, the students may oppose installation of the lay judge system in Japan. For the most part, the hypothesis is, therefore, not supported in this research.

v. Hypothesis 5

Hypothesis 5 was tested by linear regression where effects of respondents' impression of professional judges on assertiveness in situation 6 were examined. Based on the result of regression, no statistically significant effect was observed. Hence, this hypothesis is not supported.

B. Discussion

In this study, independent construal of self was dominant in American students and interdependent construal of self was dominant in Japanese students. This result is consistent with Takata's (1999) cross-cultural study. It is, however, important to mention the Cronbach's alpha coefficient of the scale of independent and interdependent construal of self. As mentioned before, the alpha coefficient of a scale of interdependent construal of self for Japanese students was low in this study. This leads us to query whether the classification of 20 items in the scale was appropriate. This is one of the possible reasons why interdependent construal of self related to the opponent's factors in deliberation in the unexpected way.

One of the reasons why the internal consistency was small in this study is the sample size of Japanese students. Because the sample for Japanese students was small, the data are more easily biased than large data. Another possible reason is that majors of Japanese students were not varied comparing with American students. As the survey

was taken mostly in introductory classes in the U.S., the participants of this survey had a wide variety of majors. On the other hand, most of the Japanese participants were majoring in psychology due to the difficulty of obtaining permission to take surveys in Japan. It is possible to assume the potential effect on results by using a specific group as participants.

Another issue of this research is the design of this questionnaire. In order to examine the effects of cultural elements on deliberation, hypothetical situations were used in this questionnaire. This method has some advantages. For example it is convenient for researchers because they can create any situation depending on their purpose. At the same time, this method is less stressful for participants comparing with actual discussion. Moreover, it is possible to collect data from a large number of samples at once.

On the other hand, this method has several disadvantages, as well. Since every situation is presented as a hypothetical situation, the researcher cannot know whether the participants actually imagined the situation. This may lead participants to answer questions without deep consideration. Insufficient knowledge about the new lay judge system for Japanese students such as what kind of role a lay judge needs to play, can prevent respondents from answering questions with a vivid imagination. Another concern is whether mostly similar questions have participants lose their motivation to answer seriously. Actually, there were a few cases where the respondent stopped answering questions without completing the survey. The length of the survey needs to be considered, as well. Long surveys can easily lead respondents to lose their motivation to answer. Furthermore, it is possible that American and Japanese students

have different impressions of the value of jobs used in this research. Because the impression of jobs may be affected by cultures such as history, it is worth mentioning that the differences of impression of jobs between American students and Japanese students possibly had some influence on the results of this study.

One of the solutions to this issue is to use mock trials. By using mock trials, participants can experience how lay judges think and feel in deliberation. Therefore, it is possible to collect more practical data. Although mock trials are a useful method, it also has some problems. First, it is difficult to control several factors such as the attitudes or appearances of other lay judges. Second, due to the setting of deliberation, only a limited number of participants can join the experiment. Thus, it is difficult to collect sufficient samples.

Translation between English and Japanese is also one of the issues in this research. Although efforts are being made to identify the meaning of questions and case scenarios to maximum extent, such as re-translation from English to Japanese by native Japanese speaker, no one can know whether the contents of questionnaires written by English and Japanese are identical.

C. Research Implication

Since the research about Japan's lay judge system started recently, current study can play an exploratory role in this new field in Japan. As stated above, there are some issues in the design of this research. It must be important to address whether the opponent's characteristics tested in the present study, such as social status or age, affect the respondents' assertiveness in real situations by utilizing mock trials in Japan.

Interestingly, respondents' age had a negative effect on respondents' assertiveness

for Japanese students. It suggests that older citizens become more reluctant to be assertive and do not express their opinion in front of other lay or professional judges. Because elder people are living in Japan's society where harmony in a group is expected, this result can be comprehensive. However, considering the fact that anybody who is older than 20 (possibly 18 in the future) has the right to be elected as a lay judge, this research targeted only a small part of potential lay judges. Therefore, it is important to conduct further research targeting all generations in order to generalize the findings of this research.

At the same time, it is also important to examine the reliability and validity of the scale of independent and interdependent construal of self for Japanese people. As mentioned above, a scale of interdependent construal of self created by Takata (1999) did not fit the sample collected in this study. In order to address the issue of the scale, further research will be required.

D. Policy Implication

The results of this study reconfirmed that the importance of citizens' knowledge of the lay judge system and willingness to participate in the system. Additionally, whether citizens regard the new system as suitable for their countries was also important for the success of the lay participation system. Based on the comparison between American and Japanese students, American students have more knowledge of the system than Japanese students. Additionally, Americans are more motivated to participate in the system and they think the jury system is suitable for American culture comparing with Japanese students. Also, the results implied that Japanese students perceived the system as not preferable for Japanese society. In order to achieve a breakthrough, the Japanese

government needs to inform people about the advantage of the new lay judge system.

Additionally, it is necessary to have citizens participate in mock trials or build discussion about the lay judge system and practice of mock trial into curriculum of each school. As Maruta (1990) and Fukurai (2005) reported, the experience of working as one of the committee members for inspecting prosecutors leads participants to know the court system better and the participants had positive motivation on participating in the judiciary system again. Hence, by leading citizens to have experience as a lay judge, citizens may have a better impression on the new lay judge system.

Furthermore, the result of this study indicated that the lay judges tend to lose their assertiveness when professional judges oppose their opinion. In order to utilize the benefit of lay participation, professional judges should actively interact with lay judges and create an amiable atmosphere in deliberation as several scholars claimed (Tatsuoka, 2006; and Yasui, 2006). Additionally, professional judges need to try harder to elicit lay judges' opinion. Policy makers need to set guidelines for professional judges as well as some brochures for letting citizens know the system more.

E. Conclusion

This research examined the effects of cultural elements on lay decision makers in deliberation. Japanese people's inclination toward harmony and vulnerability to social status including seniority are regarded as cultural elements which are expected to have potential negative effects on the new lay judge system in Japan. As concepts explaining the cultural difference between Western cultures and Eastern cultures, especially America and Japan, independent and interdependent construal of self was introduced.

The findings of this study indicated that inclination toward harmony and vulnerability to social status and age are applied not only for Japanese culture but also American culture. However, the extent those factors affect respondents' assertiveness differed between American and Japanese students. In most cases, Japanese students are more vulnerable to other lay judge's characteristics, such as social status and age, than American students. That is, American students are more likely to express their opinion without hesitation even though they confront other jurors compared with Japanese students. Whether the extent of assertiveness used in this research relates to motivation to express their opinion in the real world needs to be addressed in further research.

Although interdependent construal of self was expected to explain the cultural differences between Japan and the United States, interdependent construal of self had interaction with inclination toward harmony and negative effect on assertiveness for American students. Surprisingly, the effects of interdependent construal of self for Japanese students were not statistically significant in this study. Based on the results, it is not appropriate to conclude that interdependent construal of self can explain the cultural differences. The effects of biased data and small size sample are possibly the

cause of the lack of the effect of interdependent construal of self for Japanese students.

Other results revealed that knowledge of the lay judge (jury) system, willingness to participate in the system, and whether one believes the system is suitable for his/her country had significant effects on the opinion about the lay judge (jury) system. Because Japanese students do not have motivation to participate in the system compared with American students and they think this system is not suitable for Japan, the Japanese government needs to develop a policy which attracts citizens to the new lay judge system.

In conclusion, it was revealed that Japanese people, at least Japanese students, are not ready for the new lay judge system yet, especially deliberation, because they are less assertive even in deliberation. The Japanese government needs to devote their energy to have Japanese citizens think the new system is beneficial for them. At the same time, guidelines for professional judges to create relaxing circumstances and elicit lay judges' opinions in deliberation are necessary. As Kodner (2003) warned, failure to acknowledge the importance of the lay participation detracts the dignity of the new lay judge system, *saiban-in seido*.

APPENDICES

A Survey on the Jury System

Michigan State University Criminal Justice M2

Hideya Isshiki

Thesis Advisor: Sheila Royo Maxwell, Ph.D.

This survey asks your opinions about jury systems and jury deliberations. This is taken for thesis purposes only. Your identity will not be recorded anywhere in the survey. In addition, the results will be analyzed in the aggregate so no personal answers will be revealed. Hence, please answer with your straightforward opinion on each question.

You can stop answering questions at any time without penalty.

If you have any question, please contact me (isshikih@msu.edu).

First, please answer the following questions.

Q1. Gender Male / Female (Please circle)

Q2. Age _ _ _ _ (Please specify)

Q3. Major _ _ _ _ _ _ _ _ _ _ (Please specify)

Q4. Ethnicity _ _ _ _ _ _ _ _ _ _ (Please specify)

Q5. Are you an international student?

1. Yes 2. No

Q6. Have you ever served on a jury?

1. Yes 2. No

Now, please answer all of the following questions.

- I. The following questions ask your points of view about general issues. Please circle the number which describes your opinion best for each statement.

- 1: This statement **exactly applies** to me.
 2: This statement applies to me.
 3: This statement partially applies to me.
 4: I can say neither
 5: This statement does not apply to me so much.
 6: This statement does not apply to me.
 7: This statement **does not apply** to me at all.

- | | | | | | | | | |
|----|---|---|---|---|---|---|---|---|
| 1 | I always try to have my own opinion. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 2 | I worry about what others think about me. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 3 | I believe the best decision is the one I think about by myself. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 4 | When I act, I cannot put it into practice for a hesitation or a waver. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 5 | I do not mind how other people think about my thought. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 6 | I am worried about how others look at me. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 7 | I follow what I believe even though that is different from what others believe. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 8 | I care about status and relative relations with others. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 9 | Mostly, I decide things by myself. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 10 | I believe it is important to maintain the harmony among fellows. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 11 | I believe whether things are good or bad is decided by my view. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 12 | It is important to be loved by others. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 13 | I always know what I want to do. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 14 | How I feel will change depending on who I am with or situations. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 15 | I do not worry about my thoughts and behaviors even though those are different from what others have. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

- 1: This statement **exactly applies** to me.
 2: This statement applies to me.
 3: This statement partially applies to me.
 4: I can say neither
 5: This statement does not apply so much.
 6: This statement does not apply to me.
 7: This statement **does not apply** to me at all.

- | | | | | | | | | |
|----|---|---|---|---|---|---|---|---|
| 16 | I avoid opposition to opinions insisted on by my fellows in my belonging group. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 17 | I always insist on my opinion clearly. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 18 | When my opinion is opposed to others, I follow the opinion of others. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 19 | I always speak and act with confidence. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 20 | I change my attitude and behavior depending on who my partner is and the situation. | 1 | 2 | 3 | 4 | 5 | 6 | 7 |

- II. Please imagine that you are in a jury room as one of the jurors in a case. There are five other jurors for this case. They are:

Jurors

1. Mr. Smith (President in an IT company, 26-year-old)
2. Mr. Johnson (Unemployed, 61-year-old)
3. Mr. Williams (Part-timer, 23-year-old)
4. Mr. Jones (University professor, 56-year-old)
5. Mrs. Brown (Homemaker, 58-year-old)

The details of the cases are shown in an attached paper.
Please read **CASE 1** and answer the following questions:

Q1. Do you think the defendant intended to kill the victim in this case?

1. Yes 2. No

Q2. How confident are you of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% :Not at all confident ----- 100%: Very confident

During jury deliberations, you are asked to express your opinion in front of the other jurors in hypothetical situations.

Please imagine that you are in the jury room with the other five jurors. Then, please answer the questions on pages 5 to 7

Q3. Mr. Smith (President in an IT company, 26-year-old) insists on his opinion which is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion that is against Mr. Smith's? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q4. Imagine that it wasn't Mr. Smith but Mr. Johnson (Unemployed, 61-year-old) who is insisting on his opinion that is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion that is against Mr. Johnson's? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q5. Now imagine that it was instead **Mr. Williams (Part-timer, 23-year-old)** who is insisting on his opinion that is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion against Mr. Williams? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q6. Now imagine that it was instead **Mr. Jones (University Professor, 56-year-old)** who is insisting on his opinion that is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion against Mr. Jones? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable -----100%: Very comfortable

Q7. Now imagine that it was instead **Mrs. Brown (Homemaker, 58-year-old)** who was insisting on her opinion that is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting your opinion against Mrs. Brown? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q8. Imagine that **all of the other five jurors** except you agree on a view that is against your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion to the other five jurors? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

III. Now, you are asked to deliberate on another case with other jurors. Please read **CASE 2** and answer the following questions.

Q1. Do you think the defendant intended to beat the victim?

1. Yes 2. No

Q2. How confident are you of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

Please imagine as if you were in the jury room with other five jurors as you did in the previous section and answer the following questions on page 8 and 9.

Q3. **Mr. Davis (Day laborer, 52-year-old)** insists on his opinion which is contrary to your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion against Mr. Davis? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q4. Now imagine that it was instead **Mr. Miller (Executive in a big company, 28-year-old)** who is insisting on his opinion that is contrary your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion against Mr. Miller? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

Q5. Imagine that **all the other five jurors** agree on an opinion that is against your point of view.

A. Are you still confident of your opinion? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Not at all confident ----- 100%: Very confident

B. How comfortable are you on insisting on your opinion to the other five jurors? (Please circle)

0 - 10 - 20 - 30 - 40 - 50 - 60 - 70 - 80 - 90 - 100 (%)

0% : Very uncomfortable ----- 100%: Very comfortable

IV. Please circle the number which describes your opinion best on each statement.

Q1. Professional judges treat people fairly.

1. Strongly agree 2. Agree 3. Somewhat agree 4. Neither agree nor disagree
5. Somewhat disagree 6. Disagree 7. Strongly disagree

Q2. Professional judges are trustworthy.

1. Strongly agree 2. Agree 3. Somewhat agree 4. Neither agree nor disagree
5. Somewhat disagree 6. Disagree 7. Strongly disagree

1. Strongly agree 2. Agree 3. Somewhat agree 4. Neither agree nor disagree
5. Somewhat disagree 6. Disagree 7. Strongly disagree
-

V. Please circle the number which describes your opinion best on each question.

Q1. How much do you know about the jury system?

1. I know all details of the system 2. I know some details of the system
3. I just know the name of the system 4. I do not know they system at all

Q2. Do you want to participate in a trial as one of jurors?

1. I definitely want to join it. 2. I want to join it. 3. I somewhat want to join it.
4. I cannot say either. 5. I do not want to join it so much.
6. I don't want to join it. 7. I do not want to join it at all.

Q3. Which is better as a fact-finder; professional judges or jurors?

1. Professional judges 2. If anything, professional judges 3. I cannot say either
4. If anything, jurors 5. Jurors

Q4. Do you think the jury system is suitable for American culture?

1. Very suitable 2. Suitable 3. Somewhat suitable
4. I cannot say either 5. Somewhat unsuitable
6. Unsuitable 7. Not at all suitable

Q5. Do you agree/ disagree with the jury system?

1. Strongly agree 2. Agree 3. Somewhat agree 4. I cannot say either
5. Somewhat disagree 6. Disagree 7. Strongly disagree

Appendix B. Consent form (English version)

**The effects of cultural elements on the Saiban-in Seido
(Japan's lay judge system)**

**A SURVEY ON THE U.S. JURY SYSTEM
(for U.S. Students)**

INFORMATION AND CONSENT FORM

To be read by participants in the classroom before they start filling out the survey

This study seeks to understand the attitudes of college students towards the United States' jury system. The questions asked on the questionnaire pertain to one's opinions about two specific case scenarios, as well as general opinions about the jury system. This survey is taken only for the purposes of fulfilling requirements towards a Master's degree here at Michigan State University. The questionnaire will take approximately 15-20 minutes to fill-out.

Your participation in this survey is very important to this research. However, you are free not to participate if you so choose. If you choose to participate, your identity will not be recorded anywhere in the survey. The results will also be analyzed in the aggregate so none of your personal answers could ever be linked to you. Your privacy will be protected to the maximum extent allowable by law. At anytime during the survey, you are free to stop answering the questions if you so desire.

Please indicate below that you have read this information and that you are willing to participate in the survey by signing your name or writing your initials. This signature is used only to provide evidence that you have read the information above. This form will be filed separated from the survey questionnaire.

Signature or Your Name Initials

This signature indicates that I have read the information above and that I am willing to participate in this survey.

If you have questions about this study, please contact the principal investigator, Sheila Royo Maxwell, Ph.D., by phone: (517)353-6685, email: maxwel22@msu.edu, or regular mail: 520 Baker Hall, East Lansing, MI 48824. In case you have questions or concerns about your rights as a research participant or are dissatisfied at any time with any aspect of this study, please feel free to contact- anonymously, if you wish- Peter Vasilenko, Ph.D., Michigan State University's director of Human Research Protection Programs, by phone: (517)355-2180, fax: (517)432-4503, email: irb@msu.edu, or regular mail: 202 Olds Hall, East Lansing, MI 48824.

Appendix C. Details of cases (English version)

[CASE 1]

The female defendant had lived with the male victim for four years. When she became pregnant during this relationship, she followed his wishes by having two abortions. Although she wanted have the baby when she became pregnant again, she could not tell him about her pregnancy because he had a history of violence towards her.

One night, the defendant was waiting for the victim, who was working at a snack bar, to tell him her determination to deliver his child this time, but he did not return at the time he usually comes home. Though she called the snack bar, she could not reach him. She started to suspect that he was having an affair with someone. He came home at dawn. Although she asked him why he was late, he hedged about what he did. It was not clear whether he was intoxicated, but he started to show signs of violence such as hitting her face many times with a bath towel he had. Therefore, she brought a knife from her kitchen in order to have him listen to her sincerely and said “Please listen to me seriously. Please stop striking me.” He was still approaching her while waving his bath towel after saying “Do you want to stab me? Go ahead.” She told him about her pregnancy. Then, he approached her saying “Terminate the child.” Here, she grasped the knife with both hands in front of her stomach. Then, he dashed to her and, eventually, she stabbed him.

Although the defendant called an ambulance immediately, the victim died from a loss of blood in a hospital. The ambulance crew who rushed to the scene witnessed her desperately administering first aid to him. She was prosecuted for murder. The weapon in this case was a carving knife. Prosecutors insisted that jealousy induced the

murder. However, she claimed that the murder was a defensive act with no intention to kill him and she still loved him.

[CASE 2]

A defendant and his friend (an accomplice), both day laborers, were drinking a lot of beer in a park. When they had drunk most of their beer, the accomplice approached another person in the same park who was also drinking (the victim) and asked if he wanted more beer and that the accomplice would buy this beer for him. The victim accepted the offer. The accomplice took \$20 from the victim's wallet and went with the defendant to a nearby liquor shop to buy more beer. When they were coming back from the store, the victim said to them "Give me my money back!" The victim and the accomplice got into a wrangle. They ended up in a struggle against each other and the accomplice beat him with a stick. The victim testified that the defendant also pushed his face with hands. As a result of the struggle, the victim suffered bruises on his head which took ten days to heal completely. The defendant was prosecuted for robbery resulting in injury for this incident. The accomplice was prosecuted separately.

Prosecutors claimed that the accomplice robbed the victim and the defendant beat the victim in conspiracy with the accomplice. Meanwhile, the defense alleged that the accomplice peacefully received the money from the victim and the defendant's hand hit the victim's face by accident when he was trying to stop the struggle.

裁判員制度に関する調査

ミシガン州立大学 M2 犯罪学専攻

A37120717 一色秀哉

指導教官 Sheila Royo Maxwell

裁判員制度とは2009年までに実施される、一般の国民の中から選ばれた裁判員が裁判官とともに（原則裁判員6名、裁判官3名の合議制）一定の重大な犯罪に関する裁判を行う制度です。この制度は、国民に裁判に加わってもらうことによって、国民の司法に対する理解を増進し、長期的にみて裁判の正当性に対する国民の信頼を高めることを目的として導入されるものです。

この調査では裁判員制度に関して質問されます。この調査は修士論文のためにのみ行われ、皆様の氏名などが記録されることはありません。調査者も皆様の氏名などを知ることはありません。さらに、結果は集約されて分析され、皆様の回答が外部に流出するようなことはありません。ですので、皆様の率直な意見をお聞かせください。

尚、途中で回答を止めていただいてもかまいません。また、中止したことによる不利益もございません。

質問等がございましたら、ご連絡ください(isshikih@msn.edu)。

まず、以下の項目についてご記入ください。

Q1. 性別 男・女 (○をつけてください)

Q2. 年齢 歳

Q3. 専攻

Q4. あなたは留学生ですか？

1. はい 2. いいえ

Q5. 裁判員として模擬裁判に参加したことがありますか？(○をつけてください)

1. はい 2. いいえ

それでは、次のページ以降の各項目に漏れのないようにご回答ください。

I. 以下の記述に対して最も当てはまるものに○をつけてください。

	ぴったり当てはまる	当てはまる	やや当てはまる	どちらともいえない	あまり当てはまらない	あてはまらない	全く当てはまらない
1 常に自分自身の意見を持つようにしている	1	2	3	4	5	6	7
2 他者が自分をどう思っているかを気にする	1	2	3	4	5	6	7
3 最良の決断は自分自身で考えたものであると思う	1	2	3	4	5	6	7
4 行動するとき、迷いやためらいで実行に移せない	1	2	3	4	5	6	7
5 他者が自分の考えをなんと思おうと気にしない	1	2	3	4	5	6	7
6 他者の視線が気になる	1	2	3	4	5	6	7
7 周囲と異なっても自分の信じる場所を守り通す	1	2	3	4	5	6	7
8 他人との地位や相対的関係が気になる	1	2	3	4	5	6	7
9 たいていは自分1人で物事の決断をする	1	2	3	4	5	6	7
10 仲間の中での和を維持することは大切だと思う	1	2	3	4	5	6	7
11 良いか悪いかは自分の考えで決まると思う	1	2	3	4	5	6	7
12 人から好かれることは大切である	1	2	3	4	5	6	7
13 自分が何をしたいのか常に分かっている	1	2	3	4	5	6	7
14 どう感じるかは他者や状況によって変わる	1	2	3	4	5	6	7
15 考えや行動が他人と違っても気にならない	1	2	3	4	5	6	7
16 所属集団の仲間との意見の対立を避ける	1	2	3	4	5	6	7
17 自分の意見をいつもはっきり言う	1	2	3	4	5	6	7
18 意見が対立したとき、相手の意見を受け入れる	1	2	3	4	5	6	7
19 いつも自信を持って発言し、行動している	1	2	3	4	5	6	7
20 相手や状況で態度や行動を変える	1	2	3	4	5	6	7

- II. あなたが裁判員の1人として、事件に関して評議(事件の審理に立会い、審理が終わって最後の結論を出すために行う話し合い)に参加している状況を想像してください。評議には5名の裁判員と3名の裁判官が参加しています。彼らの名前などは以下のとおりです。

裁判官

1. 佐藤さん
2. 田中さん
3. 山本さん

裁判員

4. 伊藤さん (IT 会社社長, 26 歳, 男性)
5. 中村さん (無職, 61 歳, 男性)
6. 渡辺さん (アルバイト, 23 歳, 男性)
7. 鈴木さん (大学教授, 56 歳, 男性)
8. 高橋さん (主婦, 58 歳, 女性)

担当する事件の詳細は別紙の通りです。

事件1を読んだ上で以下の質問に回答してください。

Q1. あなたは被告人は被害者を殺害する意思があったと思いますか？

1. 殺意があった
2. 殺意はなかった

Q2. どの程度あなたの判断に自信を持っていますか？

0－10－20－30－40－50－60－70－80－90－100 (%)

0% : まったく自信がない ----- 100% : 非常に自信がある

下記のような架空の状況で、評議の場において、あなたは裁判官・他の裁判員の前で自分の意見を言うように求められました。

他の裁判官・裁判員がいる会議室にあなたがいる場面を頭の中で十分に想像した上で4～7ページの質問にお答えください。

Q3. 伊藤さん（IT 会社社長，26 歳，男性）があなたと反対の意見を主張しています。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない----- 100％：非常に自信がある

B. あなたは伊藤さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q4. 伊藤さんではなく中村さん（無職，61 歳，男性）があなたと反対の意見を主張していると想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは中村さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q5. 今度は渡辺さん（アルバイト，23 歳，男性）があなたと反対の意見を主張していると想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは渡辺さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q6. 今度は鈴木さん（大学教授，56 歳，男性）があなたと反対の意見を主張していると想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは鈴木さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q7. 今度は高橋さん（主婦，58 歳，女性）があなたと反対の意見を主張していると想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは高橋さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q8. 今度は裁判官のうちの 1 人があなたと反対の意見を主張している場面を想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたはその裁判官に対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q9. 今度は裁判官全員があなたと反対の意見で一致している場面を想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100 (%)

0%：まったく自信がない ----- 100%：非常に自信がある

B. あなたは裁判官たちに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100 (%)

0%：まったく快適でない ----- 100%：非常に快適である

Q10. 今度はあなたを除く裁判員全員があなたと反対の意見で一致している場面を想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100 (%)

0%：まったく自信がない ----- 100%：非常に自信がある

B. あなたは他の裁判員たちに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100 (%)

0%：まったく快適でない ----- 100%：非常に快適である

III. あなたは別の事件について前回とは別の裁判員・裁判官と評議するように求められました。

事件 2 を読んで以下の質問にお答えください。

Q1. あなたは被告人は被害者を暴行する意思があったと思いますか？

1. 暴行の意思があった 2. 暴行の意思はなかった

Q2. どの程度あなたの判断に自信を持っていますか？

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

事件 1 と同様に、5 名の裁判員と 3 名の裁判官と共にあなたが評議に参加していると想像した上で 8, 9 ページの質問にお答えください。

Q3. 小林さん（日雇い労働者、52 歳、男性）があなたと反対の意見を主張しています。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない----- 100％：非常に自信がある

B. あなたは小林さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q4. 今度は佐々木さん（大企業の社長，28 歳，男性）があなたと反対の意見を主張していると想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは佐々木さんに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

Q5. 今度はあなたを除く 5 名の裁判員全員があなたと反対の意見で一致している場面を想像してみてください。

A. あなたは自分の意見にどの程度自信を持てますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく自信がない ----- 100％：非常に自信がある

B. あなたは他の裁判員たちに対してどの程度快適に自分の意見を述べることができますか？(1 つ選び○をつけてください)

0－10－20－30－40－50－60－70－80－90－100（％）

0％：まったく快適でない ----- 100％：非常に快適である

IV. 以下の記述に対するあなたの意見として最も当てはまる選択肢に○をつけてください。

Q1. 裁判官は人々を公平に扱っている

- 1. 強く賛成 2. 賛成 3. やや賛成 4. どちらでもない
- 5. やや反対 6. 反対 7. 強く反対

Q2. 裁判官は信頼できる

- 1. 強く賛成 2. 賛成 3. やや賛成 4. どちらでもない
- 5. やや反対 6. 反対 7. 強く反対

Q3. 裁判官の判断は正しい

- 1. 強く賛成 2. 賛成 3. やや賛成 4. どちらでもない
- 5. やや反対 6. 反対 7. 強く反対

V. 以下の質問に対して最も当てはまる選択肢に○をつけてください。

Q1. 裁判員制度についてどの程度知っていますか？

- 1. 制度の詳細の全てを知っている 2. 制度を若干知っている
- 3. 制度の名前のみ知っている 4. 制度を全く知らない

Q2. 裁判員として裁判に参加したいですか？

- 1. ぜひ参加したい 2. 参加したい 3. やや参加したい
- 4. どちらともいえない 5. あまり参加したくない
- 6. 参加したくない 7. 全く参加したくない

Q3. 真相の究明には裁判官と裁判員のどちらが優れていると思いますか？

- 1. 裁判官 2. どちらかといえば裁判官 3. どちらともいえない
- 4. どちらかといえば裁判員 5. 裁判員

Q4. 裁判員制度は日本人の国民性に合っていると思いますか？

- 1. 非常に合っている 2. 合っている 3. やや合っている
- 4. どちらともいえない 5. あまり合っていない
- 6. 合っていない 7. 全く合っていない

Q5. 裁判員制度に賛成ですか？反対ですか？

- 1. 強く賛成 2. 賛成 3. やや賛成 4. どちらでもない
- 5. やや反対 6. 反対 7. 強く反対

裁判員制度における文化的要素の影響 裁判員制度に関する調査 情報と同意書

参加者がクラスで質問紙に記入を始める前に読んでもらうこと

この研究は、2009 年までに実施される、裁判員制度に対する大学生の態度を理解することを目的としています。質問紙中の質問は、具体的な 2 つの事件に関するあなたの意見と、裁判員制度に関するあなたの一般的な意見に関連するものです。この調査はアメリカのミシガン州立大学の修士課程の要件を満たすために行われます。質問紙はおよそ 15 分から 20 分程度かかります。

この調査においてあなたの参加が非常に重要です。しかし、あなたはこの調査に参加しない自由があります。参加する場合でも、あなたの身元はこの調査のどこにも記録されません。結果は集約されて処理され、それぞれの回答からあなたが特定されることはありません。あなたのプライバシーは法の許す限り最大限に尊重されます。また、調査のいかなるときにおいてもあなたは自由に回答を止めることができます。

この情報を読み、この調査に参加する意思がある場合には、下に名前を書くか、あなたの名前のイニシャルを書いてください。この署名は上記の情報をあなたが読んだことの証明のためにのみ用いられます。尚、この同意書は質問紙とは別々に保管されます。

署名またはあなたの名前のイニシャル

この署名は私が上記の情報を読んだことと、この調査に参加する意思があることを示します。

この調査に関して質問がある場合には、調査責任者(Sheila Royo Maxwell, Ph.D.)までご連絡ください[電話番号：(517)355-6685，メールアドレス：maxwel22@msu.edu，住所：520 Baker Hall, East Lansing, MI 48824]。調査参加者としてのあなたの権利に関して質問や心配がある場合、またはこの研究のいかなる場面、側面に関して不快に思った場合には、自由に—お望みとあらば匿名で—ミシガン州立大学の Human Research Protection Programs の代表である Peter Vasilenko, Ph.D.までご連絡ください[電話番号：(517)355-2180, FAX：(517)432-4503, email：irb@msu.edu，住所：202 Olds Hall, East Lansing, MI 48824]。

Appendix F. Details of cases (Japanese version)

【事件 1】

被告人は被害者の男性と四年間同棲していた。被告人はすでに二度、被害者の子供を妊娠し、男性の意向で中絶している。そして、今回、三人目の子供を妊娠していた。今度こそは産みたいと考えていたが、被害者はすぐに暴力をふるうので、なかなか言い出せなかった。

ある夜、決意して今度こそ産みたいという気持ちを伝えようと、被害者(スナック勤務)が仕事から帰ってくるのを待つが、なかなか帰宅しない。スナックに電話したが取り次いでもらえない。被告人は、被害者の浮気を邪推してしまう。結局、明け方前に帰宅した被害者を問い詰めるが、はぐらかしてちゃんと答えない。酔っているのか、持っていたバスタオルで被告人の顔を何度もたたくなど、暴力の兆しが見える。そこで、被告人は、きちんと話を聞いてもらおうと台所に行き、包丁を持って戻り、「私の話をちゃんと聞いてほしい。私をたたかないで」と言う。被害者はそれでも「俺を刺すというのか。刺してみろ」と言って、タオルを振り回しながら被告人に近づいてくる。彼女は妊娠している事実を告げる。そうすると、被害者は、「おろせ」と行って迫ってくる。ここで、被告人は両手で包丁を握り締め、自分のお腹をかばって構える。そこに被害者が突進し、包丁が刺さってしまう。

被告人は、すぐに救急車を呼ぶが、被害者は出血多量のため病院で死亡する。現場に急行した救急隊員は、必死で手当てをしていた被告人を見ている。罪状は、殺人罪。凶器は肉切り包丁。検察の言う殺人の動機は嫉妬。しかし、被告人は、お腹の赤ちゃんをかばった防衛的行為で、殺意はなく、今でも彼を愛していると言う。

【事件2】

日雇い労働者である被告人は、彼の友人で同じく日雇い労働者の共犯者と公園でビールを何本も飲んでいて、ビールの残りが少なくなったときに、共犯者は同公園で酒を飲んでいて被害者に近づき、「もっとビールが飲みたかったら代わりに買いに行ってやるよ」と提案した。被害者はこの申し出に応じた。共犯者は被害者の財布から2000円を取り出し、二人はそのお金でお酒を買いに行った。二人がお酒を買ってくると、被害者が「俺の金を返せ」と言い出し、共犯者と口論になった。その後、被害者と共犯者はもみ合いの喧嘩になり、共犯者は被害者を棒で殴った。被害者は被告人も共犯者と共に平手で顔を押ししてきたと証言している。もみ合いの結果、被害者は頭部に全治10日の怪我を負った。この罪により被告人は強盗致傷の罪で起訴された。共犯者は被告人とは別個に起訴された。

検察側は、共犯者は被害者から無理やりお金を奪ったばかりでなく、被告人と共犯者が共謀して暴行を加えたと主張する。その一方で弁護士側は、お金の受け渡しは平和的に行われ、被告人は共犯者と被害者がもみ合っているのを止めようとしてただけで、被告人の手が被害者に当たったのは偶然であったと主張する。

Appendix G. A scale of independent and interdependent construal of self

Independent construal of self

1. I always try to have my own opinion
3. I believe the best decision is the one I think about by myself
5. I do not mind how other people think about myself
7. I follow what I believe even though that is different from what others believe
9. Mostly, I decide things by myself
11. I believe whether it is good or bad is decided by my view
13. I always know what I want to do
15. I do not worry about my thoughts and behaviors even though those are different from
what others have
17. I always insist my opinion clearly
19. I always speak and act with confidence

* Additive model-Cronbach's alphas=.77 (Both students), .73 (American students),
and .64 (Japanese students)

Interdependent construal of self

- 2. I worry about how others think about myself
- 4. When I act, I cannot put it into practice for a hesitation or a waver
- 6. I am worried about eyes of other people
- 8. I care about status and relative relations with others
- 10. I believe it is important to maintain the harmony among fellows
- 12. It is important to be loved by others
- 14. How I feel will change depending on who I am with or situations
- 16. I avoid oppositions to opinions insisted by my fellows in my belonging group
- 18. When my opinion is opposed to others, I follow the opinion of others
- 20. I change my attitude and behavior depending on who my partner is and a situation

* Additive model-Cronbach's alphas=.70 (Both students), .69 (American students), and .43 (Japanese students)

REFERENCES

- Anderson, K., & Nolan, M. (2004). Lay participation in the Japanese justice system: A few preliminary thoughts regarding the lay judge system (*saiban-in seido*) from domestic historical and international psychological perspectives. *Vanderbilt Journal of Transnational Law*, 37, 935-992.
- Bureau of Justice Statistics. (1999). *State court organization, 1998*. Washington, D.C.: U.S. Department of Justice.
- Casper, G., & Zeisel, H. (1972). Lay judges in the German criminal courts. *The Journal of Legal Studies*, 1(1), 135-191.
- Cooper, J., Bennett, E.A., & Sukel, H.L. (1996). Complex scientific testimony: How do jurors make decisions? *Law and Human Behavior*, 20(4), 379-394.
- Dean, M. (1995). Trial by jury: A force for change in Japan. *The International and Comparative Law Quarterly*, 44(2), 379-404.
- French, J.R., Jr., & Raven, B. (1959). The bases of social power. In D. Cartwright (Ed.), *Studies in social power* (pp. 150-167). Ann Arbor: The Institute for Social Research of the University of Michigan.
- Fujita, M. (2003). Saiban-in no ninzuuhi no kento: Hyogi wo keikenshita simin no iken [Examination of the ratio of lay judges to professional judges: Opinions of citizens, who experienced deliberations in a mock trial]. *Jiyu to Seigi*, 54(1), 64-71.
- Fujita, M. (2004). Mogisaibanhyogi no keiken ga saiban-in seido ni taisuru hyoka ni oyobosu eikyo: shudanshugitekikeiko, shakaitekiseiryokuninchi tonon kanren de [Effects of the experience of mock jury deliberations on evaluations on mixed jury system: In relation to collectivism and social power cognition]. *Hou to Shinri*, 1, 68-80.
- Fujita, M. (2005). Sanshingata seido ni taisuru hoso no hyoka ni oyobosu ninzuuhi no eikyo [The effects of the ratio of lay judges to professional judges on legal professional's evaluation toward mixed court system]. *Hou to Shinri*, 4(1), 36-46.
- Fukurai, H. (2005). Amerika baishin ni kansuru shakaisinrigakurisa-chi to nihon saiban-in seido kenkyu heno kanousei to houkousei [Reviews of socio-psychological research on American juries and the applicability to Japan's new quasi-jury system]. *Japanese Psychological Review*, 48(3), 427-445.
- Horowitz, I.A., & Kirkpatrick, L.C. (1996). A concept in search of a definition: The effects of reasonable doubt instructions on certainty of guilt standards and jury verdicts. *Law and Human Behavior*, 20(6), 655-670.

- Horowitz, I.A., & Willging, T.E. (1991). Changing views of jury power: The nullification debate, 1787-1988. *Law and Human Behavior*, 15(2), 165-182.
- Ikeda, O. (2005). *Kaisetsu saiban-in ho: rippo no keii to kadai [Commentary on saiban-in (lay judge) law: Legislative history and issues of the law]*. Tokyo, Japan: Koubundou.
- Institute of Higher Education, Shanghai Jiao Tong University. (2007). Academic ranking of world universities-2007. Retrieved September 2, 2007, from <http://ed.sjtu.edu.cn/rank/2007/ranking2007.htm>
- Jacobsohn, G.J. (1977). Citizen participation in policy-making: The role of the jury. *The Journal of Politics*, 39(1), 73-96.
- Japan Bar Association. (n.d.). Nihon demo baishin seido ga okonawareteita [Japan had a jury system in the past]. Retrieved February 10, 2007, from http://www.nichibenren.or.jp/ja/citizen_judge/about/column2.html.
- Jonakait, R.N. (2003). *The American jury system*. New Haven and London: Yale University Press.
- Judiciary Reform Council. (1999, July, 27). Shihoukaikaku shingikai dai 1 kai giji gaiyo [A summary of 1st agenda in judiciary reform council]. Retrieved February 28, 2007, from <http://www.kantei.go.jp/jp/sihouseido/990803dai1.html>.
- Judiciary Reform Council. (2000, March, 12). Shihoukaikaku shingikai dai 19 kai giji gaiyo [A summary of 19th agenda in judiciary reform council]. Retrieved February 10, 2007, from <http://www.kantei.go.jp/jp/sihouseido/dai19/19gaiyou.html>.
- Kalven, H., Jr., & Zeisel, H. (1966). *The American jury*. Boston: Little, Brown and Company.
- Katayama, K. (2006). "Saiban-in seido" toiu na no sihouseidokaikaku: keijisihoukai no kurofune ka [Reform of the judiciary system, called "saiban-in seido (lay judge system)": Is it a black ship in administration of criminal law?]. *Nihongaku*, 1, 99-106.
- Kato, K. (2006). Nihon no saiban-in seido nitsuite: Doitsu no sanshin seido tono hikakuwo chushin tosite [About Japan's saiban-in seido (lay judge system): A central focus on a comparison with mixed court system in Germany]. *Houkeironshu*, 170, 23-58.
- Kiss, L.W. (1999). Reviving the criminal jury in Japan. *Law and Contemporary Problems*,

62(2), 261-283.

- Kitayama, S. (1994). Bunkatekijikokan to shinriteki purosesu [Cultural views of self and psychological processes]. *Shakaishinrigaku Kenkyu*, 10(3), 153-167.
- Kodner, J.J. (2003). Re-introducing lay participation to Japanese criminal cases: An awkward yet necessary step. *Washington University Global Study Law Review*, 2, 231-254.
- Komiya, N. (1999). A cultural study of the low crime rate in Japan. *British Journal of Criminology*, 39(3), 369-390.
- Langbein, J.H. (1981). Mixed court and jury court: Could the continental alternative fill the American need? *American Bar Foundation Research Journal*, 81, 195-219.
- Lempert, R. (1992). A jury for Japan? *The American Journal of Comparative Law*, 40(1), 37-71.
- Markus, H.R., & Kitayama, S. (1991). Culture and the self: Implications for cognition, emotion, and motivation. *Psychological Review*, 98(2), 224-253.
- Markus, H.R., & Kitayama, S. (1994). The cultural shaping of emotion: A conceptual framework. In S. Kitayama, & H.R. Markus (Eds.), *Emotion and culture: Empirical studies of mutual influence* (pp. 339-351). Washington, D.C.: American Psychological Association.
- Martin, A.M., Kaplan, M.F., & Alamo, J.M. (2003). Discussion content and perception of deliberation in Western European versus American juries. *Psychology, Crime & Law*, 9(3), 247-263.
- Maruta, T. (1990). *Baishinsaiban wo kangaeru: Hotei ni miru nichibei bunkahikaku [Thinking about the jury trials: A cultural comparison between Japan and the United States in court]*. Tokyo, Japan: Chuoukouronsha.
- Maruta, T. (2000a). Nihonjin no kokuminsei to sansinseido: Sansinsei ha nihonjin ni muiteiruka? [Japan's national character and mixed court system: Is mixed court system meant for Japanese people?] *Hou to Seiji*, 51(1), 163-213.
- Maruta, T. (2000b). Baishin ha nihon ni mukanaika: Nihon bunkaron to baishinseido [Is jury system meant for Japanese people?: Japanese culture and the jury system]. *Jiyu to Seigi*, 51(2), 14-25.
- Maruta, T. (2004). *Saiban-in seido [lay judge system]*. Tokyo, Japan: Heibonsha.
- Michigan State University. (2006). History of Michigan State University. Retrieved September 10, 2007, from

<http://keywords.msu.edu/a-z/viewpathfinder.asp?id=7#28>

Nemeth, C. (1977). Interactions between jurors as a function of majority vs. unanimity decision rules. *Journal of Applied Social Psychology*, 7(1), 38-56.

Office for International Students & Scholars. (2006). 2006 Statistical Highlights. Retrieved September 9, 2007, from http://www.oiss.msu.edu/documents/statsreport/06_sml.pdf

Osaka District Court. (2005). Saibankan, kensatsukan, bengoshi niyoru hososansha mogisaiban (dainikai) wo kaisai shimashita [The second mock trial by the three elements of the judicial community (judges, prosecutors, and attorneys)]. Retrieved March 8, 2007, from http://www.courts.go.jp/osaka/about_tiho/koho/06_06_28_housou_sansha_mogi.html

Oyserman, D., Coon, H.M., & Kemmelmeier, M. (2002). Rethinking individualism and collectivism: Evaluation of theoretical assumptions and meta-analyses. *Psychological Bulletin*, 128(1), 3-72.

Roscoe Pound Institute. (2001). *The jury as fact finder and community presence in civil justice: Report of the 2001 Forum for State Appellate court judges*. Washington, D.C.: Roscoe Pound Institutes.

Saito, T. (2001). Doitsu keijisanshin seido no kino to mondaiten [Functions and problems in German mixed court system]. *Shihokaikaku*, 16, 29-32.

Sakamaki, T. (2006). Saiban-in seido no igi to kadai [Significance and issues of *saiban-in seido* (lay judges system)]. *Toshimondaikenkyu*, 58(4), 62-72.

Saks, M.J., & Marti, M.W. (1997). A meta-analysis of the effects of jury size. *Law and Human Behavior*, 21(5), 451-467.

Sakuraba, N. (2000). Baishinsei to meguru amerika no giron: nihon heno baisindonyu no mondasei ni tsuite [Dispute over the jury system in America: Issues of introducing the jury system in Japan]. *Hanrei Taimuzu*, 1038, 9-27.

Singelis, T.M. (1994). The measurement of independent and interdependent self-construals. *Personality and Social Psychology Bulletin*, 20(5), 580-591.

Staff Bulletin Tsukuba. (2003). 30 Shunen tokushu go [Special edition for 30th anniversary]. Retrieved September 10, 2007, from <http://www.tsukuba.ac.jp/public/booklets/bulletin/pdf/sokuho031008.pdf>

Sugimori, S. (2006). Saiban-in seido ga kinou surutameno sinrigakuteki kentokadai ni tsuite [Psychological issues related to the function in saiban-in seido (lay judge system)]. *Hou to Shinri*, 5(1), 20-25.

- Sugimori, S., Kadoike, H., & Omura, A. (2005). Saibankan ni ataeru joho ga hukuzatsu nahodo saibankan heno docho ga tsuyomaruka: Saibanin heno ninchitekihuka ga saibankan kara ukeru seitouseiseiryoku ni oyobosu kouka [Does the information complexity given to *saiban-ins* (mixed court jurors) increase their dependency on the judges' opinion?: Effects of cognitive overload on legitimate power of judges on judgments of saiban-in]. *Hou to Shinri*, 4(1), 60-70.
- Takano, Y., & Osaka, E. (1997). "Nihonjin no shudanshugi" to "amerikajin no kojinsugi": Tsuusetsu no saikentou ["Japanese collectivism" and "American individualism": Reexamining the dominant view]. *Shinrigaku Kenkyu*, 68(4), 312-327.
- Takata, T. (1993). Seinen no jikogainenkeisei to shakaitekihikaku [Social comparison and formation of self-concept in adolescent: Some findings about Japanese college students]. *Kyoikushinrigaku Kenkyu*, 41(3), 339-348.
- Takata, T. (1995). Jikoninshikihoto toshiteno shakaitekihikaku no ichi: Nihonjin daigakusei ni mirareru tokucho [The status of social comparison as a mean of self-recognition: Some findings about Japanese college students]. *Nara Daigaku Kiyo*, 23, 259-270.
- Takata, T. (1999). Nihonbunka niokeru sougodokuritsusei-sougokyochosei no hattatsukatei : hikakubunkateki, oudantekisiryō niyoru jisshtokikento [Developmental process of independent and interdependent self-construal in Japanese culture: Cross-cultural and cross-sectional analyses]. *Kyoikushinrigaku Kenkyu*, 47(4), 480-499.
- Takata, T. (2004). "Nihonjinrashisa" no hattatsu shakai shinrigaku: jiko, shakaitekihikaku, bunka [Developmental psychology of "Japaneseness": The self, social comparison and culture]. Kyoto, Japan: Nakanishiya Shuppan.
- Takata, T., Omoto, M., & Seike, M. (1996). Sougodokuritsuteki-sougo kyochoteki jikonanshakudo (kaiteiban) no sakusei [Construction of a revised scale for independent and interdependent construal of self]. *Nara Daigaku Kiyo*, 24, 157-171.
- Takayama, S. (2006). *Saiban-in seido ha iranai [We don't need saiban-in seido (lay judge system)]*. Tokyo, Japan: Koudansha.
- Tatsuoka, S. (2006). Saiban-in seido to keijisaiban ni tsuite no jakkan no oboegaki [A Memorandum on *saiban-in seido* (lay judge system) and criminal trials]. In Kobayashi Mitsuru sensei, Sato Fumiya sensei kokishukuga keijisaiban ronshu kankokai [a publication committee of an anthology of criminal trial essays for a celebration of seventieth birthday of Mitsuru Kobayashi and Fumiya Sato]. (Ed.), *Kobayashi Mitsuru sensei, Sato Fumiya sensei kokishukuga keijisaiban ronshu*

[Criminal trial essays for a celebration of seventieth birthday of Mitsuru Kobayashi and Fumiya Sato-The second volume] (pp. 706-732). Tokyo, Japan: Hanrei Taimuzu.

Tokyo Bar Association. (1992). *Baishin Saiban: Kyubaishin no shogen to kongo no kadai* [*The jury trial: Comments on previous jury system and future tasks*]. Tokyo, Japan: Gyosei.

Triandis, H.C. (1989). The self and social behavior in differing cultural contexts. *Psychological Review*, 96(3), 506-520.

Triandis, H.C. (1994). *Culture and social behavior*. McGraw Hill.

Triandis, H.C. (1995). *Individualism and collectivism*. Westview Press.

Triandis, H.C., Leung, K., Villareal, M.J., & Clack, F.L. (1985). Allocentric versus idiocentric tendencies: Convergent and discriminant validation. *Journal of Research in Personality*, 19, 395-415.

University of Tsukuba. (2007). Gakugun, gakurui geninhyo [The number of students in colleges and schools]. Retrieved September 9, 2007, from <http://www.tsukuba.ac.jp/public/booklets/pdf-details2007/p23-p30.pdf>

Vidmar, N. (1998). The performance of the American civil jury: An empirical perspective. *Arizona Law Review*, 40, 849-900.

Yamagishi, T. (2002). *Kokorodekkachi na nihonjin: Shudanshugibunka toiu gensou* [*Spiritualistic Japanese people: A fancy that Japan has a collective culture*]. Tokyo, Japan: Nihon Keizai Sinbun, Inc.

Yasui, H. (2006). Saibaninsaiban ni okeru hyougi ni tsuite [About deliberations on saiban-in seido (lay judge system)]. In Kobayashi Mitsuru sensei, Sato Fumiya sensei kokishukuga keijisaiban ronshu kankokai [a publication committee of an anthology of criminal trial essays for a celebration of seventieth birthday of Mitsuru Kobayashi and Fumiya Sato]. (Ed.), *Kobayashi Mitsuru sensei, Sato Fumiya sensei kokishukuga keijisaiban ronshu* [*Criminal trial essays for a celebration of seventieth birthday of Mitsuru Kobayashi and Fumiya Sato-The second volume*] (pp. 706-732). Tokyo, Japan: Hanrei Taimuzu.

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