

Legal Socialization

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A STUDY OF NORMS AND RULES



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To David and Erica

E. S. C.

To Ellen

S. O. W.

Preface

This book began with a meeting of the minds between two people from different disciplines. Each of us had a long-time interest in the role of law in political and social life, particularly its influence on the normative order. Ellen Cohn, a psychologist, had done research on the social psychology of perceptions of crime and other law-related issues. Susan White is a political scientist who had studied compliance behavior and socialization to rules. Fortuitously, one of us was a member of our university's student conduct board, which provides a view of student life that faculty seldom see. This view provided the basis for our early discussions of the kinds of behaviors that occurred on campus, the attitudes of student board members toward judging their peers, and the effects of enforcement practices.

It became clear that we were observing the political, social, and psychological dynamics of a legal culture. Incoming students were learning both the norms of behavior that prevailed among their peers and the enforcement practices of those in authority. The constant interplay between norms and rules created a fertile environment for legal socialization in which each occasion for enforcing a rule became an occasion for testing one's values and beliefs. When asked informally, students usually offered well-formed reasons for their actions and judgments. At the same time, strong environmental pressures were clearly apparent. We discussed the unresolved gap in the literature between social learning and legal development explanations of legal socialization and decided that our student community was a perfect natural setting in which to test these competing hypotheses.

The result was an interdisciplinary research design and collaboration that received the financial support of our university and the National Science Foundation. We are grateful to Dean Stuart Palmer of the College of Liberal Arts and to President Gordon Haaland of the University of New Hampshire for their early support and encouragement. National Science Foundation Grant SES-8112020 provided the funding for managing the quasi-experiment and the data collection and analysis. Ellen Cohn received a Summer Faculty Fellowship from the Graduate School of the University of New Hampshire to support her work on the project. Susan White was

released from teaching responsibilities by the University of New Hampshire through its Faculty Scholar program.

Support from the Division of Student Affairs at the University of New Hampshire was essential for conducting the study. We wish to express our appreciation to J. Gregg Sanborn, associate vice president and dean for student affairs; Carol Bischoff, director of residential life; Scott Chesney, associate director of residential life; and the many hall directors who helped us, especially Dan Slattery and Karen Rowe. Marianna Grimes provided invaluable assistance during the data collection process. Sibylle Carlson helped in the early stages of coding and analyzing the data. The study could not have been completed without extensive help from many RAs, who must remain unnamed, although much appreciated. Finally, we must thank the many members of the residential community whose role as subjects provided the data for this research.

Research assistance came in several forms. Psychology graduate students Susan Newman, Danny Malloy, Mae Lynn Neyhart, and Saul Rosenthal assisted in both the data collection and the quantitative data analysis stages. Psychology undergraduate students Jesse LaCrosse, Patricia Smigielski, and Kirsten Gannon helped with the data coding and analysis and the typing of the manuscript. Students in Susan White's seminars contributed invaluable observational data. We especially thank Linda Foulsham and Alison Porteous for their help in data collection and qualitative data analysis. Both Anna Moses and Donna Hardy are to be commended for their help in the final preparation of the manuscript.

Many colleagues and students contributed helpful comments on early papers and the text of this book. We want to thank Joan McCord, David Sugarman, Felice Levine, June Louin Tapp, Rebecca Warner, Kathleen McCartney, Victor Benassi, Ann Diller, Susan Newman, Marcy Kraus, James Grosch, Mae Lynn Neyhart, and Nancy Asdigian. We also appreciate the warm support of Dr. Robert Kidd of Springer-Verlag throughout the process of writing this book.

Finally, we want to thank Ellen Corcoran, a colleague and third collaborator in the data collection process. Ellen would never write this kind of book, so we take pains to relieve her of any responsibility for the analysis we have presented. But we note with gratitude that the book could not have been written at all without her extensive interviewing skills and her capacity to inspire the trust and confidence of students and staff.

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Prologue

“I guess people do respond best when the rules and guidelines are clear-cut. It seems to me, though, that it would be better to have people thinking themselves about what is right and wrong and make their decisions accordingly.”

“I mean, so what if they’re being responsible, they’re still breaking the rules.”

On a Thursday evening in November Carol and Steve, the two RAs (hall staff) on duty, were walking the corridors of H—— Hall on their hourly rounds. They smelled a familiar odor in the air. After some investigation, including sniffing under the doors of several rooms, they determined that the marijuana odor was coming from a room where a party was underway. Behind the closed doors, a stereo was blaring loudly. Steve knocked on the door. There was no response from inside, so Steve banged heavily on the door and shouted to get someone’s attention.

After several minutes of banging, the door opened and two people walked out casually. They had not answered the door but instead were just leaving the party. Steve and Carol stood unnoticed in the open doorway, sharply scanning the room. Finally, Steve banged on the wall and yelled out, “Bob!” to someone sitting on the sofa. Bob looked around and the nine people in the room grew silent. Bob got up and turned down the stereo. “Bob and Joe, will you come outside for a minute?” Carol requested.

Out in the hall, Steve asked, “Are you smoking pot in there?” Joe said, “There’s been some pot smoked, but what right do you have walking in on us?” Carol said, “We have to write you up for Jud Board.” Bob replied, angrily, “Has anyone complained? Go ahead and write us up. We’ll see what happens.”

The case was scheduled for a hearing before the student Judicial Board on the following Tuesday. The penalty for a finding of guilty would be eviction from the residence hall.