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Socialization, Legal

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Legal socialization is a research field on the processes whereby individuals, essentially from childhood until the end of adolescence, develop a system of cognitive representations, images, and attitudes about law. Although these change owing to experiences during adulthood, they never disappear; the early attitudes continue to underlie the way adults perceive and use law. As part of the general socialization processes in which children and adolescents become social beings, legal socialization consists of an appropriation process through which young people gradually assimilate various elements of law. As Chantal KourilskyAugeven showed in 1997, this includes norms and institutions, as well as related values and relations that regulate society, which people reorganize in their inner world of representations and knowledge. Research on legal socialization is closely linked with studies about the legal consciousness of adults. These studies of adults were conducted prior to research on legal socialization in Europe but were carried out later in the United States.

European Research on Adults' Legal Consciousness

Studies about legal socialization emerged in France during the 1980s as an extension of research in legal sociology, which had focused on adults' knowledge, representations, and attitudes regarding law and justice, specifically in civil and family law. Sponsored by the Ministry of Justice, this research was undertaken as part of reforms of the Civil Code under the leadership of Jean Carbonnier (1908–2003), a legal sociologist and expert in civil law, who referred to legal socialization as a “juridicization” process undergone by children and adolescents.

Jurists and legal sociologists from countries in central and eastern Europe were carrying out similar research under the heading *legal consciousness*. Created in Hungary by the legal theoretician Imre Szabo, this phrase referred to both social and individual legal consciousness. Studies of this sort thrived during the 1960s and 1970s in Hungary as well as in other European Communist countries, in particular, Poland, with its fertile tradition of legal sociology. In western Europe, Berl Kutchinsky in Denmark launched a comparative research project on knowledge and opinion about law (see

Adam Podgorecki's 1973 work). During the 1980s, the Ministry of Justice in Canada sponsored research on legal consciousness and knowledge of the law, as reported by Radi Vassilev Radev and François Ribordy.

American Research on Legal Socialization

The first research on socialization occurred in the United States. The studies, conducted by two psychologists, Lawrence Kohlberg (1927–1987) on moral development and Joseph Adelson on political socialization during childhood and adolescence, are especially relevant to legal socialization. In the 1960s and 1970s, the psychologist and criminologist June Tapp refined [p. 1402 ↓] this concept. To distinguish legal socialization from other forms of socialization, she centered her definition on legal attitudes and behaviors—internalizing legal norms, learning compliant and deviant modes, and abiding by law and rules.

In this formulation, centered on attitudes toward legal norms and rules, the first word in the phrase *legal socialization* has a double meaning. A neutral meaning indicates the field of socialization: socialization in the field of law. However, a second meaning implies that this socialization refers to behavior and attitudes that are (or are not) in conformity with the law. Tapp leans toward this second meaning. By underscoring compliance with or obedience to the law, this formulation postulated that the law is essentially an imperative norm (orders and prohibitions), which, if transgressed, will be sanctioned. Furthermore, abiding by the law or refusing to do so seems synonymous with social conformity or social deviance because this second definition presents legal norms as being in legal continuity with social norms. All this apparently leaves little room for alternative patterns of behavior in relation to the law. This approach tends to consider legal socialization to be successful or not as a function of its results for society.

Following the line laid down in Jean Piaget's (1896–1980) work on the moral judgment of children, Kohlberg drew up a full theory of six stages of moral development during childhood and adolescence. On this basis, Tapp and Kohlberg worked out a cognitive theory of legal development, with three levels in the development of cognitive representations of law and justice prior to adulthood. At the first (preconventional) level, children express unconditional respect for authority and the rules, which are seen as

fixed and immutable. In this obedience and punishment orientation, rules curb bad actions and motivate behavior toward the avoidance of physical danger. At the second (conventional) level, young people want to see law and order prevail. Motivated by personal or social conformity, they seek, for instance, to win the approval of others or else to preserve things as they are, and thus, they equate justice with maintaining society's basic rules and structures. Rules and laws now operate more as general prescriptions than as inhibitors of behavior.

At the third (postconventional) level, adolescents adopt a legislator's viewpoint. They see rules and laws as coming out of a social consensus; and they bring forth arguments for obeying them. In particular, laws should be compatible with universal principles of justice. They may disobey legitimately laws that violate such universal rights or moral principles.

Further research that Tapp and Felice Levine carried out on adult samples showed that in what one could call a regression in late adolescence from the postconventional level, the conventional stage of law and order turned out to be society's modal legality.

During the 1970s and 1980s, questions arose in the United States about this initial conceptualization of legal socialization. On one hand, legal sociologists such as Friedman pointed out that legal norms should not be reduced to imperatives. As usually happens in everyday life, many such norms grant rights and possibilities for action to individuals, who are free to use them or not. Hence, the notion of legal norms had to grow beyond binding rules. On the other hand, psychologists formulated doubts about the applicability of the levels of development in the case of laws and rules. As Elliot Turiel's studies about kindergarten showed, very young children develop a coherent worldview, especially with regard to laws and rules; and they know that some of the latter are not binding.

Moreover, the theory of levels of development did not take into account differences in socialization as a function of gender. For example, Carol Gilligan argued that girls much more often than boys stay at the conventional level of personal or social conformity. Differences in gender socialization lead girls to develop a conception of morality centered on understanding responsibility and relationships and boys to see morality as fairness, a view that links moral development and comprehending rights and rules.

Toward a New Conception of Legal Socialization in Europe

The conception of legal socialization that emerged in France during the 1980s profited from the lessons drawn from previous studies in the United States as well as in Europe during the 1960s and 1970s. In particular, this [p. 1403 ↓] research borrowed Annick Percheron's concept of *general socialization* from French studies of political socialization. Its methodology further developed the word association techniques used in these studies and introduced the possibility that respondents could make selective associations of legal concepts with a list of values. The notion of a legal norm was broadened beyond binding rules to include the norms that grant citizens rights and possibilities of action. Adopting an anthropological point of view, Chantal Kourilsky-Augeven has shown that this research brought the cultural system's key values into the field of legal socialization.

Thus, law was a full part of the culture, that is, a “part of a distinctive manner of imagining the real” (Geertz 1983: 184). The “legal acculturation of the socialized subject” refers to the process where a person acquires the general knowledge shared by all members of a society. The acquisition of this common knowledge, the existence of common representations about the law, institutions, and state-citizen relations, learning national history and the values embedded in it—all of this provides citizens with shared, implicit evidence, which enables them to recognize each other as coming from the same national culture. In this process, such evidence might serve the purpose of a communication opportunism based on knowing what you must or must not say, or what you must or must not do, to be deemed a reliable community member. In parallel, a process of legal acculturation by the socialized subject occurs as individuals reinterpret objects in the common culture so that the contents have a meaning for them in relation to the specific cultural codes acquired in their social and family environments. Shared, implicit evidence crops up here, too, but at a deeper level, as the grounds for interpreting one's immediate environment in relation to the world.

Kourilsky-Augeven has reported that comparative studies carried out during the last two decades of the twentieth century in France, Poland, Hungary, and Russia have

brought to light both the system of legal representations specific to national cultures and the variations in them as a function of age, gender, and social milieu. The results do not confirm the three successive levels of socialization in Kohlberg and Tapp's model. Instead, they suggest that adolescents gradually internalize this cultural model until it crystallizes into shared evidence, despite subtle variations by gender, social milieu, and local context. As previously demonstrated in studies on political socialization, the age of thirteen to fourteen apparently marks the threshold after which a person starts personally appropriating the cultural model.

These comparative studies have also proven that legal socialization should not be reduced to knowledge of or attitudes toward the legal system's socially visible elements, whether imperative norms or institutions such as the courts. A child (and adolescent) builds up images of both the world and the law and rights at the same time. These sets of images interact. Therefore, images of the law, rights, or justice cannot be understood apart from ideas about fundamental concepts or values such as authority, guilt, punishment, freedom, equality, responsibility, or solidarity.

Legal socialization occurs at a given time and place. What children, then adolescents, internalize—and what will still underlie their ideas and attitudes during adulthood—is the image they have formed about the law at a certain moment, in a given social milieu, society, and culture. Nonetheless, legal socialization varies over time. For one thing, a culture is not static; and for another, the person's active appropriation of information entails reinterpreting it so that it takes on meaning in relation to current experiences.

American Research on Legal Consciousness

In the United States, qualitative studies on legal consciousness developed in the 1990s parallel to classical sociological surveys, based on standardized questionnaires and representative national samples. These qualitative studies used narrative techniques and in-depth interviews with relatively small numbers of people. Despite the differences between these American studies on legal consciousness and European studies on legal socialization, their results converge on several points.

Patricia Ewick and Susan Silbey went beyond classical questions about the impact of the law on social relations to describe the key role of what they called *legality* in people's lives. Accordingly, legal consciousness refers [p. 1404 ↓] to how ordinary people interpret and experience law in everyday life and also how they “enact” it. Beyond the individual's ideas about the law or the search for their effects, social scientists must try to detect the web of legality running through ordinary events and transactions. For Ewick and Silbey, the distinction between law and society blurs completely because law is a feature inherent in social situations instead of an autonomous force acting on them. Consequently, legal consciousness is “emergent, complex, and changing.” In any single situation, however, only a limited number of interpretations can confer a meaning on things and events. These interpretations are unequally accessible because they depend on the individual's ability to understand them.

The study of narratives by David Engel and Frank Munger stood closer to European research. It linked the legal system to its cultural context. Law is an element constitutive of the categories and routines of everyday life. However, the latter, along with the people concerned, give form and meaning to the law. Legal consciousness arises out of this ongoing interaction between law and individuals' experiences. Life stories have added a new dimension to research in this field because they emphasize the emergence of a sense of identity and of attitudes toward the law throughout the life span.

For Engel and Munger, legal consciousness has its roots in experiences reaching back into adolescence and childhood but also running on through adulthood. The individual's sense of self is continually being re-created; culture and law are key elements in this process. People, thus, come to use or avoid the law as they go on renegotiating their identities in various situations where they see the law as relevant or irrelevant to their lives. For instance, Engel and Munger showed how individuals with a handicap choose to use or not use rights granted by the law. They might choose to relinquish such rights to avoid having their identity as professionals questioned at the workplace or being confined in the identity of “handicapped person.” The ways their identities have developed during childhood provide the basis for understanding their victories and relinquishments.

Conclusion

Relevant to several disciplines (law, psychology, sociology, legal sociology, and anthropology of law), studies on legal socialization and legal consciousness have gradually won a place during the last thirty years in research on the processes through which individuals perceive and receive the law. Scholars have tested various theoretical constructions and research methods in both Europe and the United States. These approaches all started out by focusing on law itself or on knowledge of or compliance with the law. They have all felt the need to concentrate on how individuals construct their representations of the law in line with personal experiences, which condition their knowledge of the law and the uses they make of it.

Note: This entry was translated from French by Noal Mellott.

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See also

- [Anthropology of Law](#)
- [Attitude Formation and Change](#)
- [Carbonnier, Jean](#)
- [Compliance with Law](#)
- [Culture, Global Legal](#)
- [Culture, Legal](#)
- [Globalization and Law in Everyday Life](#)
- [Knowledge, Legal](#)
- [Kohlberg and Moral Development](#)
- [Kohlberg, Lawrence](#)
- [Psychology and Law](#)

Further Readings

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