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Legal socialization effects on democratization*

Ellen S. Cohn and Susan O. White

Much has happened in the few short years since the 1989 revolutions that freed the Central and Eastern Europe countries from Soviet domination and started them towards democratization. The promise of these upheavals was almost as great as our surprise that they happened at all. It is safe to say that observers around the world, as well as the participants themselves, have been watching developments since 1989 with a mixture of fascination and doubt, curious to see if stable democratic processes can take root where repression reigned for so long. The fact that the conditions for change are extreme, both politically and economically, makes the unfolding spectacle particularly powerful.

'The rule of law' is a venerable concept in theories of liberal democracy, but Western observers were somewhat startled to hear it as a rallying cry for these revolutionary movements. It was particularly striking that those who took to the revolutionary streets day after day seemed to be pursuing an ideal of freedom and democratic participation that did not fit any existing polity. The focus on the rule of law and constitutionalism in the rhetoric of revolution seemed to demonstrate that people who have been repressed by arbitrary power for many years still have the capacity to believe that power can be limited and the abuse of

power controlled by something called the rule of law.

The rule of law ideal was voiced not only in the streets but also in the new halls of power. By many accounts it continues to be a working ideal even for those who are struggling with the hard political realities produced by new experiences with economic uncertainties and the conflicts inherent in democratic politics (see, for example, Markovits, 1995). The prominence of

this concept in the process of democratization that currently characterizes political activity in the former Soviet satellites gives rise to a number of questions. Who holds this ideal and what does it mean to them? Is it held only by the new elites in their activist political rhetoric? Or is the rule of law concept widely distributed in the political beliefs and aspirations of ordinary citizens? What place does it have in the development of

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democratic institutions? To what extent is the concept 'rule of law' related to concepts about rights and duties, political freedom, and a constitutional foundation for state authority?

As the struggle between brutal past and difficult present is played out, one important focus for research is the strength of those cultural norms that would support or undermine the democratization process. In particular, is there support for the rule of law and for legal values such as individual rights, fairness, equality and

political freedom? How necessary are supportive cultural norms to the transitional process of democratization? Indeed, how necessary are they for the maintenance of a stable democracy? The data to be presented in this article cannot provide answers to the whole range of such questions. But perhaps they can contribute to a better understanding of the transition from repressive regime to more democratic institutions, i.e., a better understanding of the processes that we refer to as democratization.

Political theorists have long argued that the factors that comprise civil society are necessary ingredients in a stable democracy. There is considerable debate, however, over what these necessary factors are, where they come from, and how they interact with other variables over time. For example, it has been variously argued that adherence to specific values, childhood socialization, experiences with relevant institutions, and level of interpersonal trust are critical to the maintenance of stable democracy. There is also debate over whether civil society variables are causes or effects of democratization. That these debates are unresolved speaks to an as yet inadequate empirical conceptualization of democracy, one which renders speculative our attempts to identify critical aspects of societies which are moving from repressive regimes towards democracy.

We will not argue that the variations in political and legal culture variables that we present in this article can predict the course of democratization in Central and Eastern Europe, or, in and of themselves, explain differences in the legal systems currently developing there. Instead, our purpose is primarily descriptive: to map the existing legal cultures in these areas and place them into a broader context of democratization by comparing them to older European democracies. Since our data are cross-sectional, from 1995 surveys, and not longitudinal, they cannot provide contemporaneous information about the effects of socializing experiences. Nonetheless, we will also present some analyses that indicate how socialization processes interact with stages along a continuum from repression to democratization.

Specifically, the purpose of this article is to compare legal cultures, focusing especially on support for the rule of law, in the following ways. First, we present a macro-level cross-

national comparison of attitudinal data from six democracies: Bulgaria, Poland, Hungary, Spain, France and the United States. Arrayed on a continuum from new to old democracy, these six countries approximate to a rough scale of democratization. The populations of three new democracies have until recently lived (to slightly varying degrees) under repressive and corrupt legal regimes for fifty years or more, while the populations of three older democracies have experienced legal regimes that, for varying lengths of time, have offered approximations to the rule of law. Second, we present a micro-level comparison of attitudinal differences across groups within these populations representing different generations and age cohorts, and elite versus mass socialization.

Legal socialization and legal culture

Theoretical bases

Legal socialization refers to the processes through which members of a society acquire its legal values, such as fairness, equality, and justice, and its norms of rule-governed behaviour. The primary socializers of legal values may be families, schools, peers, religious groups, or the state itself, depending on the relative influence of these agents in the culture and the extent to which a society is traditional in its orientation to authority. In heavily policed societies such as Bulgaria, Poland and Hungary during Soviet domination one might expect legal values to conform fairly rigidly to ideological definitions. Likewise, in societies where social control is less a function of the state one might expect more variation in legal values.

There is considerable debate in the literature about how and when socialization to legal and political values takes place (Cohn and White, 1990; Renchon, 1977; Sigal, 1989; Tyler, 1990, 1994). Experiences in childhood have attracted extensive attention, but a number of social scientists from several disciplines have focused primarily on the adolescent/youth 'stage' (variously defined) as a uniquely important formative period for the development of social and political beliefs and values (see, for example, Adelson and O'Neil, 1966; Delli

Carpini, 1989; Jennings and Niemi, 1981; Mannheim, 1952). It is at this stage that cognitive development reaches a critical period of disequilibrium, rendering the individual more open to new ideas and to the role-taking opportunities that become the basis for moral reciprocity and a sense of fairness (Cohn and White, 1990; Kohlberg, 1969; Tapp and Levine, 1974). In addition, there is now a growing body of studies focusing on adult development and social learning (Sigel, 1989). Since a developmental approach to adult learning rests more on changing opportunities and responsibilities through the lifecycle than on the effects of the psycho-physical maturation, this literature argues that social/political learning (or perhaps relearning) is a continuous process rather than one that is concentrated in biologically-defined, and peculiarly fertile, stages of development.

For the purposes of this article, we will focus on the effects of political experiences, both in adolescence and throughout the lifecycle, as sources of legal values. Our context is democratization, and we compare populations from countries that have at least a twenty-year history of democracy with populations from countries that have just emerged from more than fifty years of political repression. Our data will allow us to ask to what extent the latter populations now hold the same legal values as the former. We can also ask whether current adolescents and those who were adolescents during particularly dramatic episodes of repression and resistance differ from others in these populations in their adherence to the rule of law ideal and other legal values.

Legal values

The characteristics of law under liberal democracy are well known, although not always accepted across the ideological spectrum that supports democracy as a political ideal. The three most general characteristics are the primacy of law over arbitrary uses of political power, the primacy of the individual through the protection of individual rights claims, and the primacy of universalism over particularism through the abstraction of the individual 'before the law' from social characteristics. None of these values is absolute, but even contemporary 'culture wars' over communitarian and remedial

issues are fought over this well-defined territory. Our focus on the role of law in democratization inevitably forces the conceptual framework to widen because of the diverse cultures and political histories it must now encompass. It may also suggest that the predominantly Anglo-American/Western model of law under liberal democracy may be too narrow or restrictive to be adapted easily to less individualistic, more authoritarian, and more ethnically divided cultural traditions. If so, our analysis will have implications both for the rigidity of Western liberal legality and for the potential effectiveness of the rule of law ideal in non-Western countries.

We present measures of legal values that comprise three components of a liberal law ideology: law consciousness, rights consciousness, and a calculus of fairness. 'Law consciousness' refers to the importance people attach to the moral authority of law and their understanding of legal obligation. 'Rights consciousness' is a measure of how highly people value the claims that can be made and protected under the law. The 'calculus of fairness' encompasses the valuation of both procedural and distributive justice, and their relative importance, to the respondent. It must also take account of the weight to be given to communitarian concerns, represented by the social fairness scale.

The first law consciousness variable is a scale measuring support for obedience to law, or lawfulness, including questions about the conditions under which governments and citizens should obey or break a law. A second, justifiable behaviours, allows us to compare the conceptual assessments of lawfulness with specific instances of law-breaking. In the strict sense of the term, 'the rule of law' is a function of legality. The standard of legality requires that a legal system be composed of a set of formal procedures which, in turn, produces formal rules. The purpose of the insistence on formal procedures and rules is to protect parties before the law from arbitrary decisions. In theory, at least, formal procedures constrain the decision-maker from responding to the extra-legal characteristics of either the parties or the substance under dispute, and formal rules narrowly define the bases for decision. In addition, a felt obligation to obey the law (Tyler, 1990)

is often premised on a perception that these formal rules are just, both in their design and in their fair enforcement. A perception that rules in fact constrain those who enforce them is a key condition of their legitimacy for those who obey these rules. It is in this way that law gains moral authority. Together, therefore, formal procedures and rules limit discretion both in decision-making and in obedience to rules.

The questions in our lawfulness and justifiable behaviours scales are designed to elicit a respondent's propensity to approve departures from a strict adherence to law (Gibson and Caldeira, 1996). Such departures can stem from several sources. A respondent may perceive the law or its enforcement as lacking moral authority to some degree. Some respondents may adhere strictly to law out of personal rigidity. Also, unstable social and political conditions can put a strain on people's willingness to trust the rule of law. In addition to their perceptions of the moral authority of the law, therefore, issues of security may also affect respondents' propensity to approve departures from a strict adherence to law. The possible effects of these three factors can be inferred from other analyses of these data, as we discuss below. Use of the two scales allows us to differentiate between a conceptual analysis of reasons for obeying or violating the law, and justifications for specific instances of law-breaking.

Rights consciousness is an 'awareness' and a 'set of expectations about how citizens ought to be treated by major social and political institutions' (Gibson and Duch, 1993, p. 242). It is measured by a series of nine questions (see appendix) asking respondents to indicate the importance to them of a range of rights claims, using the reference term 'right' in five questions, 'freedom' in three questions, and 'equality' in one question. The rights claims range from freedom to express political views to a right to abortion. The rights consciousness scale is noteworthy in this comparative context (Gibson and Duch, 1993) because it includes not only strictly political rights (e.g., to express political views) but also social rights (e.g., to a job and a clean environment). Political rights such as freedom of speech are important legal values because law is presumed to control state power by protecting political freedom. Without political freedom, the possibilities for challeng-

ing state power and for open competition in contests for power are severely limited or non-existent. It was the growing capacity of people to exercise political freedom – especially in the expression of resistance through massive street demonstrations that were not effectively challenged by the governments in question – that signalled to the world the weakening and approaching demise of authoritarian state control and the reality and strength of the 1989 revolutionary movements. Social rights also have a special place in the particular instance of democratization that we are analysing. The new constitutions of Eastern and Central Europe seek to institutionalize the social guarantees of the old social order, including rights to a clean environment, to education, to a job, and to leisure (*Eastern Constitutional Review*; see also Markovits, 1995). In Western Europe, the social democratic tradition has often dominated politics, with the consequence that claims to social rights are common although not always institutionalized. In the United States, the legalization of such rights by giving them constitutional status is uncommon and perhaps unpopular. Social and economic change, especially the appearance of the 'new poor' in the countries of Eastern and Central Europe, may make social rights a particularly volatile factor in rights consciousness across these populations (White, Batt and Lewis, 1993). We argue, however, that legalizing social rights claims runs counter to the fundamental individualism of liberal legality – not to the social goals and egalitarian leanings of liberal democracy *per se*, but to the sense in which the individual rather than the group is the focus of legalized (and especially constitutionalized) rights claims.

This latter issue arises clearly in the second rights-oriented variable that we report: i.e., rights for what we have called excluded groups. In separate questions (see appendix), respondents were asked whether their country should guarantee a job to 'foreigners', 'gypsies' ('minorities' in the US), and women. In addition to its implications for exclusionary politics, this variable tests the extent to which rights consciousness, when applied to specific claims, is oriented more to individual or to group claims. In liberal democracy, legal theory abstracts the individual from social characteristics. Since parties before the law are envisioned as moral

beings bearing the rights of citizenship, it is not only cases that must be treated alike but the parties that bring them as well. This legal likeness is not a principle of social equality but, rather, of neutrality and impartiality across parties, who appear before the law as unequals in many respects but are nonetheless treated as equals before the law. In effect, the law ignores the social sources of inequality (e.g., wealth, gender, class, race) and instead treats parties as abstract individuals: i.e., as individuals without the social markings of inequality. This legal abstraction of the individual from social characteristics is given a political context when rights for excluded groups are considered. We expect that the implied universalism in viewing the individual as an abstract entity may be alien to some of the political contexts of our study, especially in identity-based politics such as the ethnic particularism of Eastern and Central Europe.

Our third rights-oriented variable tests the strength of a commitment to political rights in the abstract by asking respondents about specific situations where political freedom must be weighed against the threat of disorder. Four questions (see appendix) form a scale of 'liberty versus order' that forces the respondents to choose between individual liberty and social order. This scale highlights the different ways in which the power of law can be conceptualized. On the one hand, law can provide security against disruption and instability. On the other hand, the rule of law can act as a barrier against arbitrary, personalistic, and repressive behaviour by those in power. The positive force of law arises from its capacity to facilitate democratic processes by protecting individual rights, the free expression of opinions, and an open flow of information. Its negative force protects against the potential for anarchy in the face of social disintegration and an excessive push for freedom. Together, these polar aspects of the rule of law reflect the central importance of the relationship between the individual and government in any conceptualization of law. In forcing respondents to choose between individual liberty and social order, these questions allow us to see how respondents modify (if they do) their commitment to rights in the abstract when faced with specific political contexts that suggest strong reasons for sacrific-

ing political freedom for social order. We expect respondents to vary along a liberty-to-order continuum depending on their experiences with political instability, and perhaps on the kind and length of their familiarity with political openness.

The calculus of fairness is a third approach to liberal legality involving the specific judgments that individuals make when they decide issues of justice. These justice judgments (Lind and Tyler, 1988) have often been understood within a framework defined by a dichotomy between distributive and procedural factors. Distributive factors can include a range of social justice issues, or simply the outcomes of various political decision-making processes, including legal decisions.

Our first justice judgment variable represents the importance the respondents place on procedural justice (Thibault and Walker, 1975), measured by four questions concerning how one is treated by governmental authority (see appendix). While legality (in the sense of formal rules and procedures) is not itself a moral principle, there is a kind of ethic inherent in the concept, one component of which is the due process of law. The strict meaning of due process is simply the process that is due a party under the law, but that meaning has been elevated in Anglo-American law to imply a standard of fairness in legal proceedings. In this elevated sense, due process refers to the treatment that is due to a moral being bearing the rights of (normally) citizenship. Thus procedural fairness implies both a standard of treatment and a moral claim to that treatment by the party/citizen.

Lind and Tyler (1988) have taken this concept into the realm of social and political behaviour by finding differences in responses to procedural versus distributive justice, and particularly in the relative strength of procedural justice in respondents' evaluations of their experiences with the law. This research has shown, for example, that fair procedures bolster the legitimacy of political and legal institutions (Tyler, 1988, 1994). The power of this variable has been amply demonstrated (Lind and Tyler, 1988; Lind, Huo and Tyler, 1994; Tyler, 1988, 1994), but most applications have been in the context of American experiences with law. In the same set of questions about encounters with governmental authority that assesses the impor-

tance of procedural justice, we introduced a measure of distributive justice by asking respondents an additional question about the importance of the outcome. We also report a measure of the relative importance of procedural and distributive justice (computed by a difference score). In addition, we report country means on a scale of fairness defined in communitarian terms, in which higher scores indicate a sensitivity to the effects of a law on 'most people'. A comparison of the relative importance of procedural justice with the fairness score provides what we call a calculus of fairness for each respondent in which procedural and distributive justice judgments, which focus on the individual, are weighed against a more social or communitarian sense of fairness. We expect to see a further demonstration of the importance of procedural fairness in the European context, particularly among those who have recently experienced repressive regimes. We also expect to see greater support for social fairness in the East.

Sources of legal values

As a means of determining the extent to which these legal values are anchored in the belief systems of the populations we surveyed, we also measured certain fundamental aspects of the respondents' orientation to the political and social worlds in which they live. These measures are reported as three variables (see appendix). The first of these variables indicates whether a respondent is more inclined towards individualism or collectivism, a conceptual continuum originally introduced by cultural psychologists (Triandis, 1990) and often used, in various versions, by many social scientists (see, for example, Bierbrauer, 1994; Gibson and Caldeira, 1996). Using eight items devised for this study (see appendix) that force a choice between group values such as family, society or nation, and individualistic values, respondents are located on a continuum anchored by individualism at one end and collectivism at the other. In the context of legal values, preference for individual claims over the interests of the community fits conceptually with the abstraction of the individual from social characteristics and the universalism inherent in the legal concepts of liberal democracy. Collectivism, on the other hand, suggests both the subordination of the

individual to communitarian values and a preference for traditional ways of life in which the authority of family and religion is primary.

Another fundamental dimension in a person's belief system is reflected in our social conservatism scale, which measures the tendency to accept or reject social change. Acceptance of social change has often been viewed as a characteristic of the modernizing society, while resistance is assumed to signal an anti-modernist stance towards a changing world. Without getting into the considerable complexities of the debate over the requisites of modernization, we can relate this simple distinction to attitudes towards law. All the legal values we have measured fit the model of law that is inherent in liberal democracy, which in turn tends to elevate individual rights claims as against the social status quo. Particularly in the more political dimension of legality, people who support these legal values are less likely to agree to 'adapt to the rules of society rather than fighting them' or 'accept the flaws of existing authority' or 'accept the way society works' than are those who do not support these values. The latter are more socially conservative than the former and their social conservatism leads them to resist change, perhaps especially the kind of change brought about through an instrumental use of law to protect individual rights claims.

A third dimension of support for liberal legal values may be a reflection of personality characteristics that indicate a more or less rigid approach to one's social and political world. This kind of rigidity has been studied by many social psychologists but the most frequently adopted measure is the dogmatism scale developed by Rokeach (1960). We have used four items from Rokeach's dogmatism scale (see appendix) to determine whether this kind of propensity towards personal rigidity with respect to social and political life identifies those who are less likely to be open to other points of view and who are therefore less supportive of the freedoms protected as political and social rights by the law. This kind of measure, while closely related conceptually to both low support of individualism and social conservatism, reflects in particular a personality that is inclined to react to any issue in black versus white, either/or terms.

While we do not here attempt a causal analysis, we would argue that these three measures can be understood conceptually as sources of legal values. Each of these scales tells us something about the extent to which a respondent holds fundamental attitudes towards political and social life that would incline a person towards or against acceptance of legal values. The values we have chosen to measure are premised on liberal democratic principles such as universalism in the application of law, respect for citizen rights, equality before the law, and the limitation of authority. Acceptance of such values depends in part on a person's capacity for independence, even-handedness and openness to change. Our argument is that one's orientation to the social order – that is, to norms of authority and obedience, and to issues that pit the welfare of the group against individual autonomy and that emphasize individual versus group responsibility – may also affect one's willingness to accept legal values that test these orientations.

Legal values and socialization

How are these legal values related to socialization? Since we do not have longitudinal data with which to test hypotheses about attitude change through the process of transition from dominance by a repressive regime towards the establishment of democratic institutions, we shall instead pay close attention to comparisons between legal cultures that are at different stages of democratization. Several basic questions will be uppermost throughout these analyses. Are there macro-level differences in legal values between countries that result in a scale ordering of legal cultures that approximates to our rough scale of democratization? Are there significant differences in support for legal values between populations that have recently experienced repressive legal and political regimes (i.e. Bulgaria, Poland, Hungary) and populations that are living under non-repressive regimes (Spain, France, United States)? If so, are these differences related to attitudes that we have identified as sources of legal values?

We expect to find such differences, and hypothesize that they will be in the direction of more support for liberal legal values in populations that do not have recent experience under

a repressive legal regime. We also hypothesize that there will be differences between support for values in the abstract and support for specific instances, and that the differential will be greater in those populations now undergoing transitional social and economic instability. Gibson and Duch (1993) found that rights consciousness is higher in newer than in older democracies, suggesting that the newer democracies in our analysis may have a higher rights consciousness than expected on the basis of the socialization processes their populations experienced under repressive regimes.

We will also ask if it is possible to detect micro-level legal culture differences within populations that suggest differential effects on the democratization process depending on how one has been socialized to legal values. In this analysis, we will pay particular attention to the hypothesis discussed above which suggests that those who experience critical events relating to repression and resistance during their adolescence or early youth will develop a distinct generational response. If such age cohorts can be identified, does the effect persist long enough to influence later attitudes and behaviours? Because the adolescent hypothesis emphasizes the state of disequilibrium in adolescence (Kohlberg, 1969) which is particularly vulnerable to conditions of conflict and receptive to role-taking opportunities (Cohn and White, 1990), we will look particularly at the possible effects of the Hungarian uprising of 1956, the student revolts and 'Prague Spring' of 1968, and the revolutionary upheavals of 1989.

Research design

The analysis that is presented in this article is based upon national surveys conducted in Bulgaria ($n = 831$), Poland ($n = 824$), Hungary ($n = 786$), Spain ($n = 775$), France ($n = 762$), and the United States ($n = 810$). Face-to-face interviews were conducted in Bulgaria, Poland, Hungary, Spain and France in the spring of 1995 and telephone interviews were conducted in the United States in the winter of 1995–1996. In each country, random national samples of participants aged eighteen or older were selected. As is usual in these surveys, slightly more females than males participated (52.1% in Bulgaria, 59.4% in Poland, 53.9% in Hungary,

55.1% in Spain, 50.5% in France, and 50.6% in the United States). The largest percentage of respondents were Roman Catholic in Poland (96.1%) and Spain (80.8%). Of the Hungarian sample, 49.1% described themselves as Roman Catholic, 24.7% as atheists and 11.5% as Protestants. In Bulgaria, the largest percentage of respondents were Eastern Orthodox (51.4%); 32.5% described themselves as Muslim. In France, the largest percentage of respondents were Roman Catholic (69.9%), with 19.5% describing themselves as atheists. In the United States, the largest percentage of the respondents were Protestant (50.2%). Technical documents on the methodology are available from the authors.

Legal cultures and democratization

In this section, we provide a basic description of the legal cultures of our six countries. The data consist of mean responses, by country, to the questions we have discussed above. As Table 1 indicates, there are a number of strong country differences. Whether they form interesting patterns is the first question for discussion below.

As mentioned above, we have hypothesized an ordering of the six countries along a rough scale of democratization. Our criteria are drawn less from democratic theory than from the historical fact base that describes the chronological age of the six democratic regimes, which is simply a measure of how much experience each has had with democratic politics. Our point of reference is Western democracy, or the model of liberal democracy in the West, not because of a normative preference so much as a practical desire to adopt the model with the most currency and, therefore, about which we have the most knowledge. On this basis, the oldest democracy is, obviously, the United States, followed by France and Spain.

Since Bulgaria, Poland and Hungary each began its formal 'democratizing' in the same year, our criterion of experience with democratic politics becomes even less precise when applied to them. However, if one looks at the relative proximity of each of these countries to Western democracies – through political, econ-

omic and cultural contact – it seems clear that Hungary has had the longest and closest contact with the West, followed by Poland and then Bulgaria (Held, 1992; Weil, 1993; White, Batt and Lewis, 1993). The Hungarian Government was, since 1968 or so, the most open to Western economic involvement and the most pragmatic politically; Poland was considerably more rigid politically and less open to Western ideas; Bulgaria was remote from the West culturally as well as politically and economically. Since the scale of democratization that results from this ordering is simply a heuristic for our purposes, we have not been concerned with more precise or detailed comparisons.

The first set of data is comprised of the mean responses to the legal values variables. These are law consciousness, including the lawfulness scale and the justifiable behaviours scale; rights consciousness, including the rights consciousness scale, rights for excluded groups, and the liberty/order scale; and the calculus of fairness, including the importance of procedural justice scale, the distributive justice score, the relative importance of procedural justice score, and the social fairness scale. The first point to note is that our heuristic scale of democratization fits some of the data. The relative importance of procedural justice and the importance of distributive justice fit the scale fairly well, as does the preference of liberty over order. There is little variation at all across the six countries for rights consciousness and the importance of procedural justice, however. And the data are rather curvilinear for rights for excluded groups.

With respect to law consciousness, mean scores on the lawfulness scale indicate that none of these populations is strongly committed to abiding by the law in all circumstances. In fact, lawfulness barely rises above the midpoint of the scale across all the countries. These questions are designed to force the respondent to face difficult choices involved in law enforcement, and it is clear that many can find reasons to avoid strict adherence to law. On the other hand, mean scores on the four-point justifiable behaviours scale indicate a higher level of lawfulness when the moral authority of law is invoked. This more specific measure asks whether it is morally justifiable to engage in each of five different law-breaking behaviours.

TABLE 1. Means and standard deviations for legal values, social beliefs and democratization for six countries

Measures N	Countries					
	Bulgaria 828	Poland 817	Hungary 778	Spain 772	France 762	USA 810
<i>Legal values</i>						
Lawfulness	3.36 ^b (0.91)	3.24 ^c (0.86)	3.13 ^d (0.66)	3.33 ^c (0.65)	3.12 ^d (0.86)	3.69 ^a (0.58)
Justifiable behaviours	3.75 ^a (0.43)	3.64 ^{bc} (0.43)	3.67 ^b (0.43)	3.56 ^c (0.48)	3.13 ^d (0.61)	3.68 ^{ab} (0.45)
Rights	4.12 ^c (0.54)	4.16 ^c (0.56)	4.10 ^c (0.54)	4.47 ^a (0.49)	4.27 ^b (0.53)	4.34 ^b (0.49)
Excluded groups	3.63 ^c (0.79)	3.35 ^d (0.83)	3.78 ^b (0.71)	4.14 ^a (0.75)	3.77 ^b (0.97)	3.41 ^d (0.96)
Liberty	2.37 ^d (0.77)	2.61 ^c (0.78)	2.66 ^c (0.88)	3.38 ^{ab} (0.85)	3.26 ^b (0.99)	3.48 ^a (0.78)
Procedural justice	4.63 ^c (0.64)	4.57 ^c (0.56)	4.82 ^a (0.37)	4.72 ^{ab} (0.58)	4.55 ^c (0.58)	4.64 ^b (0.76)
Distributive justice	4.60 ^{bc} (0.87)	4.65 ^b (0.78)	4.91 ^a (0.39)	4.66 ^b (0.75)	4.45 ^c (0.89)	4.09 ^d (1.29)
Rel. proced. justice	0.01 ^{bc} (0.76)	-0.10 ^c (0.73)	-0.10 ^c (0.40)	0.06 ^b (0.60)	0.09 ^b (0.83)	0.55 ^a (1.23)
Social fairness	2.84 ^b (0.49)	2.76 ^{bc} (0.49)	2.99 ^a (0.50)	2.80 ^c (0.47)	2.77 ^{bc} (0.53)	2.53 ^d (0.47)
<i>Social beliefs</i>						
Individual.	2.04 ^d (0.74)	2.17 ^c (0.74)	2.47 ^b (0.74)	2.72 ^a (0.64)	2.39 ^b (0.68)	2.77 ^a (0.63)
Dogmatism	3.76 ^a (0.80)	3.51 ^b (0.75)	3.31 ^c (0.86)	2.84 ^d (0.77)	3.34 ^c (0.88)	2.84 ^d (0.81)
Social conservatism	2.81 ^b (0.93)	3.13 ^a (0.82)	2.80 ^b (0.86)	2.58 ^c (0.79)	2.92 ^b (0.95)	2.43 ^d (0.69)
<i>Democratization</i>						
Perception of economy	2.72 ^c (0.60)	2.69 ^c (0.62)	2.25 ^d (0.52)	2.74 ^b (0.52)	2.85 ^a (0.51)	2.82 ^{ab} (0.47)
Satis. with democracy	1.77 ^c (0.78)	1.99 ^{cd} (0.74)	1.88 ^d (0.77)	2.12 ^{bc} (0.86)	2.22 ^b (0.83)	2.58 ^a (0.83)

Note: The superscripts are ordered so that a is the highest mean and d is the lowest mean for each variable. Overall there were significant multivariate effects of country on the legal values ($F(40, 20393.72) = 353.58, p < 0.001$, Wilks lambda = 0.10), the social beliefs ($F(15, 13104.78) = 83.81, p < 0.001$, Wilks lambda = 0.78) and the two democratization variables ($F(10, 9066) = 99.19, p < 0.001$, Wilks lambda = 0.81). The superscripts above are based on Scheffe *post hoc* tests conducted on the variables with significant univariate Fs.

It reveals that respondents in all the countries distinguish between law violations depending on their social or political context. The distribution of responses across the scale suggests that respondents in each country are ambivalent about paying taxes and taking government benefits illegally. On the other hand, there is a polarized consensus against the moral justifiability of stealing and accepting bribes both within and across the countries. We believe that interpretations of responses to more conceptual ques-

tions about reasons for departing from strict adherence to law, such as those in the lawfulness scale, can be enhanced in the light of responses to questions about specific areas of law-breaking as well.

It is clear that rights are highly valued in all six countries. Although rights consciousness is somewhat lower in the three countries that have recently emerged from repressive rule, there appears to be a strong consensus about the importance of rights across populations that



Gypsy candidate campaigning for senatorial elections in Romania, 1990. Atger/Editing

have had notably different experiences with law. It is clear that claiming rights is one aspect of liberal democracy that finds fertile ground in the newly 'liberalized' populations. We can see some variation in commitment to rights if we look at instances of claims to social rights in which the claimant is specified, however. The commitment decreases in all countries when questions are asked about rights to a job for excluded groups. Table 2 compares responses to the item from the rights consciousness scale that asks about 'right to a job' with the three items from the excluded groups scale that ask the same question specifying foreigners, women or gypsies (minorities in the United States). Commitment to the right to a job for excluded groups clearly weakens in all countries, in some cases precipitously, except when the recipient is a woman. This finding indicates that rights entitlement is devalued when the claimant is perceived to be outside the normal group.

Returning our attention to the means values in Table 1, we see a similar weakness in commitment to political rights when we look at these claims in political contexts that include social disruption. The four items that make up the liberty versus order scale refer to 'free speech', 'extremist political views', and demonstrations by 'radical groups'. The mean scores for this scale do not reach much above the midpoint for Western countries and are all well below the midpoint for the Eastern countries. Thus, despite the high valuation of political rights in general across all countries, this strong commitment is decidedly weaker when these rights are put to the test in political contests that contain the potential for disruption.

There is also interesting variation in our calculus of fairness measures. Procedural and distributive justice are even more highly valued across all countries than rights claims. Since all three are claimant-oriented, and do not specify

TABLE 2. Frequencies and row percentages for the right to a job and the rights for excluded groups items for the six countries

Measures	Rating				
	Not very important 1	2	3	4	Very important 5
Right to a job					
Bulgaria	1 (0.1%)	4 (0.5%)	16 (2.0%)	44 (5.4%)	751 (92%)
Poland	10 (1.2%)	15 (1.8%)	15 (1.8%)	66 (8.1%)	711 (87%)
Hungary	10 (1.3%)	8 (1.0%)	18 (2.3%)	71 (9.1%)	673 (86.3%)
Spain	2 (0.3%)	1 (0.1%)	7 (0.9%)	60 (7.8%)	697 (90.9%)
France	5 (0.7%)	1 (0.1%)	5 (0.7%)	57 (7.5%)	693 (86.3%)
United States	56 (7.1%)	37 (4.7%)	64 (8.1%)	65 (8.3%)	565 (71.8%)
Foreigners should not be guaranteed a job in [Country]	Agree strongly 1	2	3	4	Disagree strongly 5
Bulgaria	338 (40.8%)	167 (20.2%)	154 (18.6%)	123 (20.3%)	123 (20.3%)
Poland	319 (39%)	174 (21.3%)	128 (15.6%)	137 (16.7%)	60 (7.3%)
Hungary	217 (28.1%)	195 (25.3%)	155 (20.1%)	146 (18.9%)	58 (7.5%)
Spain	20 (2.6%)	110 (14.3%)	152 (19.8%)	316 (41.1%)	171 (22.2%)
France	157 (20.9%)	156 (20.8%)	123 (16.4%)	141 (18.8%)	174 (23.2%)
United States	130 (16.2%)	277 (34.5%)	97 (12.1%)	224 (27.9%)	74 (9.2%)
Women should not be guaranteed a job in [Country]	Agree strongly 1	2	3	4	Disagree strongly 5
Bulgaria	31 (3.8%)	28 (3.4%)	29 (3.5%)	74 (9.0%)	662 (80.3%)
Poland	21 (2.6%)	28 (3.4%)	38 (4.6%)	167 (20.4%)	565 (69%)
Hungary	25 (3.2%)	19 (2.4%)	30 (3.9%)	183 (23.5%)	522 (67%)
Spain	12 (1.6%)	25 (3.2%)	24 (3.1%)	192 (24.9%)	517 (67.1%)
France	16 (2.1%)	29 (3.8%)	34 (4.5%)	148 (19.5%)	531 (70.1%)
United States	37 (4.6%)	75 (9.4%)	37 (4.6%)	311 (38.9%)	340 (42.5%)
Gypsies/minorities should not be guaranteed a job in [Country]	Agree strongly 1	2	3	4	Disagree strongly 5
Bulgaria	62 (7.5%)	58 (7%)	108 (13.1%)	163 (19.7%)	435 (52.7%)
Poland	155 (19%)	116 (14.2%)	141 (17.3%)	214 (26.2%)	190 (23.3%)
Hungary	34 (4.4%)	26 (3.4%)	63 (8.1%)	212 (27.3%)	441 (56.8%)
Spain	20 (2.6%)	42 (5.4%)	64 (8.3%)	290 (37.6%)	355 (46%)
United States	53 (6.6%)	118 (14.8%)	55 (6.9%)	318 (39.8%)	254 (31.8%)

Note: Chi square analyses resulted in significant effects for the right to a job ($X^2(20) = 390.24, p < 0.00001, \eta^2 = 0.07$) and not guaranteeing the right to a job to foreigners ($X^2(20) = 803.04, p < 0.00001, \eta^2 = 0.12$), women ($X^2(20) = 344.41, p < 0.00001, \eta^2 = 0.03$), and gypsies (France and the United States not included in analysis) ($X^2(12) = 432.14, p < 0.00001, \eta^2 = 0.11$).

contexts that might make them more problematic, these high valuations are not surprising. Our comparison of the importance of procedural and distributive justice, by a difference score that indicates the relative importance of procedural justice, yields interesting variation, how-

ever. Procedural justice is discounted, compared to distributive justice, more in the new democracies than in the older democracies. It is strikingly evident that the United States values procedural far more than distributive justice. Distributive justice carries more weight in those

countries that have lived under a collectivist political ideology for so long, and are also facing the economic burdens and uncertainties of market liberalization. The social fairness scale adds a different perspective to the calculus of fairness because it is not oriented to individual claimants, whether for procedural or distributive claims. It is interesting to note that all countries give lower ratings to fairness that is defined in terms of appeals to egalitarian concepts ('protect both the strong and the weak') and what 'most people' want than to fairness defined in terms of individually oriented claims. Social fairness is more highly rated among the former communist countries than among the Western democracies. The calculus of fairness in the United States is particularly individualistic.

For basic social beliefs, all countries have mean scores towards the collectivism end of the individualism-to-collectivism continuum. While it is not surprising that American respondents lean more towards individualism than do the other respondents, the fact that their support for individualism does not rise above the midpoint of our scale is puzzling. This scale, which was created for this survey, may overstate the tension between the individual and the group by characterizing individualist stances in extreme terms. In any case, it is important to note that strong support for individualism is lacking in all the countries. Even though the three East and Central European countries are distinctly less individualistic than the two West European populations, this finding leads one to question how necessary support for individualistic legal values is to a democratic legal culture. Since a lower support for individualism is also a higher support for collectivism, this finding is particularly intriguing when taken in conjunction with the uniformly high support across these countries for legal values that focus on the individual claimant, such as rights consciousness and procedural justice.

Another aspect of our respondents' social belief systems also sheds light on their generally tentative or cautious support for politically-embedded legal values. All the countries tend to cluster around the mid-point in the social conservatism scale; only Poland is above it. Since this scale measures reaction to social change, we can infer that the respondents have a generally moderate response to social change

and are not unduly alarmed by its assorted manifestations in their social and political worlds. Except in Spain and the United States, respondents also tend to be dogmatic, although not extremely so. These two variables provide support for the inference that most of these countries have a moderately conservative approach to social and political life.

Finally, we asked all respondents about their perception of the state of the economy and whether they were satisfied with 'how democracy works' in their country. As Table 1 shows, all countries gave responses that were more negative than positive. Hungary is the exception to a roughly linear trend towards optimism on the economy across our democratization scale. Respondents' satisfaction with democracy follows the same general trend, but is significantly more negative than their perception of the economy. Given these somewhat negative assessments of their current economic and political situations, it is not surprising that support for politically embedded legal values such as rights for excluded groups, liberty and lawfulness is lower than claims-oriented values such as rights consciousness and the importance of procedural justice.

Overall, there are clear country differences but these are not always related to our democratization scale. We now turn to other kinds of analyses to determine whether there are indicators of different socialization processes across the six countries.

Socialization of subgroups

The generational hypothesis

Since all our data have been collected at the same time, we have no obvious basis for drawing inferences about changes in attitudes or ideological stances across our several populations. Finding socialization effects is sometimes a matter of specifying critical subgroups within a population, however. Therefore, we have pursued a strategy of identifying subgroups that are potentially fertile sources of differences in socialization processes.

We start with age. The so-called 'generational hypothesis' has been discussed in the social science literature for many years (Delli

Carpini, 1989; Jennings and Niemi, 1981; Mannheim, 1952; Weil, 1993). There are several ways to formulate this hypothesis, but it most frequently involves the identification of age cohorts that are linked with major historical events, usually at a point in the life course labelled variously adolescence or youth. For example, one might identify those who were in late adolescence or early adulthood during the Vietnam War, or World War II, or at the time of the Kennedy assassination. Karl Mannheim (1952) put the generational label on this identification of critical age cohorts with the suggestion that particular experiences can mark an entire 'generation unit', making it ideologically distinct throughout its life course both from other age cohorts and from others of the same age who did not have these experiences. This generational 'defining moment' (in the current vernacular), Mannheim (and others) believed coincides with a critical period in one's youth:

The possibility of really questioning and reflecting on things only emerges at the point where personal experimentation with life begins – round about the age of 17, sometimes a little earlier and sometimes a little later. It is only then that life's problems begin to be located in a 'present' and are experienced as such. That level of data and attitudes which social change has rendered problematical, and which therefore requires reflection, has now been reached; for the first time, one lives in the 'present'. (Mannheim, 1952, p. 115)

This emphasis on youth cohorts, while explained differently from different disciplinary perspectives (compare Mannheim with, e.g., Jennings and Niemi, 1981, or Kohlberg, 1969) has been pervasive in the socialization literature, especially as it deals with various forms of the generational hypothesis.

Because we are interested in legal socialization processes within our populations, we compared generational age cohorts both within and across the six countries. We identified four youth cohorts¹ in each country that meet Mannheim's definition of 'generational units'. Each cohort was between the ages of 13 and 21 at critical event points in time: 1947 (World War II and the post-war Soviet repression), 1956 (the Hungarian uprising), 1968 (the 'Prague Spring' and student rebellions), and 1989 (revolutionary upheavals in the former Soviet satellite countries). We added a fifth youth cohort (those who were 13–21 in 1978)

to represent the remainder of the population even though that period had not produced a critical event (other than the death of Franco) of the same historical magnitude. In order to make sense of this mass of information, we have chosen to discuss the comparisons in terms of the number of statistically significant differences between the cohorts, across the countries. Table 3 below summarizes this information, including differences over legal values, the social beliefs that we have called sources of legal values, and perceptions of the economy and satisfaction with democracy.

Even though there are significant differences among the cohorts in these values and beliefs, there is no pattern of response that particularly distinguishes one 'generation unit' from the others. Most of the differences between the age cohorts involve the youngest and the oldest cohorts, indicating that generational effects may be occurring. Whether these are occurring because of normal rebellious disputes between youths and older generations, or because of normal maturation patterns, or because of generational imprinting during critical events, cannot be determined from these data, however. It is possible that cohort effects existed at one time but did not persist into 1995 (or, more importantly, 1989). It is also possible that the trauma of these critical events was so extreme as to affect the entire population deeply, regardless of age or developmental stage.

We can see a pattern across the countries, however. The bar graph in Figure 1 below indicates that there is a curvilinear relationship in which the number of significant differences among cohorts increases from Bulgaria to Poland to Hungary to Spain, and then decreases sharply with France and the United States. There is at least a hint in this relationship of an increasing amount of disagreement over legal values as populations become more involved with the issues of democratization. This kind of disagreement pervades their fundamental social beliefs as well, indicating that these age groups may be rubbing against each other increasingly as political change grows nearer. The fact that Spain remains high in differentiation across age cohorts suggests that this youngest of the older democracies is still at a peak of normative inter-cohort disagreement or activity as it learns to contend with conflictful democratic politics. In

TABLE 3. Number of significant differences among the youth cohorts for legal values, social beliefs, and democratization

Measures	Countries					
	Bulgaria	Poland	Hungary	Spain	France	United States
Legal values	4	7	9	12	9	5
Social beliefs	6	3	14	15	8	0
Democratization	0	0	3	2	2	3
Total	10	10	26	29	19	8

Note: The significant differences are based on the results of Scheffe *post hoc* tests. The multivariate effects of youth cohorts aged 13–21 years from 1947, 1956, 1968, 1978, and 1989 on legal values, social beliefs, and democratization, were significant for each country. The legal values include lawfulness, justifiable behaviours, rights consciousness, rights for excluded groups, liberty, procedural justice, distributive justice, relative procedural justice, and social fairness. The social beliefs include individualism, dogmatism, and social conservatism. Democratization includes perception of the economy and satisfaction with democracy.

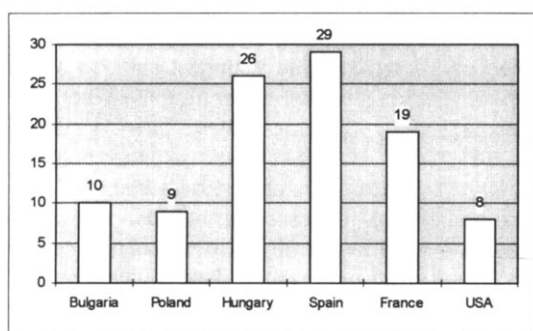


FIGURE 1: Number of significant differences among youth cohorts based on 13–21 year-olds in 1947, 1956, 1968, 1978 and 1989.

these terms, France is no longer in its democratic youth, and the United States is becoming downright stodgy. In any case, these data appear to reflect a progressive differentiation over legal values and related beliefs in a curvilinear pattern as a population moves away from repression towards the establishment of democratic processes and institutions. Perhaps we can think of it as a developing normative energy that is needed for the initiation of democracy but that dissipates when democracy reaches maturity.

The number of significant differences over basic values and beliefs among the actual youth cohorts is lowest for Bulgaria and Poland, at one end of the democratization scale, and for the United States at the other end. This suggests a greater degree of consensus across generations in those countries that are in the earliest and

latest stages of democratization. Conversely, normative disagreement is greatest where the battle is joined, i.e., where democratic institutions are newly established, providing public space for democratic contests that bring out debate and different points of view.

Elite/mass socialization

In addition to this straightforward cohort comparison, we divided the country populations into two groups by level of education. Those with some university training and above we designated 'elites' and those with no university training and below we designated 'masses'.² Although educational level has often been shown to be positively correlated with liberalism – e.g., in support for democratic values and level of tolerance (Gibson and Caldeira, 1996; Gibson and Duch, 1993) – we would argue that it should also be interpreted as having a broader socializing effect. The distinction between those with university training and those without reflects different socializing experiences, both in the educational process and in subsequent occupational responsibilities. That is, those with university training have experienced a greater consensus about the basic questions (although not about answers to specific issues) than those who have not been through university. We further argue that this division accurately reflects respondents' eventual political and economic locations within their society and, therefore, their actual power differential as well. In short, there is likely to be greater commonal-

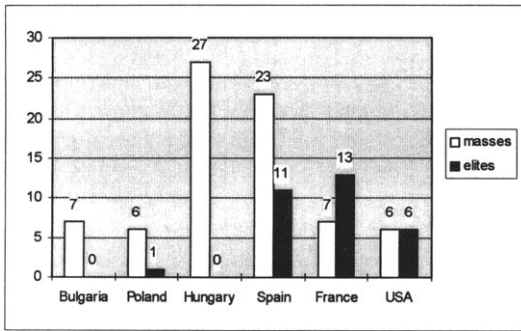


FIGURE 2: Number of significant differences for elites^a and masses^b based on youth cohorts from 1947, 1956, 1968, 1978 and 1989.

^a Elites have at least some university education.

^b Masses have either no education or education below university level.

ity of experience among those in social locations filled with people who have had university training than across all levels of education.

The number of significant differences among youth cohorts within the masses and among youth cohorts within the elites is presented in Figure 2 above. Figure 2 provides two additional pieces of information about the socializing process. First, there are more significant normative differences among age cohorts who are non-elites than among elite age cohorts in all countries except France. And second, there are more significant normative differences among the elite age cohorts in the West than among elite age cohorts in the East. The fact that non-elites are more likely to disagree with each other about values and social beliefs than elites is probably to be expected, we would argue, given the relative commonality produced over time through higher education. Experiences during university training as well as the relatively restricted cultural focus of that kind of intellectual milieu are likely to circumscribe attitudes towards a broad consensus about basic questions, even though these elites might disagree about specific issues. University training is also likely to track recipients towards elite roles in their society so that later experiences tend to reinforce cultural consensus within this subgroup. It is particularly interesting that elites in the three former Soviet satellites manifest almost no normative disagreement among age cohorts, in contrast to both elites and non-

elites in the Western countries. This finding suggests that the progressive differentiation over time in these new democracies was taking place among the less educated masses, and that the best educated in these populations (and also, most likely, those in elite roles) held relatively uniform values throughout the long years of Soviet domination and even to 1995. It is also possible, of course, that the uniformity of elites in the new democracies developed after 1989, since all we know from these data is from 1995.

Conclusion

The rule of law ideal in the West has meant at least the following: the primacy of law over arbitrary uses of political power, the primacy of the individual through the protection of individual rights claims, and the primacy of universalism over particularism through the abstraction of the individual 'before the law' from social characteristics. This liberal legal ideology undoubtedly faces modification when it is carried like a banner beyond the streets and marketplaces of revolution into the institutions of new democracies. As a banner, it does not describe accurately the actual legal practices of even its originators in Anglo-American law, let alone those of the many nations that would claim to have modelled their constitutions on it. But it is often assumed that the populations of countries that claim the label 'liberal democracy' support these principles of the rule of law ideal, and that populations in transitional societies must come to support these principles if they are ever to succeed in establishing and maintaining stable liberal democracies. That is why a comparison of legal cultures across new and older democracies is important: to test our assumptions about the role of legal values in the normative attitudinal structures of populations across this spectrum.

What is the normative status of public values such as liberty, justice and equality, and of public acts such as asserting rights and being held accountable under the law? How alike or different are valuations by the populations across the spectrum of democratization? The older democracies are generally more liberal than the new democracies, both in their level of support for legal values and in the social

beliefs that underlie them. We would argue that this is a socialization effect reflecting differences in (1) the relationship between the individual and governmental authority that reaches well back towards the beginning of this century in the cases of Bulgaria, Poland and Hungary, including several forms of authoritarian rule (Held, 1992). It also reflects (2) the experiences of democracy in Spain, France and the United States, experiences which tend to take the sharpest edge off fears of democratic muddle, conflict and disorder. And (3), in the differentiation analysis the curvilinear relationship across the scale of democratization clearly shows striking increases in the number of significant differences among age cohorts in the two countries closest to democratization in 1995, Hungary on the pre-democracy side and Spain just newly on the democracy side. Although generational replacement is an obvious factor, we would argue that experiences with or close to democracy contribute to the liberalizing effect.

With respect to the characteristics of the rule of law ideal that the legal values represent, there are different kinds of effects for law consciousness, rights consciousness, and justice judgments. Law consciousness centres on extent of adherence to law under different circumstances. Here the moral authority of law is at stake because one's willingness to depart from strict adherence depends in part on one's felt obligation to obey. When the moral authority of law is specifically invoked, respondents in all countries indicate an increased commitment to lawfulness. Law's moral force does not appear to have distinctly different effects across these populations, however. The variation that is documented by the justifiable behaviours scale appears tied to the social meaning of particular kinds of acts rather than to liberalization. It underscores the value of thinking about the moral authority of law in both abstract and specific terms. In our view, much more needs to be done in this area because law consciousness is an important nut that has yet to be cracked.

The analysis of rights consciousness uncovered multiple facets of the rule of law ideal in the context of democratization. Populations in the East were somewhat lower than those in the West in their valuation of rights claims but all populations valued rights very

highly. That is, while there is a higher rights consciousness under the older democracies, the newer democracies are not far behind in valuing the entitlement of individual claimants. And the claims are to a broad range of benefits (see appendix), perhaps reflecting a notion that democratization brings all good things to all people. We also found differentiation between rights stated without specification of the claimant ('right to a job') and rights specifying claimants by their social characteristics (women, foreigners, gypsies, minorities). Women fared well across the six countries, gypsies and minorities would be treated variously depending on the country, and foreigners did distinctly less well everywhere. On the other hand, when we looked at specification of political rights in the context of liberty versus order, it became clear that the new democracies (Bulgaria, Poland, and Hungary) would countenance significantly less entitlement to political rights than the older democracies. Again, the general enthusiasm for rights consciousness is important, but that finding must be tempered with evidence of exclusionary politics across the board and the relative willingness to sacrifice political rights in the new democracies.

While this pattern is not surprising, it does point up the importance of commitment to the rule of law in the process of democratization. The ethic of legality implies that the law can act as a guiding principle according to which contests between rights and duties may be resolved. Legality requires reciprocities between rights claims and duties that meet the standards of public values such as fairness, liberty and equality. These values often pose contradictions, or at least inconsistencies, in the situations of conflict in ordinary life from which legal issues and claims arise. In liberal legal ideology, the law's guiding principle is based on the abstraction of the individual from social characteristics. The decidedly illiberal valuation of rights to a job for foreigners, and to a somewhat lesser extent for gypsies/minorities, is disturbing. But it is perhaps less disturbing in the United States, where the established institutions are likely to override these biases, than in the new democracies, which are without well-established legal institutions that might adhere more to the guiding principle of the law than to partisan or prejudicial fears in the populace.

The area of justice judgments provides a mixed but interesting picture. Our proposed calculus of fairness, composed of the relative importance of procedural and distributive justice balanced by the weight given to communitarian concerns, clearly indicates that the new democracies are more likely to be influenced by distributive outcomes and communitarian principles than the older democracies. The implications of this finding are several, but most important for the purposes of this article is the shift away from placing the individual in the centre of the rule of law ideal. The social fairness differences, while not large, are statistically significant. The relative importance of procedural justice decreases significantly for the East, indicating a completely different direction from that consistently found in the procedural justice literature from the United States (Lind, Huo and Tyler, 1994; Lind and Tyler, 1988; Tyler, 1988). Our findings raise intriguing questions about the role of this kind of calculation of fairness in democratization cross-culturally, especially across the many cultures in which the individual is subordinated to the group in most areas of life. While we have not raised the issue of market liberalization here, it is important to keep in mind that the central role of the individual creates a critical coincidence between the law of liberal democracy and the law of market capitalism. Cross-cultural research on conceptions of responsibility (Hamilton and Sanders, 1992) is opening new avenues for exploration in this area that it will be important to pursue. In the meantime, it should be noted that procedural justice – clearly a value oriented to the individual claimant – was the most highly rated of all the legal values across all the countries.

Our cohort analysis also opened new questions. The adolescent/generational hypothesis is often assumed to be true without empirical evidence. We found it difficult to identify clear-cut distinctiveness in any generational unit. Given the cross-sectional nature of the data, we could not make causal inferences or disentangle possible alternative explanations for the effects we did find. In general, we were not able to confirm the adolescent/generational hypothesis using these data. The significant difference analysis provided an unusual methodological

tool with which to identify cohort diversity, however, because it allowed us to describe progressive differentiation in these populations. We noted a curvilinear relationship across the democratization scale that indicated distinctly different amounts of cohort disagreement on basic values and social beliefs depending on where the particular country was located in the democratization process: the newest and oldest democracies had the least amount of cohort differentiation; the peaking democracies, Hungary and Spain, showed the greatest amount of differentiation (Figure 1). We also found that elites were less likely to show cohort differentiation than masses (Figure 2), and elites in the new democracies were almost without differentiation in their basic beliefs and values. We can only speculate that these elites, in countries just released from domination by repressive regimes, had been forced into relative uniformity over time.

In testing assumptions about the role of legal values in the normative attitudinal structures of populations that approximate to a continuum of democratization, we have raised some new questions about socialization processes and the liberal legal model. Now, six years after the 1989 revolutions, public values are still newly open for normative definition and affirmation in the new democracies. The survey results reported here reveal a populace which is generally conservative to moderate in its basic social beliefs, cautious about democracy but with a sense of greater individual entitlement to come. The role of the law as protector and facilitator of individual entitlement is the great promise of the liberal legal model. As democratization proceeds, with its increasing differentiation across groups by age and education, and the conflictful politics that democracy inevitably spawns, these populations will experience both incitement and excitement. Just as the Western world watched with awe the revolutionary events of 1989, we await the coming political struggles in the hope that legal liberalism can play a strong and positive role. We are observers of this process in two senses: both as supportive bystanders and as scholars. In terms of the latter, we hope that this article is only the first step towards a more rigorous understanding of the interaction between law and culture in democratization.

Appendix: Measurement of the scales

Summated scales were constructed for each of the following sets of items.

Legal values

Lawfulness

It's alright to get round the law as long as you don't actually break it. (Disagree)

The government should have some ability to bend the law in order to solve pressing social and political problems. (Disagree)

It is not necessary to obey a law you consider unjust. (Disagree)

Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution. (Disagree)

If you don't agree with a law, it is alright to break it. (Disagree)

Justifiable behaviours

Please tell me for each of the following statements whether you think it can always be justified, never be justified, or something in between.

Claiming state benefits that one is not entitled to. (Never be justified)

Not paying all one's taxes. (Never be justified)

Buying something a person knows was stolen (Never be justified)

Someone accepting a bribe in the course of their duties. (Never be justified)

Using the company's equipment or supplies for work outside the company. (Never be justified)

Rights consciousness

Next I will read through a list of rights and freedoms. Please tell me how important these rights are to you personally.

freedom to express your important political views

freedom of religion

freedom to join and participate in social and political groups and unions

equality in front of (before) the law

the right to a job

the right to own land and private property

the right of foreigners to settle in [country]

the right to a clean and safe environment

the right to abortion

Rights for excluded groups

While the guarantee to a job may be important in general

foreigners should not be guaranteed a job in [country]

women should not be guaranteed a job in [country]

gypsies/minorities (US) should not be guaranteed a job in [country]

Social beliefs

Individualism

It is more important to do the kind of work society needs than to do the kind of work I like. (Disagree)

The most important thing to teach children is obedience to their parents. (Disagree)

People should go along with whatever is best for the group, even when they disagree. (Disagree)

We as [nationality] have a responsibility to ensure that all our countrymen have the chance to a decent life. (Disagree)

If people are going to live in [nationality] society, they ought to be forced to accept [nationality] ways and customs (Disagree)

Dogmatism

There are two kinds of people in the world: those who are for the truth and those who are against it.

A group which tolerates too many differences of opinion among its own members cannot exist for long.

To compromise with our political opponents is dangerous because it usually leads to the betrayal of our own side.

Of all the different philosophies which exist in the world, there is probably only one which is correct.

Social conservatism

People should try to adapt to the rules of society rather than fighting them.

It is best to accept the flaws of existing authority because it is dangerous to try to change it.

People should not try to change how society works but just accept the way it is.

Democratization

Perception of the economy

How do you think the general economic situation in this country has changed over the last twelve months? Would you say it has got ... (a lot better)

How do you think the general economic situation in this country will change in the next twelve months? Would you say it will ... (considerably improve)?

How would you say that you and your family are ... (living much better)?

And what about the next twelve months? Would you say you and your family will ... (live much better)?

And how much does it worry you that during the next twelve months you or some member of your family will be unemployed? (not at all worried)

Satisfaction with democracy

On the whole, to what extent are you satisfied with the way democracy works in [country]?

Liberty

It is better to live in an orderly society than to allow people so much freedom that they can become disruptive. (Disagree)

Free speech is just not worth it if it means we have to put up with the danger to society of extremist political views. (Disagree)

Society shouldn't have to put up with political views that are fundamentally different from the views of the majority. (Disagree)

Because demonstrations frequently become disorderly and disruptive, radical and extremist

political groups shouldn't be allowed to demonstrate. (Disagree)

Procedural justice

Imagine you had an encounter with someone in a government office. When you think about such an encounter, how important to you are the following factors:

to have the person at the office listen to my story

to have the person at the office explain his/her decision

to have the person treat me with respect

to have the person treat me the same as he/she treats other people.

Distributive justice

Imagine you had an encounter with someone in a government office. When you think about such an encounter, how important to you is the following factor:

to get what I want

Relative procedural justice

Mean procedural justice minus distributive justice

Social fairness

A fair law is one that has everyone's agreement. It makes sense to follow laws because most people do.

A fair law is one that protects both the strong and the weak.

A law is fair when most people like it.

Notes

* As is the case with all our joint publications, this article represents a genuine research collaboration between the authors, with equal contributions. Therefore, neither is first or second author. This article uses data from a collaborative project that grew out of the Law and Society Association's 'Working Group on Orientations toward Law and Normative Ordering'. Ellen S. Cohn, James L. Gibson, Susan O. White, Joseph Sanders, Joan

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1. We determined the number of significant differences by first conducting multivariate analysis of variance tests with the five youth cohorts (1947, 1956, 1968, 1978, 1989) as the levels of the

independent variable and the legal values, social beliefs, and the democratization variables for each of the six countries (Bulgaria, Poland, Hungary, Spain, France, and the United States). To divide the participants into the five youth cohorts, we took respondents who were 13–21 years old in 1947 (born in 1926–1934), 1956 (born in 1931–1943), 1968 (born in 1947–1955), 1978 (born in 1957–1965), and 1989 (born in 1968–1976). The youth cohort effect was significant

at the multivariate level for each of the three sets of variables in all six countries. Then Scheffe *post hoc* tests were conducted on the individual variables which were significant at the univariate level. We then added the total number of significant differences for all three categories of the variables.

2. We defined elites and masses by years of education. Elites were those respondents who reported at least some university education and

masses were those who reported either no education or less than university education. The only exception was in the United States where elites were those who had completed a university education or more (in order to keep the elites at less than 50% of the sample). The percentages of elites were 12.1% in Bulgaria, 10.8% in Poland, 12.6% in Hungary, 18.5% in Spain, 23.6% in France and 36.7% in the United States.

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