LEGAL SOCIALIZATION

Legal socialization is the process of developing attitudes toward rules, laws, and the legal system. Legal socialization research studies this process and also examines why individuals choose to obey or disobey the law. In fact, first approaches in first approaches to studies of attitudes toward the law appear in the legal socialization literature. Factors that affect how these attitudes develop include cognitive developmental variables, such as legal reasoning does this refer to the kind of legal reasoning people have already developed, i.e., the importance they attribute to rules? , and social learning variables, such as salient features of the environment. Other factors that need to be considered are resiliency, psychosocial maturity, individual difference variables (e.g., belief in a just world, authoritarianism), culture, and attitudes. Contemporary work on legal socialization has focused on the effect of legal socialization on rule-violating behavior and compliance with the rules.

Socialization itself connects individuals to society, as socialization operates through family, schools, and other institutions. The study of socialization attempts to elucidate how individuals become engaged in culture and how culture and its affiliated institutions are preserved. Legal socialization is the development of standards, attitudes, and behaviors regarding the legal system. The legal socialization literature also underscores how legal contexts influence and are influenced by citizen behaviors.
TWO THEORETICAL APPROACHES

Two approaches exist within the legal socialization literature. The individual-oriented cognitive developmental perspective argues for the importance of cognitive differences in legal socialization. The environment-based social learning perspective investigates environmental influences on legal socialization.

Cognitive Development Theory

The earliest work on legal socialization was the work of June Tapp and Felice Levine. In the 1970s they approached the understanding of legal socialization from a cognitive developmental framework based on the moral reasoning work of Lawrence Kohlberg. They argued that one’s level of legal reasoning varied based on one’s age, with cognitive structures supporting the maturation from levels I through III: Level I, pre-conventional reasoning, focuses on obeying rules based on obedience to authority and fear of punishment from authorities. Level II, conventional reasoning, emphasizes law maintenance or obeying rules to conform to the society’s norms. Finally, Level III, post-conventional reasoning, focuses on law-creating, or obeying rules based on independent judgments of fairness. Perhaps add a sentence here indicating the scoring in legal socialization research was based on the notion that reasoning at Level II reflected a more developed form of moral reasoning? Perhaps you could also mention the closed-ended approach you refer to in the last chapter. (Doubtless the Piaget-Kohlberg framework shapes this body of research, but might it be possible to mention that there are other ways to conceptualize obedience to rules, such as that of Gillian and Noddings, who identify an
alternative ethics of care that does not involve creation of rules as the sole form of moral development?}

**Social Learning Theory**

Other researchers expanded the original cognitive developmental notion of legal socialization to include factors in the environment that affect social learning. This view suggests that it is through an individual’s interaction with the environment that legal socialization occurs. With age, individuals are exposed to increasingly expansive legal contexts. In environmental contexts (neighborhood, school, etc.), reward and punishment are doled out both formally (based on written law) and informally (peers, family, school). When punishment is fair and even, legal legitimacy is strengthened; whereas when punishment is capricious or inequitable, this contributes to legal cynicism. Legitimacy is the degree to which people feel obligated to follow laws or rules established by legal authorities. Legal cynicism measures whether people act in ways that are outside the law and social norms.

Legal socialization researchers also have varied in their conceptualizations of environment. For example, in a study of rule following on college campuses, Ellen Cohn and Susan White manipulated the rule-following environment by including a peer community wherein residents established rules and decided on enforcement, and an external-authority community wherein residents had no say over rules or enforcement and instead authorities had absolute power. In an international study of legal socialization, other researchers defined environment in terms of country, focusing on seven countries that varied in the extent of time they had been democratized: Russia, Bulgaria, Poland, Hungary, Spain, France, and United States. Similarly, James
Finckenauer also used country as the environment in his comparison of Russian versus American culture for teenagers.

**RESEARCH**

Current research has embodied both the individualistic cognitive-development and the social-learning viewpoints. This work has examined developmental aspects of legal socialization, gender, environmental, and cultural differences in legal socialization, as well as the relation between legal reasoning and delinquency.

**Developmental Differences**

In Felice Levine’s legal socialization research, elementary and high school students answered questions about legal reasoning, moral reasoning, legal attitudes, and legal behaviors. There was a significant relation between subjects’ age and their level of legal and moral reasoning; students in high school had significantly higher moral reasoning scores than elementary students. Could you please add a sentence here explaining scoring? E.g., did this research presuppose the Kohlberg framework, with higher scores indicating extent to which students utilized post-conventional reasoning? In addition, legal and moral reasoning had a direct influence on attitudes about roles and rights and mediated the effect of age but did not influence attitudes about compliance independent of age.

**Gender Differences**

The one piece of research that did find gender differences in predictions of rule-violating behavior was work that used a legitimacy measure of attitudes toward the
criminal legal system. The participants in this study were high school students. They answered questions about attitudes toward the criminal legal system, belief in a just world, and authoritarianism. It was found that for boys, negative attitudes toward the legal system were the sole significant predictor of delinquent behaviors. In contrast, for girls, negative attitudes toward the legal system mediated the negative relation between belief in a just world and delinquency, and partially mediated the negative relation between authoritarianism and delinquency.

**Environmental Differences**

Some researchers have focused on the environment or the behavioral context. In one study, researchers manipulated the legal contexts within two different university dormitories. The external-authority condition allowed no input or influence on rule enforcement, whereas in the peer-community condition, dorm residents participated in the making of rules and ensuing disciplinary action. Results suggested that the individuals in the external-authority condition violated fewer rules than individuals in the peer-community condition. Over time, however, rule-violating behavior decreased in the peer-community condition and increased in the external-authority condition. Further, legal reasoning increased in the peer-community condition and decreased in the external-authority condition.

Some researchers have found that jury deliberation has an effect on people who differ in level of legal reasoning. In the case of Wounded Knee, June Tapp and her associates investigated the hypothesis that the jury acts as a socializing agent in a study of the trial of Leonard Peltier, who was convicted of murdering two FBI agents at the Oglala Sioux Pine Ridge Reservation in South Dakota, during a confrontation in 1975 between
American Indian Movement members and the FBI. The researchers tested legal reasoning levels before and after participants served as jury members in the trial. Results showed that legal reasoning levels increased for the jury participants.

In another study, people who differed in their legal reasoning level deliberated about one of three legal cases that varied in the behavioral context of the relation between norms and rules. In one case of a physical assault, the norms concerning the behavior agreed with the rules; people did not approve of the behavior and agreed with the rule against the behavior. In another case, that of a beer-bottle throwing game, the norm and the rule did not agree; people approved of the behavior and did not agree with the rule against it. Finally in the last case of sexual harassment, people were divided. For some, the norm and the rule agreed; for others, the norm and the rule did not agree. Could you identify the rule? Did this mean that some people thought sexual harassment was OK, or was it that they disagreed with the definition of sexual harassment presupposed by the rule? The findings showed that the jury deliberations affected postconventional reasoners most with the physical assault case and preconventional reasoners most with the sexual harassment case. Conventional reasoners were not affected by the jury deliberation in any of the cases.

**Cultural Differences**

Researchers have studied legal socialization in a number of different countries. In one study, legal socialization was studied as a mediator of rule violating behavior. In this study, Heath Grant examined legal reasoning as a form of resilience in Mexican youth and found that legal reasoning mediated the relation between risk factors (such as
negative peer influence) and delinquency. In another study, juveniles in Russia were compared to juveniles in the United States to understand different legal contexts. Overall there were no differences between Russian and American youth in legal reasoning.

Further, differences in legal socialization have been measured in seven countries, three older democracies (United States, France, and Spain) and four countries more recently democratized (Russia, Bulgaria, Poland, and Hungary). The countries did not differ in the level of legal reasoning. They did differ on other legal measures such as procedural and distributive justice, with procedural justice being more important in the older democracies and distributive justice being more important in the newer democracies.

**Legal Reasoning and Delinquency**

A few studies have investigated the relation between legal reasoning and delinquency. In a comparison of Russian and U.S. youth, delinquents reported lower levels of legal reasoning than nondelinquents. (again presupposed the Kohlberg scale?) This finding was replicated in an American study of college students.

In study of serious juvenile offenders, Alex Piquero and colleagues investigated the developmental course of two aspects of legal socialization: legitimacy and legal cynicism. They found that both factors remained relatively stable over 18 months. The researchers also found that older adolescents viewed the law as less legitimate than younger adolescents, and that greater numbers of prior arrests were associated with greater legal cynicism. Conversely, Tom Tyler and Jeffrey Fagan’s cross-sectional research on children ages 10–16 did find age differences, with legal cynicism increasing with age and legitimacy dissipating with age.
MEASURES OF LEGAL SOCIALIZATION

Researchers have measured legal socialization differently. Early researchers developed open-ended questions about legal reasoning that are coded into the three levels. More recently, investigators have developed a closed-ended version of the legal reasoning measure. In addition, some researchers have included measures of legitimacy and legal cynicism as measures of legal socialization, or have asked about specific attitudes toward the legal system.

Ellen S. Cohn and Kathryn L. Modecki

See also Jury Deliberation; Juvenile Offenders; Juvenile Offenders, Risk Factors; Legal Authoritarianism; Public Opinion about the Courts

Further Readings

Cohn, E. S., & Modecki, K. L. (2007). Gender differences in predictors of delinquent behavior: The role of personality and attitudes. Social Behavior and Personality: International Journal, 35. is this in press so no page numbers?

