Testing Competing Hypotheses

In the preceding chapter, we found that manipulating the rule-enforcing conditions in two residence halls resulted in significantly different legal socialization effects than were produced through the natural socialization process. In order to better understand these varying effects, we tested competing hypotheses drawn from the two leading theories of legal socialization. According to legal development theory (Levine & Tapp, 1977; Tapp & Kohlberg, 1977; Tapp & Levine, 1970), legal socialization occurs through stage-dependent change in the cognitive structures that produce legal reasoning, which is then reflected in an individual’s legal development level. By contrast, social learning theory (Akers, 1985; Akers et al., 1979; Aronfreed, 1968, 1969; Bandura, 1969a, 1969b, 1977) holds that differential association and reinforcement contingencies shape an individual’s attitudes and behaviors with respect to rules and the exercise of authority and that these factors therefore control the learning process that is legal socialization.

In this chapter, we restate in brief the basic concepts of each of these theories of legal socialization. We then report the results of our experimental manipulation of rule-enforcing conditions in which we tested hypotheses drawn from the two theories.

The Two Hypotheses

**Legal Development Theory**

We discussed the two major theories of legal socialization in Chapter 2, with particular attention to the relative weight accorded to internal and external factors. The cognitive developmental paradigm focuses on internal factors, specifically the process by which cognitive structures are created and evolve as the individual’s reasoning capacity adapts to incoming information. Legal development theory (Levine & Tapp, 1977; Tapp & Kohlberg, 1977) postulates that the cognitive structures used in legal reasoning are “rules for processing information” that change in
a dialectical process according to stages. Each stage "represents a qualita­
tively different organization of thought, not a set of specific beliefs" (Tapp & Kohlberg, 1977, p. 90). Thus legal socialization, on this account, is a process of social learning that is largely dependent on one’s developing capacity for reasoning about rules, fairness and being responsible for one’s actions.

There are six stages of legal development (Levine & Tapp, 1977; Tapp & Kohlberg, 1977; Tapp & Levine, 1970, 1974). These can be described in terms of Kohlberg’s (1969, 1976, 1981) three levels of moral development because legal development theory is a variant of that basic model. The first level of reasoning (preconventional) can be labeled prohibitive. When asked about the value and function of rules and laws, reasoners at this level think in terms of proscriptions and preventing harm, rather than promotion of a positive social good. Prohibitive reasoners think that people should follow rules in order to avoid punishment and they hold a rigid view of obeying authority. The second level of reasoning (conventional) can be labeled prescriptive. Reasoners at this level think about the value and function of rules and laws in terms of maintaining social order and facili­tating a necessary system of constraints. Prescriptive reasoners think that people should follow rules in order to conform to societal expectations and preserve law and order. The third level of reasoning (postconventional) can be labeled self-regulatory. When asked about the value and function of rules and laws, reasoners at this level think in terms of achieving beneficial and rational purposes for the general welfare. Self-regulatory reasoners think that people should follow (or sometimes break) rules in order to conform to principles of justice and thereby benefit society.

Legal development theory (Levine & Tapp, 1977; Tapp & Kohlberg, 1977; Tapp & Levine, 1970) holds that the process of change through these six stages requires a period of disequilibrium in the individual and role­taking opportunities that will facilitate adaptive processing of new in­formation. There is no direct relationship between the environment and legal reasoning on this view, but rather an indirect linkage through the process of equilibration in a context of social interaction. An important factor in legal socialization is role-taking, or experiences that lead one to take the perspective of others. As the child grows into adulthood, the passage through the developmental stages depends in part on the availa­bility of appropriate experiences in which issues about the fair enforcement of rules and holding people responsible for their actions are confronted. Reasoning through such issues, especially under circumstances that require the individual to take the perspective of others, provides a context for change in the level of legal reasoning. It is assumed that change in legal development level is linked to attitudes and behaviors expressed in specific situations, but this linkage is not elaborated in the theory and, in any case, is not direct.

In general, then, legal development theory hypothesizes that legal