

RESEARCH DEVELOPMENTS ON LEGAL SOCIALIZATION

Dr. Anna Pawlak

Institute of Legal Sciences, University of Economics and Human Sciences in Warsaw, Poland

e-mail: a.pawlak@vizja.pl; <https://orcid.org/0000-0001-6112-8743>

Abstract. The research approach to the issue of legal socialization changes along with the development of science and the evolution of legal theory. The paper reviews and systematizes the most important approaches and perspectives of research on legal socialization over time, from the first in-depth studies up to 2020. It shows the research expansion of the last decade on a global scale, as well as its deficiency in Poland. By analyzing the factors of legal socialization, it is possible to reach a full understanding of the process, and to draw conclusions as to the future directions of research. Undoubtedly, there is a new perspective of research that takes into account the achievements of cognitive sciences, especially neuroscience.

Keywords: sociology of law, legal socialization, models of legal socialization, research directions

INTRODUCTION

Sociologists, psychologists, social anthropologists, theoreticians of law, ethicists, educators, and criminologists have a variety of approaches to the issue of legal socialization. Legal socialization is an important issue for the effectiveness of law, because knowledge of the mechanisms of legal standards internalization can allow to optimize the content of law. The process of legal socialization is also explained by criminologists who study the reasons for criminal behavior. Moreover – an in-depth analysis of socialization mechanisms can provide a basis for building educational programs for both children and adults for upbringing to legal values.

Thus, it is not surprising that for many years scientists have been conducting research aimed at developing a general theoretical model to explain the process of legal socialization. However, given the complex nature of this process, occurring at the psychosocial, neurological, legal, ethical, and also educational levels, building a generalized theory of legal socialization is extremely difficult, if not impossible. Showing the directions of research development on legal socialization, analyzing the changes in research approaches and, consequently, determining the potential future developmental trends of legal socialization research became the primary objective of this study.

In the subject literature, the most common is the elaboration of traditional research approaches of legal socialization, considered in opposing currents [Tapp and Levine 1974; Cohn and White 1990; Cohn, Bucolo, Rebellon, et al. 2010; Fine and Trinkner 2020; Borucka–Arctowa, Skąpska 1993; Pieniżek and Stefaniuk 2014]. However, there are no attempts to build a general scheme of the research development on legal socialization, or to indicate certain regularities in the historical and problematic perspective. Meanwhile, in order to understand the conte-

emporary approach to legal socialization, an in-depth analysis of research approaches in earlier years and understanding the regularities of their development is a necessity.

1. DEFINITIONS OF LEGAL SOCIALIZATION

There are various definitions of legal socialization in the literature, as different researchers emphasize different aspects of this process. Over the years, it can be noted that the definition of legal socialization has expanded and focused not only on the process of socialization but also on its causes and effects.

In the American literature, legal socialization is defined as “the process during which people develop their relationship with the law” [Trinkner and Tyler 2016, 3]. It involves the formation of values, attitudes, and beliefs about the law, as well as the institutions that make the law and the people who apply and enforce it [Trinkner and Cohn 2014, 602; Piquero, Fagan, Mulvey, et al. 2005, 267]. From a perspective of legal effectiveness, legal socialization is understood as a process that leads people to recognize the authority of law and as a guarantee of compliance with the law [Buss 2011, 329]. On the other hand, from the communicative point of view, legal socialization is understood as a development process of communicative competence, building the ability to participate in public discourse and exchange arguments to legitimize the existing legal order [Habermas 1999, 22].

In the Polish literature, the definition of legal socialization was developed by M. Borucka–Arcowa and G. Skąpska. Polish researchers indicate that legal socialization is: “a process of taking over, i.e. gradual assimilation and gradual reorganization by the subject – within its own system of perceptions and knowledge – of the elements co-creating the legal system prevailing in the society” [Borucka–Arcowa and Skąpska 1993, 29–30]. This is an approach that emphasizes the importance of internal socialization factors in the process of internalization of legal standards.

Recent studies on legal socialization go far beyond the internal process of understanding the law. Contemporary researchers pay attention to the underlying values and ideas of society concerning how the legal system should function [Trinker, Rodrigues, Piccirillo, et al. 2019, 3], as well as the individual-power relationship, as one of the processes through which people develop their views of law [Tyler and Trinkner 2018, 3].

In an attempt to build a definition of legal socialization that takes into account all the previous directions of research, it can be pointed out that legal socialization is “a process of building the relationship with the law, shaped and constantly refined through the natural maturation and cognitive-emotional development of a person (psychosocial and educational aspect), as well as through continuous direct and indirect experiences with the law and law enforcement bodies (legal and ethical aspect).” However, based on the research results of the last decade, more and more attention is paid to the environmental conditions that influence the de-

velopment of relationship between man and the legal system, and at the same time the research on the neurological processes occurring in the human brain has been further explored.

2. TRADITIONAL APPROACHES TO THE STUDY OF LEGAL SOCIALIZATION IN THE WORLD AND IN POLAND

In the American literature, there are two main approaches to the study of legal socialization: 1) cognitive and developmental [Tapp and Levine 1974; Cohn and White 1990; Cohn, Bucolo, Rebellon, et al. 2010], and 2) based on social learning theory [Cohn and White 1986]. It is quite characteristic that further studies and new approaches to legal socialization within the cognitive and developmental as well as social models do not overturn the existing theories, but show a different perspective of research and add some new elements, important for understanding the process, which makes the contemporary view of legal socialization show the issue on many levels.

Interestingly, in the Polish doctrine [Borucka–Arctowa and Skąpska 1992, 14; Staśkiewicz 2013, 327; Pieniżek and Stefaniuk 2014, 226; Ornacka 2013, 68] the main focus is on other traditional approaches to legal socialization: 1) normative and deterministic approach [for which representatives are considered: Hogan and Mills 1976] and 2) cognitive and interactive approach [represented by: Piaget 1932; Mead 1975]. These approaches are generally used to characterize opposing models of children's socialization [Corsaro 2011, 9ff].

In the normative and deterministic model, attention is paid to the adaptation of an individual to the system of standards and values, with its completely passive attitude. The most important thing is the order in the society, to which the socialized person must adapt. Law in this view is “a kind of tool, used to transform individuals in accordance with the current ideal, recognized by the political system” [Pawlak 2017, 776]. According to the normative and deterministic approach (adopted by theories of cultural anthropology, system and functional theories and psychoanalysis), a person completely adapts to the system of standards and values surrounding him [Staśkiewicz 2013, 328], as he is a “rule-following” animal, thanks to which he can survive. Understanding the socialization process according to this model, was the basis of research in the 1970s on the socio-psychological conditions that enable the use of law as an instrument of social reform [Hogan and Mills 1976], which may explain why in Poland this model was used as one of the possible perspectives of legal socialization. It is important to emphasize that American studies on approaches and idealization models of legal socialization do not take into account the normative and deterministic approach at all, which is another confirmation of the strong influence of existing state system on the determinants, manner and directions of research on law.

The cognitive and interaction model, on the other hand, adopted by Polish researchers to explain the process of legal socialization, is a conglomerate of some

assumptions of models known in the English literature as cognitive and developmental as well as social. According to the cognitive and interactive approach, a person maintains his individuality, autonomously and selectively assimilates social values and standards, and may contribute creative elements to this system [Borucka–Arctowa and Skąpska 1993, 12]. In this view, a person “matures” both individually and socially reaching the so-called “cooperative morality” [Selznick, Nonet, and Vollmer 1969, 18ff], and the legal socialization consists in a continuous interaction between the person and his environment.

Due to the fact that the Polish literature lacks theoretical elaborations on legal socialization and comprehensive research on this issue, in the following part of the paper a perspective on the research development on legal socialization based on models distinguished in English-language publications was adopted.

3. COGNITIVE AND DEVELOPMENTAL APPROACH

Research on legal socialization in the 20th century was dominated by the cognitive and developmental approach, in which the focal point of developing a relationship with the law is the maturation of an individual, which drives increasingly advanced cognitive processes that develop over the course of life. This model is based on classic psychological theories of cognitive [Piaget 1932] and moral [Kohlberg 1963/2008] development. In early approaches, legal socialization was closely related to the development of moral reasoning (later the aspect of legal reasoning was added). It was assumed that expectations of moral, good behavior are reflected and communicated through social rules and laws, and that as persons mature, their ability to judge, if a given behavior is moral or not, increases. In this view, it was assumed that the lower the level of moral reasoning individuals possessed, the more likely they were to violate laws [Trinkner 2012, 5]. Such assumptions were supported in later research on offenders’ levels of moral reasoning [Hains and Miller 1980, 21; Blazi 1980, 1ff].

4. LEGAL SOCIALIZATION AS A RESULT OF LEGAL REASONING

In-depth research on legal socialization conducted in the 1970s resulted in the introduction of an additional factor of cognitive development, namely legal reasoning. It was emphasized at the time that an increasing role of legal regulation in the life of societies made it necessary to take a look at the importance of law as a socialization instrument [Tapp and Levine 1974, 4]. The researchers described that, in addition to moral reasoning (related to making judgments on standards, values, rules, and customs), in the process of legal socialization, an individual develops legal reasoning, which allows defining, interpreting, and making decisions about rights and obligations [ibid., 19ff]. The authors then distinguished three progressive stages of legal reasoning: pre-conventional (I), conventional (II) and post-conventional (III) perspectives. The first stage, occurring most often in

young children, involves avoiding punishment and showing respect for the law treated through an instrumental prism. The conventional perspective (II) consists in accepting rules and obeying the law, which will ensure social order and maintain the status of a “good” citizen. The last stage (III) is characterized by a values-based approach to law and making judgments about law with an autonomous sense of justice. Research [ibid., 31] confirmed that the majority of society ranked at the conformist level (II). The model of legal reasoning, assumed that the higher the level of legal reasoning presented by an individual, the lower their approval of behavior that violates these rules. This thesis has been confirmed in later research on both American [Cohn and White 1990], Russian [Finckenauer 1995], and Mexican [Grant 2006] youth samples, confirming its supracultural nature.

5. ATTITUDES TOWARDS THE LAW AN ADDITIONAL FACTOR IN LEGAL SOCIALIZATION

A landmark paper in legal socialization research was published in 1990, which identified a third element of legal socialization, namely legal attitudes, in addition to moral and legal reasoning [Cohn and White 1990]. Research has shown that the relationship between legal reasoning and rule-violating behavior is intermediated by attitudes toward the law. The cognitive and developmental model of legal socialization from then on began to identify three basic elements: moral reasoning, attitudes, and legal reasoning. Indeed, Cohn and White identified two major attitudes that are important in this process: normative and enforcement status. Normative status refers to approval or disapproval of rule-violating behavior, while enforcement status focuses on people’s belief that rule-violating behavior should be punished accordingly. Research from those years showed that as legal reasoning evolved, approval of rule-violating behavior decreased while the belief that such behavior should be punished increased [Cohn, Trinkner, Rebellon, et al. 2012, 7].

The 1990 publication overcame some of the impasse that had taken place in legal socialization research. Cohn and White described three dimensions of legal socialization that were so important to future research. These dimensions were figuratively named: vertical, horizontal, and longitudinal. The vertical dimension refers to the influence of multiple levels of power and authority on a person (legally legitimized authority, but also socially legitimized authority such as parents, school, coach, caretaker, etc.). The horizontal dimension refers to the influence of subcultures and other reference groups on a person’s behavioral mechanisms, as well as intercultural variation in legal socialization mechanisms. The third dimension (longitudinal) emphasizes the importance of a person’s individual experiences over an extended period of time and the formation of different perspectives of power, in relation to different experiences of law enforcement on a daily basis [Cohn and White 1990, 5–6]. The authors conducted an experimental study of a dormitory-dwelling student community in terms of the third dimen-

sion, which resulted in a single study that included all of the measures of a full range of legal socialization effects known at the time – reasoning, attitudes, and behaviors.

6. ELEMENTS OF THE SOCIAL LEARNING MODEL

The publication by Cohn and White was also a breakthrough in the model approach to legal socialization. The authors described a new model of legal socialization – social learning, in addition to the then leading cognitive and developmental model. In their papers, the authors pointed out the need for research incorporating both approaches [Cohn and White 1986], and the results of their research supported a cognitive developmental theory based on legal reasoning and legal attitudes [Cohn and White 1990]. Since then, three directions of simultaneous research on legal socialization have been evident: 1) deepening the cognitive and developmental approach and resulting in the construction of an integrated model [Cohn, Bucolo, Rebellon, et al. 2010]; 2) based on the assumptions of cognitive and developmental approach, but emphasizing the role of environmental factors in the results [Fickenauer 1995; Grant 2006]; and 3) abandoning the cognitive and developmental approach towards the social approach, resulting in the development of an alternative model [Fagan and Tyler 2005; Fagan and Piquero 2007], then evolving to a model based on procedural justice.

The 1990s brought a wave of research on legal socialization in which increasing attention began to focus on the environment as a factor that has an important role in an individual's development of a relationship with the legal system. For example, Finckenauer (1995) in the course of research on the criminal behavior of Russian and American adolescents, found that in addition to legal reasoning and attitudinal factors for the construction of legal socialization, environmental factors are also important. In particular, the circumstance of believing that punishment would be imposed for a given behavior was a great deterrent to rule-breaking [Finckenauer 1995]. Also noteworthy is research conducted by H.B. Grant (2006), who found that when laws were enforced by legal authorities in a manner described as fair, Mexican adolescents were more likely to comply. This research influenced a turn toward a social approach to legal socialization, although for several more years the cognitive and developmental approach dominated, under which the so-called integrated model developed.

7. INTEGRATED MODEL (TRADITIONAL AND EXTENDED VERSION)

In the first decade of the 21st century, researchers based on the cognitive and developmental approach began to study another element of attitude (in addition to normative and enforcement status), namely: attitude toward the criminal legal system. A special scale of attitudes toward the criminal legal system (abbreviated as ATCLS) was developed by Martin and Cohn [Martin and Cohn 2004, 367ff],

which allowed them to investigate the relationship of ATCLS with rule-violating behavior and experiences with the criminal legal system. This scale has been used for further research on criminal behavior [e.g., Cohn and Modecki (2007) studied gender differences in attitudes toward criminal law]. The ATCLS measure was also used to build an integrated model of legal socialization that included the following measures of legal attitudes: normative status, enforcement status, and attitudes toward the criminal legal system. According to the integrated model of legal socialization, individuals with higher moral and legal abilities are more likely to approve of punishment for rule-violating behavior, have more positive attitudes toward the law, and therefore are less likely to engage in rule-violating behavior [Cohn, Bucolo, Rebellon, et al. 2010, 296].

The integrated model was expanded in 2012 when legitimacy of authority was added as a factor influencing legal socialization, in addition to moral and legal reasoning, attitudes toward the law [Cohn, Trinkner, Rebellon, et al. 2012, 385ff]. In the traditional integrated model – attitudes mediated between legal/moral reasoning and rule-violating behavior. The extended model argued that between legal/moral reasoning and normative status (attitudes indicating the degree of individuals' approval of rule-violating behavior) was further mediated by the legitimacy of police and parents. Thus, an individual's level of respect for legal authorities is an additional element of socialization. The extended integrative model attempts to incorporate into research rooted in the cognitive and developmental approach, the achievements of an alternative model of legal socialization built on the social approach.

8. APPROACH BASED ON SOCIAL LEARNING THEORY. BASIC ASSUMPTIONS

The measurement constructs of research based on the cognitive and developmental approach, were primarily based on internal abilities and attitudes about own behavior, rather than how individuals interact with the world around them. Social learning theory, on the other hand, focused on the environmental aspects that influence a person. This model was described in 1986 by Cohn and White, but at the same time, the authors argued more strongly in favor of the cognitive and developmental model [Cohn and White 1986, 206ff], which meant that for over 20 years research had been conducted based on established paradigms.

Under social learning theory, legal socialization takes place in the context of actual social experiences in which individuals respond to situations. This approach predicts a direct relationship between the individual and situational variables. According to researchers, differences in legal attitudes are evident depending on socialization conditions [ibid., 200]. Based on the social learning theory, the so-called alternative model of legal socialization was developed.

9. ALTERNATIVE MODEL

The model developed from social learning theory provides an alternative to the developmental and cognitive approach that dominated research on legal socialization for about 50 years. It began to study primarily external factors of legal socialization. This model was developed since 2005 by Piquero [Piquero, Fagan, Mulvey, et al. 2005] and researchers Fagan and Tyler (2005). In the initial phase, 2 external factors were analyzed: legal legitimacy, including the extent to which individuals believe that laws are right and appropriate, trust the law, and feel obligated to comply; and legal cynicism, i.e., the extent to which individuals have a negative attitude toward the law and legal authorities. Research conducted in the beginning of the 21st century on groups of adolescents, showed that if respondents believed that legal authorities treated them fairly, then they were more likely to perceive authorities as legitimate and had lower levels of legal cynicism, which in turn was associated with less frequent violations of the law by such individuals [Fagan and Tyler 2005, 219ff]. Other researchers [Fagan and Piquero 2007; Piquero, Fagan, Mulvey, et al. 2005] on large samples of adolescents have confirmed the thesis that views about how authority figures treat them influence degrees of legalism and cynicism, and it has been noted that high levels of legal cynicism were associated with low levels of legal legitimacy [Piquero, Fagan, Mulvey, et al. 2005]. The research resulted in a new model of legal socialization that takes into account the role of legal legitimacy and legal cynicism in predicting behavior that violates the law.

10. MODEL BASED ON PROCEDURAL JUSTICE/POWER RELATIONS

Researchers pointing to the strong dependence of the process of legal socialization on relations with authority figures are based on the assumption that young people's experiences with legal authorities result in the adoption of views about the purpose and role of the law [Tyler, Fagan, and Geller 2014, 751ff], and also influence the foster of beliefs about own position in society [Justice and Meares 2014, 159ff]. In this view, the authorities applying and enforcing the law are the main actors driving the internalization of law-related values and attitudes [Fine and Trinkner 2020, 9]. It is emphasized that the fair treatment of people by authorities acts as a tool in providing legal values and behavioral standards [Tyler and Trinkner 2018]. After all, treating members of society with dignity, respect, fairness, and integrity proves that they are valued members of the group and builds the belief that all members of society are entitled to such treatment [Justice and Meares 2014].

In the procedural justice view, people adopt two main attitudes: legitimacy and cynicism [Pawlak 2017, 780]. Legitimacy is related to trust in authorities and a sense of obligation to follow the rules set by that authority, which leads to recognition of their authority, when people perceive the authority as legitimate [Trin-

kner and Cohn 2014, 603]. Legal cynicism, on the other hand, refers to a person's attitude toward the social standards underlying the law. Therefore, in the initial stage of legal socialization, an attitude of cynicism is formed (through the internalization of standards associated with the law), which then allows for the recognition (or not) of the authority's legitimacy.

The results of numerous studies, mostly conducted on the American ground, prove that if state authorities make legal decisions and enforce laws in an honest way – then people are more likely to support and cooperate with them, thus increasing the legitimacy of legal authorities and decreasing cynicism towards them [Sunshine and Tyler 2003; Fagan and Tyler 2005; Piquero, Fagan, Mulvey, et al. 2005; Trinkner and Cohn 2014]. Contemporary attention in the United States has been drawn to the critical importance of interactions with authorities in the legal socialization process [Fine, Cavanagh, Donley, et al. 2017; Murphy 2015; Trinkner, Jackson, and Tyler 2018; Mazerolle, Antrobus, Cardwell, et al. 2019].

Two theories of legal socialization strategies have been developed from the procedural justice-based model: consensual and coercive [Trinkner and Tyler 2016, 11ff]. The coercive strategy is associated with building human motivation to obey the law through applied sanctions, strict control, command style and use of force. Members of such a society build a relationship with authority based on fear, which often results in a rejection of the authority of state bodies. In a consensual strategy, on the other hand, human motivation is built on values. In this case, the authorities emphasize negotiation and participation of society members in the process of making and applying the law, thus it is possible to inculcate positive legal values and induce voluntary respect of citizens towards the authorities.

Legal socialization in terms of procedural justice still requires further research [Trinkner and Cohn 2014, 603]. In particular, there is insufficient evidence to apply the model to countries other than the United States, and a recent study of South African adults questioned the usefulness of a procedural justice model of legal socialization when law enforcement has a strained relationship with the public and struggles to maintain a basic level of security [Bradford, Huq, Jackson, et al. 2014, 246ff].

11. NEUROLOGICAL DEVELOPMENT VS. LEGAL SOCIALIZATION

In 2018, the first book publication in 20 years entirely devoted to legal socialization by T. Tyler and R. Trinkner was published, which included a previously unnoticed aspect of the influence of neurological development on the legal socialization process [Tyler and Trinkner 2018, 110ff]. Over the past two decades, there has been an explosion of technology that has helped scientists understand the complex relationships between the brain, environment, and human behavior. Nevertheless, little attention has been paid to understanding the role of brain in the process of legal socialization. Yet biological factors with sociocultural factors in-

teract in complex ways in any socialization process [Grusec and Hastings 2015, 12]. Taking into account the output related to the neurological development of adolescents can bring researchers closer to fully understanding the process of legal socialization.

A map of networks developed by neuroscientists that influence reasoning abilities in adolescents may be helpful in exploring a complete model of legal socialization. The first network that fully develops in early adolescence is the “pure” reasoning ability, which is based on logic, abstraction, and rationality. The next important neural network is the social-emotional regulatory system, which is found in the limbic area of brain, responsible for emotional expression, arousal, and reactivity. The last important neural network is the cognitive control system, which uses advanced cognitive processes such as anticipation, planning, and impulse control, and therefore it is responsible for developing strategies to solve complex problems and decision making. The cognitive control system develops from childhood to early adulthood and is one of the last parts of brain to reach full maturity [Tyler and Trinkner 2018, 112ff, and literature cited therein].

Interestingly – the development of individual neural networks coincides with the developmental trajectory of legal reasoning described in the 1970s [Tapp and Levine 1974, 19ff]. Thus, it is likely that there are biological constraints on the development of legal reasoning abilities because a child at a given developmental level lacks the neurological capacity to work with complex information in an effective and efficient manner. Therefore, from a neuroscience perspective, there will be little success in trying to accelerate the development of legal reasoning in children by artificially confronting them with complex legal problems and decision making (as advocated by the cognitive and developmental approach).

Another area in which neuroscience results can be applied to legal socialization is the understanding of processes for regulating own behavior [Tyler and Trinkner 2018, 117ff]. Neuroscience research associates the development of self-regulation with changes in neural networks during childhood and adolescence. Statistics of crime frequency by age, indicate a surge in crime during early adolescence that coincides with an intensification of social-emotional system activity. The number of antisocial behaviors then slowly and gradually decreases with age until it stabilizes in early adulthood. This trajectory coincides with the development of cognitive control system and may explain why so many adolescents who commit crimes lead adult lives as law-abiding citizens.

Neurobiological approaches to legal socialization also question the efficacy of harsh punishments for adolescents, undermining the effectiveness of deterrence as a component of legal socialization [ibid., 119ff]. The still-developing adolescent brain makes it difficult to think about future consequences of behavior, especially potential punishments. As research indicates – legal punishments have lasting, potentially harmful effects on individuals who are still developing neurologically [Petrosino, Turpin–Petrosino, and Guckenburg 2010, 6].

Developments in neuroscience provide an opportunity to broaden horizons in the study of legal socialization as well. Cognitive science becomes increasingly important for legal science, including the study of the sociology of law. This is particularly evident at the empirical level of the relationship between law and neuroscience involving the analysis and interpretation of neuroscientific data [Pardo and Patterson 2013, 16–19; Brożek, Kurek, and Stelmach 2018, 185].

12. FUTURE DIRECTIONS FOR RESEARCH ON LEGAL SOCIALIZATION

Despite numerous studies, there are still many aspects that should be taken into account in future research on legal socialization. Indeed, it is a process that takes place on many levels, and to fully understand the phenomenon it is necessary to combine different approaches and perspectives, and to look at the issue in an interdisciplinary manner. So far, the research on legal socialization and the developed theoretical models have been dominated by the perspective of cognitive and developmental science as well as social psychology. It is only over the last 2–3 years that neuroscience research results have been integrated with the established approaches [Tyler and Trinkner 2018] to better understand the phenomenon at the level of human biology. However, this is only the beginning of using the field of neuroscience to study legal socialization, which may be surprising given that advances in the sciences of biology and neuroscience have already been influencing legal policy for many years [Scott and Steinberg 2018], or research on effective resocialization approaches [Petrosino, Turpin–Petrosino, and Guckenburg 2010]. It seems inevitable that research on legal socialization will be deepened by knowledge of how the human brain functions.

Moreover, as alleged by Trinkner and Tyler, research on legal socialization has so far ignored the importance of emotions, despite the fact that legal science increasingly recognizes the important influence of emotions on how people think and react to the law [Trinkner and Tyler 2016, 19]. Intensive research on the meaning and role of emotions from a sociological perspective was conducted as early as the 1970s, when the subdiscipline of emotional sociology developed [Turner and Stets 2009]. From a sociological perspective, the studies of emotions are placed in social contexts (such as family, personal, or work situations). Another perspective of emotion research should be the situation of entanglement in complex socio-legal relations. The extent to which emotions influence the process of legal socialization is indirectly evidenced by the results of studies conducted from a procedural justice perspective, which show that personal experiences with authorities have an exponential effect on the increase or decrease in legitimacy of legal authorities.

Integration of other disciplines would contribute significantly to a fuller view of legal socialization. In addition, there are a number of areas that require in-depth research in the already known perspectives. For example – representatives

of the social learning approach point to the need for additional research on younger populations, especially in the context of contacts with non-legal authority (e.g., parents, teachers), as well as in countries with non-democratic systems of power [Trinkner, Rodrigues, Piccirillo, et al. 2019, 4]. An important question for further research in the light of procedural justice may also be the way children deal with conflicting messages – e.g., the clash between the reality of children from poor backgrounds and the idealized vision of law and the state taught in schools, or the transition from a voluntary school environment to a coercive legal interaction [Trinkner and Tyler 2016, 20]. On the other hand – there is a definite lack of research on the process of legal socialization on a group of adults, with the aim to better understand the evolution of legal reasoning in relation to changing social roles in adulthood.

Another area that deserves attention is the possibility of future use of the research results on legal socialization. Some researchers, in more recent studies, associate the development of a relationship with the law with the behavior of individuals studied [Fagan and Tyler 2005; Trinkner and Cohn 2014]. In recent years, an increasing number of individuals, especially young people, have become involved in reform movements. Although it seems likely that the motivation that has led to this is rooted in processes of legal socialization, these connections have been neither identified nor explored [Trinkner and Tyler 2016, 20].

Finally, the current global situation surrounding the coronavirus pandemic offers new opportunities for research on legal socialization. Governmental efforts to combat the COVID-19 virus generate extreme reactions from citizens. On an unprecedented scale – people have become ensnared by a network of laws imposing numerous restrictions and prohibitions. Media reports indicate that the level of cynicism towards the authorities' actions has increased in recent months, and public attitudes are generally bad. The crisis situation and the associated necessity to temporarily reevaluate the priorities of social life, reflected in legal regulations, may also be evident in the process of legal socialization and affect the process of forming relationships with the law by both children and adults. The experience of pandemic brings a new perspective to the study of legal socialization, which on such a huge scale – probably will not be repeated in the near future.

CONCLUSION

Over the past 100 years, many important factors affecting the process of legal socialization have been found. The factors of legal socialization that have been analyzed are grouped historically and graphically presented in Diagram 1.

Diagram 1

Approximate diagram of the research development on legal socialization over time

Period of time	Discovered factor of legal socialization
First studies (from around the 1930s)	1. MORAL REASONING
The 70s of the twentieth century	2. LEGAL REASONING - pre-conventional - conventional - post-conventional
The 90s of the twentieth century	3. ATTITUDES TOWARDS THE LAW - normative status - enforcement status
The turn of the 20th/21st century	4. ATCLS (attitude toward the criminal legal system)
The beginning of the 21st century	5. LEGITYMACY OF AUTHORITY
The first decade of the 21st century	6. LEGAL CYNICISM
The second decade of the 21st century	7. RELATIONSHIP WITH THE AUTHORITY
2018	8. NEUROLOGICAL PROCESSES AFFECTING LEGAL REASONING

↓

Cognitive and developmental approach

Based on social learning theory approach

Source: Own elaboration

It should be emphasized that the developed diagram is not applicable to Polish realities, as the last research on legal socialization in Poland was conducted in the early 1990s [Borucka–Arctowa and Skąpska 1993]. It is only noticeable that there is interest in some of the factors of legal socialization such as the process of legitimization [Burdziel 2016, Kukołowicz 2016], or legal awareness (empirical research is mainly conducted for the legal profession). There is also a noticeable interest in the axiological aspect of legal socialization in terms of education through law [Stadniczeńko and Zamelski 2016], or the issue of law effectiveness [Giaro 2010]. However, there is a lack of empirical research that could bring the Polish science of sociology of law closer to understanding the phenomenon of legal socialization in contemporary Poland, which is an undoubted shortcoming in the Polish science of sociology of law.

Diagram 1 illustrates how the research approach has changed over the years from a cognitive and developmental one to the social. Nowadays, as a result of using neurobiologists' research results, there is another turn towards biological factors, which in the process of socialization overlap with socio-cultural factors in a complex system. Thus, it can be stated that we are now dealing with an inte-

grative approach. Research has evolved to an interdisciplinary approach, with a focus on neuroscience. Nowadays, due to open access to research results, the approaches to the study of legal socialization become more consistent and take into account the latest research results from related fields. Thus, the role of interdisciplinary research teams on legal socialization increases. Time will tell if the joint efforts of researchers will allow to build a universal model of legal socialization that can be applied in different complex systems of socio-legal life.

REFERENCES

- Blazi, Augusto. 1980. "Bridging moral cognition and moral action: A critical review of the literature." *Psychological Bulletin* 88:1–45.
- Borucka–Arctowa, Maria, and Grażyna Skąpska. 1993. "Teoretyczne podstawy socjalizacji prawnej." In *Socjalizacja prawna*, edited by Maria Borucka–Arctowa, and Chantal Kourilsky, 11–27. Warsaw: INP PAN.
- Bradford, Ben, Aziz Huq, Jonathan Jackson, et al. 2014. "What price fairness when security is at stake? Police legitimacy in South Africa." *Regulation & Governance* 8 (2):246–68. <https://doi.org/10.1111/rego.12012>
- Brożek, Bartosz, Łukasz Kurek, and Jerzy Stelmach, eds. 2018. *Prawo i nauki kognitywne*. Warsaw: Wolters Kluwer.
- Burdziel, Stanisław. 2016. "Legitymizacja władzy a sprawiedliwość proceduralna." *Studia Socjologiczne* 4 (223):165–99.
- Buss, Emily. 2011. "Failing Juvenile Courts, and What Lawyers and Judges can Do About It." *Northwestern Journal of Law & Social Policy* 6:317–33.
- Cohn, Ellen S., Donald Bucolo, Cesar J. Rebellon, et al. 2010. "An integrated model of legal and moral reasoning and rule-violating behavior: The role of legal attitudes." *Law and Human Behavior* 34 (4):295–309. <https://doi.org/10.1007/s10979-009-9185-9>
- Cohn, Ellen S., and Kathryn L. Modecki. 2007. "Gender differences in predicting delinquent behavior: Do individual differences matter?" *Social Behavior and Personality* 35:359–74. <https://doi.org/10.2224/sbp.2007.35.3.359>
- Cohn, Ellen S., Rick Trinkner, Cesar J. Rebellon, et al. 2012. "Legal attitudes and legitimacy: Extending the integrated legal socialization model." *Victims & Offenders* 7 (4):385–406. <https://doi.org/10.1080/15564886.2012.713902>
- Cohn, Ellen S., and Susan O. White. 1986. "Cognitive Development Versus Social Learning Approaches to Studying Legal Socialization." *Basic and Applied Social Psychology* 7 (3):195–209. https://doi.org/10.1207/s15324834basp0703_3
- Cohn, Ellen S., and Susan O. White. 1990. *Legal socialization*. New York: Springer.
- Corsaro, William A. 2011. *The Sociology of Childhood*. Los Angeles: Sage/Pine Forge Press.
- Fagan, Jeffrey, and Tom R. Tyler. 2005. "Legal socialization of children and adolescents." *Social justice research* 18 (3):217–41. <https://doi.org/10.1007/s11211-005-6823-3>
- Fagan, Jeffrey, and Alex R. Piquero. 2007. "Rational choice and developmental influences on recidivism among adolescent felony offenders." *Journal of Empirical Legal Studies* 4 (4):715–48. <https://doi.org/10.1111/j.1740-1461.2007.00105.x>
- Finckenauer, James O. 1995. *Russian youth: Law, deviance, and the pursuit of freedom*. New Brunswick, NJ: Transaction Publishers.
- Fine, Adam D., Caitlin Cavanagh, Sachiko Donley, et al. 2017. "Is the effect of justice system attitudes on recidivism stable after youths' first arrest? Race and legal socialization among first-time youth offenders." *Law and human behavior* 41 (2):146–58. <https://doi.org/10.1037/lhb0000229>

- Fine, Adam D., and Rick Trinkner. 2020. "Legal socialization." In *Routledge encyclopedia of psychology in the real world*, edited by Regan Gurung. Abingdon, UK: Routledge. https://www.researchgate.net/publication/341163693_Legal_Socialization [accessed: 18.01.2021].
- Giara, Tomasz, ed. 2010. *Skuteczność prawa*. Warsaw: Liber.
- Grant, Heath B. 2006. *Building a culture of lawfulness: Law enforcement, legal reasoning, and delinquency among Mexican youth*. El Paso, TX: LFB Scholarly Publishing.
- Grusec, Joan E., and Paul D. Hastings, eds. 2015. *Handbook of socialization: Theory and research*. 2nd edition. New York: The Guilford Press.
- Habermas, Jürgen. 1999. *Teoria działania komunikacyjnego*. Vol. 1. Translated by Andrzej M. Kaniowski. Warsaw: PWN.
- Hains, Anthony A., and Dolores J. Miller. 1980. "Moral and cognitive development in delinquent and nondelinquent children and adolescents." *The Journal of Genetic Psychology* 137:21–35.
- Hogan, Robert, and Carol Mills. 1976. "Legal socialization." *Human Development* 19 (5):261–76. <https://doi.org/10.1159/000271533>
- Justice, Benjamin, and Tracey L. Meares. 2014. "How the criminal justice system educates citizens." *The Annals of American Academy of Political and Social Science* 651:159–77. <https://doi.org/10.1177/0002716213502929>
- Kohlberg, Lawrence. 1963/2008. "The development of children's orientations toward a moral order." *Human Development* 51:8–20.
- Kukołowicz, Paula. 2016. "Przymus zaakceptowany. Legitymizacja władzy policji w społeczeństwach post-komunistycznych." Doctoral Dissertation. https://depotuw.ceon.pl/bitstream/handle/item/1708/Kuko%C5%82owicz_Paula_Doktorat.pdf?sequence=1 [accessed: 18.01.2021].
- Martin, Tracey A., and Ellen S. Cohn. 2004. "Attitudes toward the criminal legal system: Scale development and predictors." *Psychology of Crime & Law* 10:367–91. <https://doi.org/10.1080/10683160310001629>
- Mazerolle, Lorraine, Emma Antrobus, Stephanie M. Cardwell, et al. 2019. "Harmonizing Legal Socialization to Reduce Antisocial Behavior: Results from a Randomized Field Trial of Truanting Young People." *Justice Quarterly* 38, no. 1:152–79. <https://doi.org/10.1080/07418825.2019.1618894>
- Mead, George H. 1975. *Umysł, osobowość, społeczeństwo*. Warsaw: PWN.
- Murphy, Kristina. 2015. "Does procedural justice matter to youth? Comparing adults' and youths' willingness to collaborate with police." *Policing and Society* 25 (1):53–86. <https://doi.org/10.1080/10439463.2013.802786>
- Ornacka, Katarzyna. 2013. *Od socjologii do pracy społecznej. Społeczny fenomen dzieciństwa*. Cracow: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Pardo, Michael S., and Denis Patterson. 2013. *Minds, Brains and the Law*. New York: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199812134.001.0001>
- Pawlak, Anna. 2017. "Socjalizacja prawna – różne podejścia." In *Człowiek. Prawo. Państwo. Księga Jubileuszowa dedykowana Stanisławowi Leszkowi Stadniczeńko*, edited by Jan Jeżewski, and Anna Pawlak, 773–82. Warsaw: Wyższa Szkoła Finansów i Zarządzania w Warszawie.
- Petrosino, Anthony, Carolyn Turpin–Petrosino, and Sarah Guckenberg. 2010. "Formal System Processing of Juveniles: Effects on Delinquency." *Campbell Systematic Reviews* 6:1–88. <https://doi.org/10.4073/csr.2010.1>
- Piaget, Jean. 1932. *The Moral Judgment of the Child*. London: Oxford University Press.
- Pieniążek, Antoni, and Małgorzata Stefaniuk. 2014. *Socjologia prawa. Zarys wykładu*. Warsaw: Wolters Kluwer.
- Piquero, Alex R., Jeffrey Fagan, Edward P. Mulvey, et al. 2005. "Developmental trajectories of legal socialization among serious adolescent offenders." *The Journal of Criminal Law & Criminology* 96 (1):267–98.
- Scott, Elizabeth, and Laurence Steinberg. 2018. "Adolescent Development and the Regulation of Youth Crime." *The Future of Children* 18 (2):15–33. <https://doi.org/10.1353/foc.0.0011>
- Selznick, Philip, Philippe Nonet, and Howard Vollmer. 1969. *Law, Society and Industrial Justice*. New York: Russell Sage Foundation.

- Stadniczeńko, Stanisław L., and Piotr Zamelski. 2016. *Pedagogika prawa. Vade mecum! Pójdź ze mną!* Warsaw: Wydawnictwo: VIZJA Press&It.
- Staškiewicz, Wiesław. 2013. "Socjalizacja prawna." In *Leksykon socjologii prawa*, edited by Anna Kociotek-Pęksy, and Mateusz Stępień, 325–32. Warsaw: C.H. Beck.
- Sunshine, Jason, and Tom R. Tyler. 2003. "The role of procedural justice and legitimacy in shaping public support for policing." *Law & Society Review* 37:513–48.
- Tapp, June L., and Felice J. Levine. 1974. "Legal socialization: Strategies for an ethical legality." *Stanford Law Review* 27:1–72. <https://doi.org/10.2307/1227929>
- Trinkner, Rick. 2012. "Testing the procedural justice model of legal socialization: Expanding beyond the legal world." Doctoral Dissertation. <https://scholars.unh.edu/dissertation/666> [accessed: 10.01.2021].
- Trinkner, Rick, and Ellen S. Cohn. 2014. "Putting the «social» back in legal socialization: Procedural justice, legitimacy, and cynicism in legal and nonlegal authorities." *Law and Human Behavior* 38 (6):602–17. <https://doi.org/10.1037/lhb0000107>
- Trinkner, Rick, and Tom R. Tyler. 2016. "Legal Socialization: Coercion vs Consent in an era of Mistrust." *Annual Review of Law and Social Science* 12:417–39. <https://doi.org/10.1146/annurev-lawsocsci-110615-085141>
- Trinkner, Rick, Jonathan Jackson, and Tom R. Tyler. 2018. "Bounded authority: Expanding «appropriate» police behavior beyond procedural justice." *Law and Human Behavior* 42 (3):280–93. <https://doi.org/10.1037/lhb0000285>
- Trinkner, Rick, Herbert Rodrigues, Debora Piccirillo, et al. 2019. "Legal socialisation in Brazil: examining the generalisability of the procedural justice model." *International Journal of Comparative and Applied Criminal Justice* 1–21. <https://doi.org/10.1080/01924036.2019.1587710>
- Turner, Jonathan, and Jan Stets. 2009. *Socjologia emocji*. Warsaw: PWN.
- Tyler, Tom R., Jeffrey Fagan, and Amanda Geller. 2014. "Street stops and police legitimacy: Teachable moments in young urban men's legal socialization." *Journal of Empirical Legal Studies* 11:751–85. <https://doi.org/10.1111/jels.12055>
- Tyler, Tom R., and Rick Trinkner. 2018. *Why children follow rules: Legal socialization and the development of legitimacy*. Oxford: Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780190644147.001.0001>