
The Legal Cultures of Europe

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Sociolegal scholars have become increasingly interested in comparative legal cultures, largely under the hypotheses that what people think about the law and the values embedded therein has something to do with how they behave and, ultimately, some consequences for the larger political and legal systems. For instance, attitudes toward the rule of law no doubt influence (though they do not determine) people's willingness to comply with laws. Most agree that one cannot understand the role of law in society without understanding something of legal cultures. We present an investigation into the legal cultures of the countries of the European Union. Drawing on mass surveys conducted within each of the countries (including a separate sample in East Germany), we explore popular attitudes toward various dimensions of law: support for the rule of law; perceptions that law is a nonneutral, repressive force; and support for individual liberty. Although our analysis focuses on national differences, we also explore within-system variation (e.g., across various socioeconomic strata). Ultimately, our purpose is to document cross-national differences in legal cultures and to take some tentative steps toward explaining the origins of these differences.

The concept "legal culture" figures often and prominently in the scholarship of the diverse disciplines of sociolegal studies. Political scientists, for example, use the concept to account for variation in the permissible legal delay in trials and in the behavior of judges and lawyers, as well as to explain differences in rates of litigation. Sociologists have found the concept useful for analy-

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ses of the ethics and practices of legal organizations. And anthropologists, using a more holistic approach, have characterized the legal cultures of entire societies. Indeed, this notion “legal culture” is one of the most general and ubiquitous concepts in the study of law and society.

Yet much too often scholars invest the concept “legal culture” with little rigorous meaning: indeed some have questioned whether culture is viable as an analytical construct for scientific analyses of law. Formal definitions, to the extent they are proffered, vary tremendously across disciplines and scholars. It is not clear, for instance, whether legal culture may be thought of as a unidimensional or multidimensional concept. Perhaps most important, we can point to only a few attempts in the literature to operationalize legal culture as a directly measurable variable. All too often, legal culture is a term used to account for that which cannot be accounted for in any other way—that is, culture becomes the beneficiary of the residual term in explanatory equations. If we are to use the concept to test important hypotheses about the connections between law and society, we must attach rigorous operational meaning to legal culture. Few scholars have attempted this important task.

We wish to accomplish four specific goals here. First, we offer a multidimensional conceptualization of legal culture. Although we conceive of legal cultures as a broad *syndrome* of values, we focus here on three particular subdimensions: the valuation people attach to individual liberty, their support for the rule of law, and their perceptions of neutrality in law. Second, we operationalize these subdimensions of legal values and present evidence on the distribution of these attitudes within and across several Western European nation-states. We also investigate the interrelationships among these beliefs, focusing in particular on whether perceptions of the neutrality of law are associated with normative commitments to obey universalistic law. Third, we explore the correlates of legal values at both the micro (individual) and macro (nation-state) levels. Finally, we speculate about how rigorous studies of mass legal culture might move beyond our limited efforts to begin the process of testing important hypotheses about the role of culture in the operation of law.

This analysis focuses on the values of residents of the member states of the European Union as revealed during a survey conducted in the fall of 1993.¹ The EU is an especially important venue for studying variation in mass legal cultures since such a wide variety of countries is represented in the community, ranging from Great Britain, to Portugal, to Greece. Moreover, European cultures are largely unexplored territory; the limited extant

¹ We refer to the supranational entity as the European Union in this analysis, recognizing that before the ratification of the Treaty of Maastricht in 1993 the community was known as the European Community.

work on cultural aspects of law focuses almost exclusively on the United States (but see Ehrmann 1976). And as more and more nations from Scandinavia (Finland and Sweden voted in 1994 to enter the EU) to Central and Eastern Europe (Austria entered in 1994 as well; others, perhaps later), and perhaps even to the eastern outskirts of Europe (e.g., Poland, Turkey) seek to join the European Union, the question of the diversity of legal values becomes all the more important for transnational legal policy. Furthermore, the structures of formal European legal systems vary; for example, the system is common law in Britain and Ireland, civil law in France and most of the Continent, with important (even if subtle) differences among those systems stemming from civil law traditions. Thus, it seems quite likely that the cultural values underpinning these systems differ as well. Although ours is only an initial foray into the structure of legal values in Europe, the importance of the issue may well justify the tentative nature of our efforts.

The Concept “Legal Culture”

Law and legal systems are cultural products like language, music, and marriage arrangements. They form a structure of meaning that guides and organizes individuals and groups in everyday interactions and conflict situations. This structure is passed on through socially transmitted norms of conduct and rules of decisions that influence the construction of intentional systems, including cognitive processes and individual dispositions. The latter manifest themselves as attitudes, values, beliefs, and expectations. (Bierbrauer 1994:243)

There are essentially three major ways in which “legal culture” has been employed in analyses of law and society.² The first is most clearly grounded in the anthropological traditions, with perhaps the most widely cited exemplar of this line of inquiry represented by studies of customary law (e.g., Llewellyn & Hoebel’s *Cheyenne Way*).³ The distinguishing characteristic of this body of work is that it treats culture as a holistic concept, not suited to reductionist analysis, and seeks to determine the ways in which cultural values affect the operation of law. A recent example of this line of research can be found in Moore’s insightful analysis of the transplantation of the British concept of rule of law to Africa (on Tanganyika, see Moore 1992).

² Blankenburg (1994:792) offers a somewhat different approach to understanding legal culture: “We apply the term *culture* to the set of all interrelationships occurring at three levels: (1) the level of substantive law and procedural codes, (2) the level of institutions such as the courts and the legal profession, and (3) the level of legal behavior and attitudes toward law.” A similar approach can be found in Ehrmann (1976). In contrast, we distinguish between formal institutions and the informal expectations—originating in broader cultural values—about how those institutions ought to function.

³ For a collection of essays with this focus see Varga 1992.

A second important line of inquiry on legal culture focuses much more specifically on how culture shapes the operation of formal legal institutions. Levin's work (1972, 1977) on the criminal courts in Pittsburgh and Minneapolis, as well as Wilson's (1976) research on styles of policing, reflects this tradition. There, the emphasis is on the ways in which broad cultural values affect the operation of specific legal institutions. More recently, this line of thinking has figured in accounts of variation in delay in the trial courts (e.g., Church 1982, 1985, 1995; Schiller & Manikas 1987; Sherwood & Clarke 1981). As Kritzer and Zemans (1993:538) described this framework: "local patterns of practice reflect in part informal norms and expectations that regular players in the system (lawyers and judges) have developed and have come to accept as 'how we do things.'" On the same general theme but focusing on the development of "rights consciousness," Edelman and associates have studied organizational responses to equal employment opportunity legislation, an example of research exploring the relationship between legal cultures and organizational values and incentives (Edelman, Erlanger, & Lande 1993; see also McCann 1994). Perhaps the most comprehensive study ever conducted using this framework can be found in the work of Eisenstein, Nardulli, and Flemming (1988).

These first two approaches to studying legal culture focus mainly on legal elites.⁴ A third approach to studying legal culture moves outside the legal system per se to focus more directly on the values of the broader mass public.⁵ The trademark of this sort of study is the mass opinion survey (cf. Almond & Verba 1963; Inglehart 1988). "Commonly it is assumed that legal rules are rooted in social norms and that the legal system expresses the notions that a dominant group in society has about what is 'just'" (Blankenburg 1994:791). We include in this category studies of attitudes toward equality and justice (Mason 1992), the attribution of moral and legal responsibility (Hamilton & Sanders 1992; Sanders & Hamilton 1992), the many inquiries into procedural justice expectations and perceptions (Tyler 1990; Lind 1994), research on political tolerance and civil liberties (e.g., Sullivan, Piereson, & Marcus 1982; Gibson 1989), and analyses of rights consciousness among the mass publics (e.g., Gibson & Duch 1994). Most important, research on the cultural origins of disputing and litigiousness holds a prominent place in this body of cultural literature (e.g., Grossman et al. 1982; Plett & Meschievitz 1991; Kritzer 1988). Though there are those who are skeptical

⁴ Friedman (1975:223) refers to the difference between elite and mass cultures as external versus internal legal cultures: "The external legal culture is the legal culture of the general population; the internal legal culture is the legal culture of those members of society who perform specialized legal tasks."

⁵ As Blankenburg (1994:791) rightly notes, this approach defines " 'legal culture' as comprising 'attitudes, beliefs and values with respect to law.' "

that the legal system is much affected by the broad values within the mass public (e.g., Blankenburg 1994), a great deal of effort has been devoted to studying the attitudes and values of ordinary citizens.

Our own approach to legal values lies squarely within this latter tradition. Specifically, we are interested in the structure of the values held by ordinary citizens on important issues concerning the nature and operation of law. These broad values are important because they structure more specific opinions and expectations toward legal institutions, including the willingness to turn to legal institutions for the management of essentially private conflicts.⁶ We do not focus on more ephemeral opinions on issues of the day but instead attempt to measure more stable and more deeply held legal values.

Dimensions of Legal Values

But exactly what sort of values are important within legal cultures? Here we distinguish among three sets of orientations: (1) *legal consciousness*, which refers to specific attitudes toward legal issues and institutions; (2) *legal cultural values*, by which we mean more general values relevant to the legal system but not necessarily closely connected to it; and (3) more *general cultural values*, such as a preference for individualism over collectivism, trust in people, etc. (cf. Putnam 1993; Bierbrauer 1994). We believe all these values, attitudes, and opinions are important, but legal values especially warrant consideration since they have clear, if not necessarily proximate, implications for the operation of the legal system, and at the same time they are general enough to (a) structure a variety of opinions and (b) be comparable across different legal systems.

In particular, we investigate here three components of mass legal values—attitudes toward the rule of law, perceptions of the neutrality of law, and the relative valuation attached to individual liberty. This set of attitudes, of course, does not exhaust the panoply of values that constitute a legal culture, but surely these are three central dimensions of any definition of legal culture. It is useful to explicate these values a bit further before turning to the data and empirical analysis.

⁶ This analysis is consequently closely related to studies on public values in other areas such as foreign affairs values (see Hurwitz & Peffley 1987). As Heath, Evans, and Martin note (1994:115), "it has been suggested that individuals hold fundamental and enduring attitudes towards general moral and political principles like equality, and that these enduring core beliefs can account in part for the individual's attitudes towards the more transient political issues of the day."

Support for the Rule of Law

Willingness to tolerate exceptions to the law is an attitude of some importance in the operation of a legal system. At the extreme, of course, nearly everyone agrees that there are some circumstances under which law must be put aside in favor of justice or self-interest or the need to craft immediate solutions to pressing political and legal problems. At the opposite end of the continuum, nearly everyone also believes that, in general, laws ought to be followed, that citizens and rulers have a normative obligation to abide by the rule of law, and that under most circumstances the universal and equal application of the law should prevail. But between these two extremes, there is a great deal of latitude, and it is this variability that is of most interest to us. We hypothesize that individuals differ in the rigidity with which they believe law ought to be adhered to. Some believe that law ought to prevail unless there are severe exigencies to the contrary; others believe that law is something to be manipulated or ignored in pursuit of one's own self-interests (variously defined). This continuum has been dubbed "universalism versus particularism" in some earlier research (e.g., Levin 1972, 1977; Wilson 1976). The extent to which citizens believe that they ought to adhere rigidly to law is one aspect of legal values, and it is quite likely that nations differ significantly on this dimension.⁷

Perceptions of the Neutrality of Law

Various people may well perceive the role of law in society in quite different lights. For some, law is no doubt thought of as a rather neutral force, perhaps embodying consensually held social values. Those who view law in this way are likely to value it as a liberating force, either because it creates or reinforces a desirable social order or because it serves other interests of the entire citizenry. This view of law as consensual and neutral is common within a variety of types of legal scholarship (e.g., "neutral principles" for constitutional interpretation, "jural postulates," etc.).

Others, however, may perceive law as an external, repressive, and coercive force. Instead of embodying a broad social consensus to which nearly all citizens subscribe, law may be seen as an instrument of social control, as a means by which others advance their contrary political interests. By this view, law is not neutral in the sense that it represents the values of the entire society, but instead it is seen as representing the specific values of hegemonic

⁷ We fully acknowledge that this is nothing more than a partial conceptualization of the concept "rule of law" and that typically a whole series of values is associated with the concept. However, on many aspects of the rule of law—e.g., whether the government ought to be allowed to govern arbitrarily, setting law aside whenever necessary or expedient—there is most likely consensus within both the mass and elite publics. Given the practical limits (and costs) of this preliminary analysis, here we investigate what we regard as the essential element of this concept.

groups and interests. This view of law as an instrument of political struggle, of political conflict, stands in sharp contrast to the perception that law represents the consensual interests of society.

We therefore propose a continuum ranging from the view of law as a largely neutral, consensual, liberating institution to the perception that law is a biased, repressive institution representing the interests of dominant social and economic groups. In the largely legitimate political and legal systems of Western Europe, it is reasonable to expect that most ordinary people embrace the view that law in general represents the interests of the entire society and that few will express a fundamental alienation toward law and legal institutions.

Conceptually, we distinguish between support for the rule of law and the perception that law is a neutral institution. Empirically, however, we expect a fairly close connection between the two concepts. Those who view law as neutral, we anticipate, will be more willing to embrace the universalism of the rule of law, to be willing to endorse a more absolutist view of the need for compliance with law (cf. Tyler 1990). Conversely, we expect the view that law is a repressive institution, representing the interests of the few rather than the many, to be associated with skepticism about the necessity of following law. Thus, although we do not necessarily posit a causal relationship between the two concepts (and even if we did, the nature of this relationship would be difficult to disentangle given our cross-sectional data), we do hypothesize at least a moderate intercorrelation between the measures.

Valuation of Individual Liberty

Earlier research has argued that a basic distinction among people is in their willingness to tolerate disorder for the benefit of individual liberty or, conversely, their willingness to sacrifice liberty for the sake of social order (Gibson, Duch, & Tedin 1992; Caldeira & Gibson 1992). This seems to be a basic social attitude, one stable over time and closely associated with a variety of other political beliefs. Moreover, struggles over the extent of individual liberty constitute the very heart of most legal systems. Since in the abstract everyone favors both individual liberty and social order, we have posed to the respondents items that present a conflict between these two desired states. Their choices under these conditions reveal the relative valuation they attach to individual liberty and to social order. We hypothesize that those who value liberty are more likely to favor the universalistic application of the rule of law and are less likely to view law as an instrument of repression and social control.

Summary

Thus, our purpose in this article is to explore mass attitudes toward these three important dimensions of legal culture. Our interest lies in three empirical questions: the distribution of the values within the mass publics of Western Europe, the degree to which the three values are interrelated, and whether these values represent some sort of coherent mass legal culture.

Research Design

We base our report on data from two major surveys of mass opinion within the European Union, conducted in 1992 and 1993.

The 1992 Eurobarometer Survey

The first survey was conducted in each of the member states of the European Community between 21 September and 15 October 1992. We commissioned several questions concerning the European Court of Justice, and they were asked as part of the Eurobarometer 38.0, the semiannual mass survey of the Commission of the European Communities. The Eurobarometer surveys are representative of the populations of the respective nationalities, aged 15 years and over, in each of the countries.⁸

The 1992–93 Panel Survey

In the fall of 1993 we were also able to reinterview subsamples of the respondents in the 1992 Eurobarometer. The reinterviews were by telephone, except in Ireland, Portugal, and East Germany, where telephone penetration was not sufficiently high to ensure representative samples. We excluded Northern Ireland from the panel reinterviews; and since national law made it impossible to reinterview the Danish respondents, we drew a fresh sample in Denmark and interviewed them by telephone. We summarize a panoply of methodological issues concerning the panel in the technical appendix to this article. For most of the analysis reported here, we rely on data from the second wave of the panel, because they are more complete.

⁸ This data set is archived as ICPSR 6044 at the University of Michigan. Further details about the methodology of the survey are available as part of the documentation of the data set.

Results

Table 1 reports the responses to the eight items we used to measure legal attitudes within the mass publics of each of the member states of the European Union. The data in this table reveal significant cross-national variability in attitudes toward law. Consider first the items on attitudes toward the rule of law. To anticipate the factor analysis results (presented below), the best indicator of attitudes toward the rule of law is the third item: "If you don't particularly agree with law, it is all right to break it if you are careful not to get caught." This is a cynical statement that in essence cedes no moral authority to law. According to this item, the most law-abiding people are clearly the British—nearly 93% of the respondents disagree or disagree strongly with the statement. Similarly, in Italy, The Netherlands, Ireland, Denmark, West Germany, Spain, and East Germany, we find widespread disapproval of the idea that it is legitimate to break laws.

Table 1. Cross-national Differences in Legal Attitudes, European Union, 1993

	Percentages			Mean	Standard Deviation	N
	Agree Strongly, Agree	Uncertain	Disagree Strongly, Disagree			
Belgium						
Rule of law ₁	28.0	13.4	58.5	3.49	1.37	250
Rule of law ₂	55.4	7.3	37.3	2.70	1.45	250
Rule of law ₃	25.0	6.4	68.6	3.78	1.36	250
Alienation ₁	32.9	11.8	55.3	3.27	1.33	250
Alienation ₂	48.3	14.8	36.9	2.79	1.37	250
Alienation ₃	79.7	11.6	8.7	1.82	1.04	250
Liberty ₁	28.4	15.8	55.9	3.50	1.37	250
Liberty ₂	69.9	13.3	16.8	2.13	1.20	250
Denmark						
Rule of law ₁	14.1	4.2	81.7	4.18	1.24	299
Rule of law ₂	36.3	15.6	48.2	3.27	1.37	299
Rule of law ₃	12.3	6.8	80.9	4.29	1.16	299
Alienation ₁	16.7	10.5	72.9	3.92	1.16	299
Alienation ₂	23.7	17.1	59.2	3.59	1.30	298
Alienation ₃	58.5	27.7	13.8	2.32	1.15	299
Liberty ₁	40.0	12.3	47.7	3.18	1.41	297
Liberty ₂	63.8	18.6	17.7	2.25	1.23	298
Germany (West)						
Rule of law ₁	24.2	12.6	63.2	3.68	1.33	191
Rule of law ₂	46.2	14.7	39.1	2.93	1.43	191
Rule of law ₃	11.6	7.6	80.8	4.26	1.12	191
Alienation ₁	16.1	11.8	72.1	3.86	1.11	191
Alienation ₂	22.3	13.2	64.5	3.71	1.24	191
Alienation ₃	89.8	4.7	5.6	1.55	0.92	191
Liberty ₁	38.3	16.1	45.6	3.16	1.35	191
Liberty ₂	68.5	13.0	18.5	2.23	1.30	191
Greece						
Rule of law ₁	37.1	22.6	40.3	3.09	1.36	312
Rule of law ₂	37.9	18.8	43.3	3.02	1.47	312
Rule of law ₃	17.9	20.8	61.3	3.80	1.28	312

Table 1—Continued

	Percentages			Mean	Standard Deviation	N
	Agree Strongly, Agree	Uncertain	Disagree Strongly, Disagree			
Alienation ₁	43.7	25.8	30.5	2.82	1.19	312
Alienation ₂	59.7	23.8	16.5	2.33	1.21	312
Alienation ₃	77.0	21.7	1.3	1.62	0.88	312
Liberty ₁	17.1	26.3	56.7	3.66	1.18	312
Liberty ₂	66.5	22.5	11.0	2.17	1.05	312
Italy						
Rule of law ₁	37.9	6.9	55.2	3.34	1.50	312
Rule of law ₂	38.1	6.5	55.5	3.38	1.50	312
Rule of law ₃	9.0	4.1	86.9	4.38	1.07	312
Alienation ₁	44.3	8.9	46.9	3.06	1.45	312
Alienation ₂	43.8	10.9	45.3	3.06	1.42	312
Alienation ₃	89.9	3.7	6.4	1.58	0.95	312
Liberty ₁	22.9	6.2	71.0	3.92	1.38	312
Liberty ₂	68.4	7.3	24.3	2.39	1.37	312
Spain						
Rule of law ₁	34.3	10.4	55.3	3.41	1.46	299
Rule of law ₂	40.2	12.2	47.6	3.23	1.49	299
Rule of law ₃	13.2	8.2	78.6	4.24	1.17	299
Alienation ₁	34.3	20.8	44.9	3.20	1.35	299
Alienation ₂	36.6	21.5	41.9	3.10	1.35	299
Alienation ₃	80.7	11.9	7.4	1.63	1.03	299
Liberty ₁	27.0	13.8	59.2	3.54	1.42	299
Liberty ₂	70.8	7.8	21.4	2.18	1.36	299
France						
Rule of law ₁	24.2	8.4	67.4	3.70	1.30	298
Rule of law ₂	41.0	10.7	48.3	3.14	1.42	298
Rule of law ₃	29.0	6.1	64.9	3.65	1.41	298
Alienation ₁	27.2	12.9	59.9	3.47	1.31	298
Alienation ₂	39.3	13.0	47.7	3.13	1.31	298
Alienation ₃	69.0	15.8	15.2	2.14	1.17	298
Liberty ₁	11.2	9.1	79.7	4.22	1.18	298
Liberty ₂	72.7	9.0	18.3	2.24	1.23	298
Ireland						
Rule of law ₁	32.5	19.8	47.7	3.27	1.37	322
Rule of law ₂	30.6	22.0	47.4	3.36	1.30	322
Rule of law ₃	9.2	9.8	81.0	4.30	1.02	322
Alienation ₁	22.0	16.6	61.4	3.66	1.23	322
Alienation ₂	28.5	23.4	48.1	3.33	1.28	322
Alienation ₃	74.2	21.1	4.6	1.90	0.93	322
Liberty ₁	51.6	19.9	28.5	2.67	1.31	322
Liberty ₂	76.7	11.6	11.7	1.98	1.06	322
Luxembourg						
Rule of law ₁	35.0	12.5	52.4	3.25	1.56	197
Rule of law ₂	57.7	12.7	29.6	2.53	1.50	197
Rule of law ₃	27.4	13.0	59.6	3.59	1.46	197
Alienation ₁	30.7	18.9	50.3	3.28	1.39	197
Alienation ₂	34.6	22.6	42.8	3.10	1.40	197
Alienation ₃	66.8	21.5	11.7	2.03	1.19	197
Liberty ₁	40.5	19.2	40.4	3.03	1.50	197
Liberty ₂	74.6	11.9	13.4	1.93	1.26	197
The Netherlands						
Rule of law ₁	18.4	4.7	76.9	4.07	1.28	283
Rule of law ₂	48.1	7.4	44.6	3.10	1.50	283
Rule of law ₃	15.4	3.2	81.4	4.26	1.24	283

Table 1—Continued

	Percentages			Mean	Standard Deviation	N
	Agree Strongly, Agree	Uncertain	Disagree Strongly, Disagree			
Alienation ₁	23.5	10.6	65.9	3.74	1.27	283
Alienation ₂	28.6	11.3	60.1	3.57	1.37	283
Alienation ₃	56.8	9.6	33.7	2.69	1.42	283
Liberty ₁	41.6	9.0	49.3	3.25	1.54	283
Liberty ₂	67.5	8.7	23.8	2.25	1.46	283
Portugal						
Rule of law ₁	33.5	25.8	40.7	3.19	1.36	295
Rule of law ₂	32.3	15.7	52.0	3.42	1.44	295
Rule of law ₃	20.4	18.4	61.1	3.76	1.36	295
Alienation ₁	31.5	25.0	43.4	3.19	1.22	295
Alienation ₂	39.7	23.0	37.3	3.04	1.24	295
Alienation ₃	86.3	10.0	3.7	1.52	0.86	295
Liberty ₁	13.9	15.7	70.4	4.03	1.19	295
Liberty ₂	79.2	10.7	10.1	1.84	1.07	295
Great Britain						
Rule of law ₁	16.6	6.9	76.4	4.03	1.25	297
Rule of law ₂	33.1	7.9	59.0	3.52	1.45	297
Rule of law ₃	4.8	2.5	92.7	4.62	0.81	297
Alienation ₁	20.4	9.7	69.9	3.74	1.24	297
Alienation ₂	36.5	13.7	49.8	3.20	1.37	297
Alienation ₃	87.2	6.6	6.2	1.61	0.94	297
Liberty ₁	36.0	8.7	55.3	3.27	1.49	297
Liberty ₂	78.6	5.9	15.5	1.89	1.26	297
Germany (East)						
Rule of law ₁	18.3	19.6	62.1	3.62	1.22	312
Rule of law ₂	37.3	25.9	36.8	3.02	1.28	312
Rule of law ₃	6.2	16.0	77.7	4.20	0.99	312
Alienation ₁	19.9	26.8	53.3	3.45	1.10	313
Alienation ₂	38.3	28.5	33.3	2.93	1.15	313
Alienation ₃	91.1	7.7	1.2	1.46	0.69	313
Liberty ₁	43.8	21.2	35.0	2.85	1.36	313
Liberty ₂	73.2	13.7	13.1	2.02	1.14	313

Explanation:

Rule of law₁: It is not necessary to obey a law you consider unjust. $F = 20.0$, $p < .0000$.
Eta = .25

Rule of law₂: Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution. $F = 10.1$, $p < .0000$. Eta = .18.

Rule of law₃: If you don't particularly agree with law, it is all right to break it if you are careful not to get caught. $F = 20.5$, $p < .0000$. Eta = .25.

Legal alienation₁: It is rare that law is on my side; usually, I find laws to be restrictive and against my interests. $F = 20.1$, $p < .0000$. Eta = .25.

Legal alienation₂: My interests are rarely represented in the law; usually law reflects the views of those who want to control me. $F = 21.5$, $p < .0000$. Eta = .26.

Legal alienation₃: The ultimate basis of the law should be the values of the people, not the values of the dominant political, economic and social powers. $F = 37.0$, $p < .0000$.
Eta = .33.

Valuation of Liberty₁: Society shouldn't have to put up with those who have political ideas that are extremely different from the majority. $F = 34.4$, $p < .0000$. Eta = .32.

Valuation of Liberty₂: It is better to live in an orderly society than to allow people so much freedom that they can become disruptive. $F = 5.28$, $p < .0000$. Eta = .13.

Conversely, respect for law is lowest in France, Luxembourg, and Belgium, where roughly one-quarter of the respondents agree or agree strongly with the statement (Portugal follows closely behind). There is certainly considerable cross-national variation within the EU in attitudes toward the rule of law.

There are comparable differences in perceptions of the neutrality of law. In West Germany and The Netherlands, more than 60% of the respondents reject the proposition that “My interests are rarely represented in the law; usually law reflects the views of those who want to control me.” In Denmark, a majority of the respondents also rejects the statement; near majorities disagree with it in Great Britain, Ireland, and France. On the other hand, a majority of the respondents in Greece (and a near majority in Belgium) view law as a repressive force. In all our countries, sizable minorities, at least, assert that law reflects the interests of those who would control them. Thus, these perhaps surprising results suggest that belief in the neutrality of law is not necessarily widespread in Europe and illustrate significant cross-national variability.

Finally, consider attitudes toward individual liberty. On this subdimension of legal values, we find much more consensus. The best indicator of these attitudes—responses to the statement “It is better to live in an orderly society than to allow people so much freedom that they can become disruptive”—does *not* so clearly divide the countries of Europe as do the other items. In fact, the citizens of most of the countries endorse social order over potentially disruptive liberty. More than three-quarters of the respondents favor order in Portugal, Great Britain, and Ireland (and perhaps Luxembourg and East Germany as well). Only in The Netherlands, Italy, and Spain do we find at least 20% of the respondents expressing support for liberty on this item.

The findings from the responses to individual items are perhaps interesting but are also potentially misleading about cross-national differences. To consider this problem from a more rigorous and more reliable perspective, we must analyze multiple-item indices of attitudes.

The Dimensionality of Legal Values

To confirm the dimensionality of legal attitudes, we subjected these eight variables to a Common Factor Analysis, pooling all the data at the level of the EU.⁹ Since we did not posit that these three dimensions of legal values were independent of one another, we rotated the initial factor solution using oblique criteria. Generally, we expect the three sets of items to form distinct but interrelated subdimensions of a more general ideology of legal values. Figure 1 reports the results of the analysis.

⁹ For a discussion of our analytical choices see Gibson & Caldeira 1993.

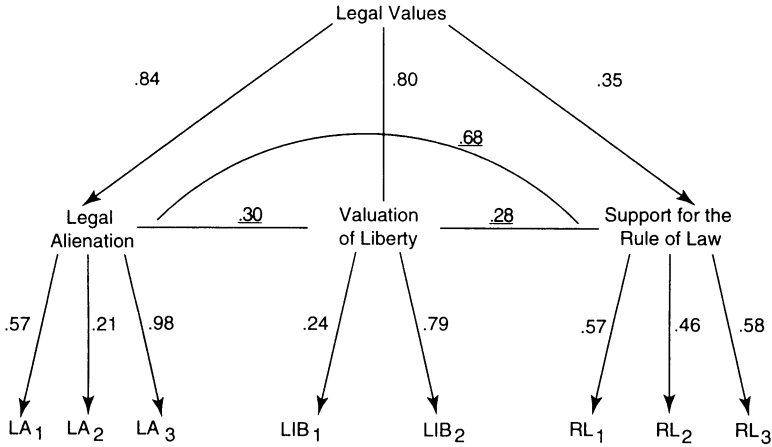


Fig. 1. The interconnections of the subdimensions of European legal values, 1993

NOTE: Underlined entries are Pearson correlation coefficients; all other coefficients are factor loadings (pattern loadings from the first-order factor analysis; unrotated factor loadings from the second-order factor analysis). All coefficients greater than .20 are reported.

Legal Alienation:

- LA₁: It is rare that law is on my side; usually, I find laws to be restrictive and against my interests.
- LA₂: My interests are rarely represented in the law; usually law reflects the views of those who want to control me.
- LA₃: The ultimate basis of the law should be the values of the people, not the values of the dominant political, economic and social powers.

Rule of Law:

- RL₁: It is not necessary to obey a law you consider unjust.
- RL₂: Sometimes it might be better to ignore the law and solve problems immediately rather than wait for a legal solution.
- RL₃: If you don't particularly agree with law, it is all right to break it if you are careful not to get caught.

Valuation of Liberty:

- LIB₁: Society shouldn't have to put up with those who have political ideas that are extremely different from the majority.
- LIB₂: It is better to live in an orderly society than to allow people so much freedom that they can become disruptive.

Our expectations are well supported by the results of the factor analysis.¹⁰ The first factor is defined by the three legal alienation items, the second by the two valuation of liberty items, and the third by the three rule-of-law items. Though some of the loadings of the items are unusually low (e.g., LA₂ and LIB₁), generally the factor analysis supports the operationalization of the concepts.

Three distinctive factors emerged from the factor analysis; but as we anticipated, the three factors are not independent. In-

¹⁰ The eigenvalues (and percentages of variance explained) for the first three factors are 2.39 (29.9%), 1.18 (14.8%), and 1.03 (12.9%), respectively. The eigenvalue of the fourth factor is .89.

deed, there is a fairly strong correlation between the measures of attitudes toward rule of law and legal alienation; and the other two correlations are moderate. Those who support the universalistic application of the rule of law are likely to reject the view that law is alien and oppressive and are likely to value individual liberty highly. These three sets of attitudes are reasonably well integrated, and, in fact, a second-order factor analysis of the three factor scores confirms the hypothesis of a single underlying dimension to the attitudes.¹¹ Or course, with only three subdimensions this is not an unexpected finding, but it is certainly compatible with the view that these attitudes represent a syndrome of legal values.

We will refer to this constellation of legal values as “liberal universalism.” The values are liberal in the sense of advancing individual liberty. They are universal in two senses: first, the rule of law is inherently universal, and, second, where law is neutral, it would be conceived and applied universally. We are mindful that summary characterization of concepts can often mislead, but those who value individual liberty, support the rule of law, and perceive law as being neutral can readily be thought of as “liberal universalists.”

Cross-national Differences in Legal Attitudes

Are there cross-national differences in these attitudes? Table 2 reports the national means for each of the three subdimensions and for the overall summary measure of attitudes as well.

Certainly there appears to be considerable variability across the member states in citizens’ commitments to these three values, at least as reflected in the mean scores on the various indices. For instance, at one extreme stands Greece, where legal alienation is widespread, support for the rule of law is limited, and there is a slight tendency toward favoring order over liberty. At the other extreme is Denmark, where alienation is uncommon and support for liberty and the rule of law is relatively strong. Overall, however, “nation-of-residence” is *not* an especially strong predictor of attitudes. Eta indicates that there is considerable within-nation variation in attitudes (a conclusion reinforced by the standard deviations shown in Table 2), even if the difference across the mean scores on each of the indices is statistically significant.¹² As would be expected from any study of the member states of the EU, there is important inter-national varia-

¹¹ The eigenvalue of the first factor is 1.87, explaining 62.2% of the variance. The eigenvalue of the second factor is .81.

¹² Eta is a statistic that compares the within sum-of-squares (within-nation variability) to the between sum-of-squares (across-nation variability) and is equivalent to R^2 from regressing the dependent variable on a set of country dummy variables. One would never expect either of these statistics to be very large because *all* variability within the country is treated as error variance.

bility, but there is also great intra-national variation.¹³ Germans are different from Greeks, but neither all Germans nor all Greeks are similar.

Table 2. Mean Scores, Legal Values, European Union, 1993

Country	Legal Alienation ^a		Liberty ^b		Rule of Law ^c		Summary Legal Values ^d	
	Standard		Standard		Standard		Standard	
	Mean	Deviation	Mean	Deviation	Mean	Deviation	Mean	Deviation
Greece	-.58	(.86)	-.04	(.65)	-.36	(.82)	-.52	(.86)
Belgium	-.25	(.93)	-.03	(.74)	-.23	(.79)	-.27	(.89)
Luxembourg	-.08	(.97)	-.17	(.78)	-.35	(.86)	-.25	(.94)
Portugal	-.12	(.85)	-.15	(.64)	-.16	(.80)	-.17	(.82)
Germany (East)	-.15	(.79)	-.14	(.73)	-.04	(.59)	-.12	(.71)
Spain	-.05	(.95)	.01	(.87)	-.03	(.83)	-.04	(.93)
Italy	-.08	(1.00)	.16	(.88)	.02	(.83)	-.02	(.96)
France	.01	(.92)	.15	(.77)	-.05	(.82)	-.01	(.90)
Ireland	.12	(.90)	-.14	(.68)	.01	(.74)	.06	(.87)
Great Britain	.08	(.92)	-.13	(.77)	.32	(.67)	.20	(.81)
Germany (West)	.38	(.85)	.04	(.81)	.12	(.71)	.28	(.80)
The Netherlands	.33	(.95)	.14	(.90)	.22	(.75)	.32	(.88)
Denmark	.36	(.88)	.13	(.78)	.29	(.67)	.37	(.80)

^a $F = 24.00, p < .0000. \text{Eta} = .27.$

^b $F = 7.85, p < .0000. \text{Eta} = .16.$

^c $F = 22.75, p < .0000. \text{Eta} = .26.$

^d $F = 25.21, p < .0000. \text{Eta} = .28.$

Through analysis of the interrelationships among the mean scores on each of the subdimensions of legal values, we discovered that support for the rule of law is very strongly related to perceptions of the neutrality of law ($r = .83$), which of course is compatible with the micro-level findings reported above. In fact, at the aggregate level, we might just as well collapse these two subdimensions into one. The correlations between these values and the valuation attached to liberty are not as strong but are still substantial—with legal neutrality, $r = .45$; with rule of law, $r = .48$. Politics committed to individual liberty also tend to support the rule of law and to reject the notion that law is a repressive instrument of social control. Had we been able to develop measures of the valuation of liberty that more finely distinguish the countries, these coefficients would probably rise. But generally the correlations suggest strong interrelationships among the three indicators of legal values.

The summary indicator of legal values suggests three major clusters of countries within the EU. At one extreme we find Greece, Belgium, Luxembourg, Portugal, and East Germany. In

¹³ Blankenburg (1994) recently reported a comparative study of civil litigation in West Germany and The Netherlands. He selected these two research sites under the assumption that cultural differences are trivial and hence cannot account for differences in litigation rates. According to our data, his assumption of cultural similarity (which was not based on rigorous empirical data) turns out to be supported by our empirical findings.

these countries, regard for the rule of law is not strong, support for individual liberty is weak, and alienation from law is fairly common. Then, at the opposite end of the continuum lie Denmark, The Netherlands, West Germany, and Great Britain. The peoples of these countries tend to value individual liberty, to support the rule of law, and to reject the proposition that law is an external, repressive force. In the center, the cluster of Spain, Italy, France, and Ireland, somewhat mixed views prevail. Although there are important differences within these three clusters, we have some confidence that beliefs about law differ across these three major groupings of countries.

The differences between the halves of the united Germany deserve special attention.¹⁴ West Germans seem to look favorably on law, and are at least somewhat positively oriented toward individual liberty. The East Germans, contrariwise, tend not to view law as neutral, value liberty less, and are not strong supporters of the rule of law. Like virtually all elements of the “unified” German system, there are substantial differences between East and West.

Just how stable are these so-called legal cultural values? Although we do not have a strong test of the hypothesis that these are enduring attributes of the cultures of the member states, we can compare these findings with similar questions asked of the same respondents in the first wave of the panel in 1992. In that survey, six items measuring the three subdimensions of legal values were asked (the 1993 survey included one new measure of perception of legal neutrality and one new rule-of-law question). Comparison of the national mean scores for 1992 and 1993 reveals a great deal of stability. Fully 84% of the variance in the 1993 legal neutrality scores can be explained by the 1992 scores.¹⁵ For the other two subdimensions, the relationships are not quite so strong, but the correlations are still remarkable—63% of the variance in rule-of-law attitudes in 1993 can be explained;¹⁶ for attitudes toward individual liberty, 67% of the variance can be explained.¹⁷ Thus, it seems that our measures capture a stable attribute of the cultural values of these polities.

It appears from this analysis that there are important cross-national differences in legal values. Yet, as we noted above, there is also important *within-country* variation in attitudes. Especially

¹⁴ For a more complete analysis of the differences in legal attitudes in East and West Germany, see Gibson & Caldeira 1994; Dalton 1994; Minkenberg 1993; and Kuechler 1992.

¹⁵ The equation is: $\text{Perceived Neutrality}_{1993} = -.10 + .88 * \text{Perceived Neutrality}_{1992}$. Beta = .92; the standard error of the unstandardized regression coefficient is .12; and $N = 12$.

¹⁶ The equation is: $\text{Rule of Law}_{1993} = -.46 + 1.21 * \text{Rule of Law}_{1992}$. Beta = .79; the standard error of the unstandardized regression coefficient is .29; and $N = 12$.

¹⁷ The equation is: $\text{Support for Liberty}_{1993} = .63 + .77 * \text{Support for Liberty}_{1992}$. Beta = .82; the standard error of the unstandardized regression coefficient is .17; and $N = 12$.

since one of the most trenchant criticisms of cultural analyses is that they *assume* cultural homogeneity rather than testing for it (cf. Sarat 1993; but see Tyler 1994; Lind, Huo, & Tyler 1994; Rasinski 1987), it is prudent to explore subcultural differences in legal values. It is to that task we now turn.

Subcultural Differences in Legal Attitudes

To what degree are these national differences a function of the composition of their respective populations? After all, the standard deviations of the indices employed above are substantial, indicating that there is important within-culture variance to explain (cf. Tyler 1994; Lind et al. 1994). We can investigate this problem by considering whether these legal attitudes are predictable by standard sorts of demographic variables. Here we focus on differences in legal values potentially associated with social class (including level of education), gender, age, religion, and ideology. To simplify the analysis, we focus on the summary indicator of legal values (from the second-order factor analysis).

The data are absolutely conclusive on one of these variables—ideology. At least as measured by ideological self-identification, ideology is completely unrelated to one's legal values. This finding may reflect in part the continuing deterioration of the utility of the terms "left" and "right" in contemporary European politics, at least as ordinary people understand them.

The findings for the remainder of the variables are much more significant, although they are complicated as well. Table 3 summarizes the equations resulting from regressing the legal values indicator on level of education, social class,¹⁸ age, gender, and a set of dummy variables for religion.¹⁹ Since any table with 13 countries and 8 variables is difficult to digest, we summarize the results of the regression equation in Table 3. This table reports the results of testing the null hypothesis that the regression coefficient is zero.

In most countries, there are very strong effects of level of education on legal values. Those who are more educated tend to support the rule of law more, favor individual liberty more, and to believe in the neutrality of law. This is not true in Belgium, Denmark, Ireland, and Luxembourg, although in all countries except Luxembourg *either* education or social class has a significant (and in most instances strong) impact on legal values. Only

¹⁸ The measure we use is an index developed by the European Society for Opinion and Marketing Research (ESOMAR). The variable is a composite based on the main income earner's occupation and education and the household purchasing power. The indicator is regularly constructed in all Eurobarometer data sets. Since this variable was not available for Danish respondents, we substituted subjective class self-identification.

¹⁹ The excluded category is "no religion." Dummy variables were included for Catholics, Protestants, followers of the Orthodox faith, and a miscellaneous category for the small number of other religious groups.

Table 3. The Effects of Demographic Variables on Legal Values, European Union, 1993

Statistically Significant	Not Statistically Significant
Level of Education	
France Germany (East) Germany (West) Great Britain Greece Italy The Netherlands Portugal Spain	Belgium Denmark Ireland Luxembourg
Social Class	
Belgium Denmark France Great Britain Ireland	Germany (East) Germany (West) Greece Italy Luxembourg The Netherlands Portugal Spain
Age	
Denmark Italy Luxembourg	Belgium France Germany (East) Germany (West) Great Britain Greece Ireland The Netherlands Portugal Spain
Gender	
Great Britain Portugal	Belgium Denmark France Germany (East) Germany (West) Greece Ireland Italy Luxembourg The Netherlands Spain
Religion	
Germany (East) Germany (West)	Belgium Denmark France Great Britain Greece Ireland Italy Luxembourg The Netherlands Portugal Spain

NOTE: The statistical significance of the regression coefficient(s) is evaluated at a probability level of .05. For religion, the test is of the increment in explained variance associated with a four-variable set of denominational dummy variables. The number following the country name below is the R^2 from the total equation.

Key:	Belgium (.07)	Great Britain (.13)	The Netherlands (.16)
	Denmark (.08)	Greece (.04)	Portugal (.08)
	France (.16)	Ireland (.07)	Spain (.18)
	Germany (East) (.06)	Italy (.11)	
	Germany (West) (.14)	Luxembourg (.12)	

in France and Great Britain do we observe significant independent effects of both education and social class.

Education is a variable that may characterize different processes. It can represent the acquisition of cognitive abilities, or it may simply stand for the amount of social learning (socialization) the individual has acquired.²⁰ Although we are unable to disentangle the specific process involved, the better educated tend to view law in more liberal and universalistic terms.

Neither age, gender, nor religion has much substantial or consistent impact on legal values. In Denmark, Italy, and Luxembourg, older respondents tend to have less liberal and universalistic legal values, but that is not true in the other 10 countries. Only in Portugal and Great Britain are there gender differences, and in both countries women tend to have slightly more liberal and universalistic legal values. Religion is significant only in the two halves of Germany; but in both, Catholics tend to be *more*, not less, committed to the rule of law and individual liberty and to believe in the neutrality of law. In West Germany, there is also a significant, similar effect of those from minority religious groups. Elsewhere within the EU, religion does not seem to divide the mass public, at least when it comes to attitudes toward law.

In general, from this analysis, we conclude that differences in legal values are rooted mainly in social class. In virtually all countries, the combination of social class and level of education provides relatively good purchase on the sorts of attitudes people hold toward law. To some extent, it is those who profit from the existing socioeconomic structuring of society who tend to view law as a beneficent institution.

Systemic Correlates of Macro Legal Values

Thus far we have reported on both the distributions and sources of legal values in the European Union at the level of individuals and across nations. The various components of legal values vary a great deal across nations; and social class and educational attainment go some of the way toward explaining support for liberty, the rule of law, and the neutrality of law. In our consideration of the cross-national data to this point, the nations cluster on these components in a striking fashion. Indeed, the national patterns we have seen cry out for more systematic cross-national analysis. That is the purpose of this section.

How do legal values and legal culture develop at the level of the nation-state? To what extent, if any, have economic, social, and political conditions shaped the syndrome of values we label

²⁰ In general, education may also be an indicator of social status. But since the multivariate equations include a measure of socioeconomic status, the effect of education on legal values must be understood as being independent of social status.

“liberal universalism”—support for liberty, for the rule of law, and the perception of the neutrality of law? Do the macro-level determinants of legal culture vary across the components in our broad syndrome? Do legal values have consequences for the structure and operation of legal systems?²¹ Obviously, the limited number of nations available for analysis poses large barriers to macro-level research, but perhaps we can try to tease out some relationships in our data. Given the structure and limits of our data, we are not in a position to make causal inferences about cross-national relationships; instead, we focus on a number of interesting correlates of the subdimensions of legal values.

To start at the most general level, it is plausible to imagine social and ethnic cleavages, economic equality, modernization, affluence, and a commitment to individual achievement—among other variables—having a hand in the development of the syndrome of legal values. This list is familiar, of course, from cross-national studies of the development and correlates of democracy (e.g., Dahl 1971; Powell 1982; Bollen 1979; Bollen & Jackman 1985; Inglehart 1988). But although the components of our syndrome of legal values go together nicely, the nature and content of the three parts implies a somewhat different set of macro-level correlates of each.

What national conditions facilitate the development of support for the rule of law? We expect to find strong support for the rule of law in nations in which citizens are committed to modern values.²² Modernized, in contrast to traditional, societies should show more support for the rule of law since such societies follow the classic Weberian model of bureaucratic rationality—universalistic application of formally promulgated rules and regulations. In traditional societies, by contrast, authorities such as churches, clans, and families carry a great deal of weight. Under the rule of law, officials, in making decisions about the allocation of resources, apply the law even-handedly, rather than rewarding friends, family, and associates.

We have adopted two indicators of modernization. The first is the Catholic proportion of the population.²³ Over and over again in cross-national research, scholars have demonstrated a strong relationship between the extent of Protestantism within a society and the rise of modern, democratic institutions (e.g., Bollen 1979; Bollen & Jackman 1985; Brunk, Caldeira, & Lewis-Beck 1987). Until the last couple of decades, the Catholic Church

²¹ We have earlier demonstrated (Caldeira & Gibson 1995) that these values have micro-level consequences for the way in which individual citizens judge legal institutions. In this analysis, we focus on macro-level consequences.

²² There is an extensive literature on modernization theory. See for examples Inkeles & Smith 1974; Pye 1990; and Inglehart forthcoming.

²³ For Greece, we use the percentage Greek Orthodox as our indicator. It has, we think, the same meaning in the context of Greece as Roman Catholicism elsewhere in Europe.

stood as a bastion of traditional values. This relationship has surely weakened recently, but while the religious fervor of Catholics in Europe has died down, the values undergirding the Church surely remain. We therefore employ the level of Catholicism as a proxy for cultural traditionalism.²⁴

A related view of modernization focuses on “bureaucratic rationality,” an attitudinal scale borrowed from Inglehart’s path-breaking cross-national work. This measure, according to Inglehart, “seems to reflect the Modernization process, in which authority moves away from a traditional (usually religious) basis, toward increasing emphasis on impersonal bureaucratic authority” (Inglehart forthcoming: 14). The index taps commitment to a wide range of modern values—on the rational-legal end of the scale, interest in politics, acceptance of abortion and divorce, and support for change load highly; and on the traditional end, respect for authority, the importance of work, desire for many children, national pride, and the importance of God, family, and religion are the best indicators. We hypothesize that this measure of cultural affinity for “bureaucratic rationality” is positively related to support for the rule of law.

We find very strong support for the hypothesis connecting modernization and the rule of law in one instance, and modest support for the second measure. For the 12 member nations of the EU, the zero-order correlation between support for the rule of law and Catholicism/Traditionalism is $-.84$. If we include East Germany in our analysis, as we have done in other places in this article, the relationship drops to $-.73$. The attenuation of this correlation in the presence of East Germany is probably a result of the ambiguity of Catholicism/Traditionalism in a nation ruled by a Communist government for over 40 years. Apart from East Germany, however, the data reveal the tight and negative relationship between Catholicism/Traditionalism and support for the rule of law. The scattergram also suggests a strong element of curvilinearity, with Catholicism/Traditionalism having a declining marginal impact on support for the rule of law. Nations at the high end of Catholicism/Traditionalism are quite homogeneous and thus increments at that end of the scale do not produce much in incremental support for the rule of law.²⁵

Our indicator of bureaucratic rationality provides some independent validation of the relationship between modernization and the rule of law. In fact, Catholicism/Traditionalism and bu-

²⁴ Note that at the individual level, whether one is a Catholic is not of much use in predicting legal values (see the analysis above). At the system level, we employ Catholicism not so much as a measure of religious affiliation but rather as a surrogate for a host of cultural traditions and experiences.

²⁵ The regression equation, without East Germany, is: Rule of Law = $4.06 - .0078 * \text{Catholic} + .000078 * \text{Catholic squared}$; $R^2 = .78$, adjusted $R^2 = .73$. With East Germany in the sample, the result is much the same, although as indicated in the text, not quite as strong.

reaucratic rationality are highly and negatively correlated—the zero-order correlation is $-.69$. Thus, the indicators seem to tap very much the same facet of nations. Bureaucratic rationality and traditionalism are, of course, polar opposites. And so, as we anticipated, bureaucratic rationality has a positive impact on support for the rule of law—just as Catholicism had a negative effect. The zero-order correlation is $.37$ —not as strong, obviously, as Catholicism but statistically significant and in the expected direction.²⁶ In sum, then, on the cross-national evidence we have, modernization and the rule of law are closely connected with one another.

Why would a sense of alienation from the law become pervasive in a nation? We hypothesize that divided, heterogeneous, strife-ridden societies are more likely to foster a sense of law as a repressive force. To the extent that a society is divided along the lines of ethnicity, language, and social class, substantial numbers of citizens may see law as a partisan instrument of other groups. We find some moderate evidence in support of a connection between legal alienation and societal division.²⁷ The more ethnically and linguistically fractionalized a society is, the stronger is the sense that law is a repressive institution ($r = .37$). The scattergram reveals that Greece is something of an outlier here; and, indeed, without Greece, the correlation between ethnic and linguistic fractionalization and the neutrality of law climbs markedly from $+.37$ to $+.60$. Perhaps one explanation of this finding is that the index we use to measure income inequality and ethnic and linguistic fractionalization are quite old; and, in the case of Greece, we fear it does not accurately measure the extent of fractionalization since it is insensitive to the deep and enduring political cleavages in that society, associated with the period of military rule. So, depending on how one views the case of Greece, we have moderate to strong evidence in support of this proposition.

How does support for liberty over social order arise? A preference for liberty, like support for the rule of law and neutrality, is surely a function of a number of things, including economic, social, and political forces and structures. We do not gainsay their influence. Yet we also expect to find a particularly strong relationship between support for liberty and commitment to individualism, in contrast to collectivism. That is, in nations in which individualism is pervasive, we should find a relatively greater value is given to individual liberty.

Psychologists have long been interested in cultural differences in attitudes toward individualism. The simple definition of

²⁶ The somewhat different samples should be noted here. The N for this correlation is 10. The World Values Survey, from which Inglehart generated his scale, did not gather data in Luxembourg and Greece, 2 of the 12 nations on which we focus in this section.

²⁷ The index of ethnic and linguistic fractionalization measures the probability of any two citizens, chosen randomly, of coming from different ethnic or linguistic groupings. The higher the fractionalization, the higher the score (Taylor & Hudson 1972:271). See also Duch & Gibson 1992.

the continuum is one that ranges from giving priority to the goals of the collective to giving priority to the goals of individuals. The central characteristics of individualist cultures include self-reliance, confidence, optimism, individual autonomy, tolerance, value diversity, market orientation, willingness to attribute responsibility and blame, and a strong rights orientation. By contrast, collectivist cultures emphasize the valuation of family, sense of belonging, the valuation of group output, and solidarity.²⁸

Research on cultural individualism is voluminous (see, e.g., Kim et al. 1994), although the difficulty of doing national surveys in many different countries means that there are few indicators suitable for use in a wide array of countries. For our purposes, we have used a measure of individualism first developed by Hofstede (1984), an index used widely by cultural psychologists and others. We hypothesize that in more individualistic cultures support for individual liberty is more widespread.

Just as we hypothesized, individualism and support for liberty do go together ($r = .33$). Yet, although the relationship is significant, it is by only a narrow margin. Part of the problem here is the lack of variance in support for liberty; it is more restricted than our other two subdimensions. Still, 9 of the 13 fall neatly on a straight line. The mispredictions—Belgium, the UK, Ireland, and Luxembourg—cluster in the lower right-hand quadrant, low in support for liberty and high on individualism. Clearly, cultural individualism and a preference for liberty within the legal system are connected, but they are far from synonymous.

In sum, then, we have found some support for our cross-national hypotheses. The signs in each case are correct; and in one instance the relationship is very strong. For two of the propositions, we have more moderate correlations. But our evidence in general points to the association of social, economic, and political divisions, support for individualism, and modernization with the subdimensions of our syndrome of legal culture. To go much further than this will require a much larger sample of countries, better and newer independent variables, and much hard theorizing.

²⁸ According to Triandis, a leader in this field, “The antecedents of collectivism include resource scarcity (e.g., famine), the presence of large families, and making a living through agricultural activities that require cooperation (e.g., building canals, food storage facilities). Circumstances that make common fate especially salient, for example, living in a fortified town and being attacked by an enemy, build this cultural pattern. The antecedents of individualism are affluence, social mobility, geographic mobility, cultural complexity, urbanism, exposure to the modern mass media, and making a living that requires individual pursuits (e.g., writing a book)” (Triandis et al. 1993:368). Further: “The socialization patterns that are found in collectivist cultures emphasize obedience, duty, sacrifice for the group, cooperation, favoritism toward the in-group, acceptance of in-group authorities, nurturing, and interdependence. The patterns that are found in individualist cultures emphasize independence, self-reliance, creativity, and acceptance of disobedience if the child is especially competent.”

Consequences of Legal Culture

So far, although we have spoken about the correlates of legal culture, we have focused on the potential sources of this syndrome. Ultimately, though, we are all interested in how, if at all, legal culture shapes the operation of the legal and political systems, the actions of individuals, and the behavior of officials. Here, too, we are not in a position to go very far in addressing these questions, but we can offer a couple of tidbits about the correlates and perhaps consequences of legal culture in the member nations of the European Union.

One of the biggest issues in any legal system is compliance. Do citizens, organizations, and officials obey the law? Do they obey in conflictual situations? We do not have measures of the compliance or noncompliance of individuals. But we do have data on the compliance of European governments with the treaties of the European Union. The transnational character of the EU makes compliance an especially salient issue; and, accordingly, the EU relies on a number of procedures to bring about obedience to European law. Together with the Court of Justice, the European Commission serves as a bulwark of the integrity of the treaties, working to ensure compliance with the various forms of European law. Under article 169 of the EC Treaty, the Commission initiates proceedings against national governments for "infringement" of the treaties.²⁹ This procedure involves several steps: the Commission files a letter of notice; the member state responds; the Commission investigates further and then issues a reasoned opinion; and then, if the member state does not comply, the Commission may bring the question to the ECJ. The infringement procedure is one of the most critical mechanisms of European integration, and, naturally, the EU has kept a careful record of the performance of member states in this regard. Here we use the number of notices of infringement filed against nations by the Commission as a national indicator of law-abidingness (on the EU and infringements, see Nugent 1994:112-17). There is some ambiguity about this measure, but it gives us a rough and ready indication of which nations have shown a propensity to go against the laws and treaties of the Union.

Following the logic of our arguments about the correlates of the rule of law and legal neutrality, we expect to find a strong association between this pair of subdimensions of legal culture and our measure of noncompliance. For the neutrality of law, the relationship is strong ($r = -.55$); for the rule of law, it is significant but weaker ($r = -.37$). The stronger the commitment to the

²⁹ Grounds for an infringement proceeding include "not notifying the Commission of measures taken to incorporate directives into national law, . . . non-incorporation or incorrect incorporation of directives, . . . non-application or incorrect application of EU law" (Nugent 1994:113).

rule of law and neutrality of law as principles in a nation, the less extensive the noncompliance with the European law. Thus, it appears that legal values have at least some connections with broader legal and political policies.

Discussion

In this inquiry into the legal values of Western Europeans, we have made several important discoveries. First, the member states of the European Union do indeed differ in the legal values their citizens hold. Significant differences in attitudes toward the rule of law exist, as do perceptions that law is a neutral, benevolent institution. Lesser but still important differences can be found in attitudes toward individual liberty and social order. These various attitudes cluster into discernible groups, and we have presented a classification of each member state according to its legal culture.

We have also made some progress in identifying the sources of these legal values. At the micro level, we found that social class made a substantial difference in virtually every society. Indeed, some of the explanation of cross-national differences is surely connected to the nature of the class cleavages within the societies. We do not wish to overstate our findings, but it appears that law is often bound up with class struggles in the states of Western Europe. Working people in Western Europe do not easily embrace the view that law is neutral, that the rule of law ought to prevail, or to value individual liberty as highly as social order. We also found some important nonrelationships—legal values rarely vary according to ideology, gender, age, or religion.

At the macro level, legal culture flows from differences in levels of modernity, in the degree of fractionalization of society, and, to a lesser degree, in the extent of individualism within the broader social culture. In many respects, the macro and micro findings lead to the same conclusion. To the extent that politics is driven by traditional, class-based cleavages, law is perceived as an instrument of political advantage rather than of social consensus. Where societies are more modernized, law is perceived as less repressive.

We do not contend that the legal values of the mass public are the only important influence over the operation of the legal system. Indeed, we accept Blankenburg's argument that, under some circumstances, the objective incentives offered by legal institutions are sufficient to explain the behavior of citizens within the polity. Certainly, rules and institutions do matter and culture cannot be expected to determine legal practice irrespective of objective conditions.

Nor do we wish to overemphasize the role of the mass public. Many patterns of behavior are determined not by the mass public but by elites. The mass public occasionally sets the broad param-

ters within which political decisions are made; it rarely commands its leaders to take particular courses of action. The legal values of the mass public are certainly only a single strand in the broader fabric of law and politics. But we nonetheless contend that mass legal values play some role in the functioning of the legal system and that whether citizens are committed to the rule of law, for instance, has something to do with the way that legal decisions are made and implemented within the political process, and we have adduced some empirical evidence of this connection.

We have not been able to demonstrate directly the behavioral consequences that flow from these cultural differences. We suspect that there are important differences across the systems in the degree to which individual citizens flout the law or seek to manipulate it to their own self-interests, but we have presented no data on this point. Moreover, there is likely a myriad of consequences—for both the performance of legal institutions and the behavior of individual citizens—that flows from these values but which is extremely difficult to demonstrate in a rigorous, scientific way. We do not despair that it is impossible to conduct such analysis, but we have not yet figured out how to do so.

Finally, we return for a moment to the European Union. The EU, in large part a creation of law, now faces important issues of decentralization through the concepts of subsidiarity and federalism. It is of course a fiction to assert that there has ever been consensual acceptance of the universalism and supremacy of EC law over national law and national cultural beliefs and practices.³⁰ But given the new impetus toward decentralization, we fully expect that differences in legal cultures will play an even greater role in the ways in which EC law gets implemented within each of the member states. The interaction between law and culture, as we noted in the introduction, becomes all the more momentous within the context of an expanding EU, especially to the extent that formerly authoritarian systems and perhaps even Islamic states are considered for admission to the Union. In light of the substantial variations we have documented within the current structure of the EU, the differences throughout the remainder of Europe may take on increasing importance. Consequently, more systematic and broader explorations and explanations of legal cultures should certainly be a high priority in the research agenda of the field.

³⁰ Discussing the difficulty of some courts in accommodating the Community legal order (e.g., Italy, France), Maher (1994:238) wrote: "The difficulties experienced by these courts in relation to the hierarchy of laws and the subsuming of the constitution to the Community legal order reflects the fact that they do not have the experience, nor does the legal culture in which they operate provide the tools for them to be as dynamic and creative as the jurisprudence of the European Court would seem to require."

Appendix: The Panel Samples

Sampling the respondents for the reinterviews turned out to be a complicated, multistage process. Here we provide an overview of our results and conclusions. Additional details are available with the archived data set (ICPSR 6044).

Telephone Interviews

Resource constraints made it impossible to conduct face-to-face interviews in all the countries. Telephone ownership was not sufficiently widespread in East Germany, Portugal, or Ireland to warrant telephone interviews for the panel. In the remainder of the countries, we considered telephone penetration to be high enough to justify not using face-to-face interviews.

The question remains whether telephone owners differ systematically from nontelephone owners in the countries in which we rely on telephone interviews. In six of these countries, telephone penetration in 1992 exceeded 90%, so there is little possibility of substantial bias. Nonetheless, we conducted a systematic examination of telephone ownership. The overwhelming conclusion we take from our analyses of these data is that telephone owners differ little from those who do not own telephones. Accordingly, we use the telephone samples in these ten countries (and the face-to-face samples in Ireland, Portugal and East Germany) as representative samples of the full population.

The Problem of Consent in Germany

In Germany (both East and West), we faced the additional hurdle of a German law requiring us to obtain the respondent's consent to be recontacted at the time of the first interview. Only 34.9% of the West German sample gave their consent; the figure for East Germany was substantially higher—57.1%. One can imagine that willingness to be reinterviewed is related to a variety of important variables, but it is not obvious that this necessarily biases our sample in light of the substantive concerns of our project. Therefore, we investigated the relationship between consenting to be reinterviewed and the central variables of our analysis, based on data obtained during the initial interview. Whatever the bias in our data, it is certainly small. Second, the effect differs in East and West Germany. In the West, the portion of the sample consenting to be recontacted is generally somewhat more favorable toward the EC and at least one of its major institutions, the ECJ. In East Germany, however, this is not so. We conclude that there is little evidence of systematic bias in the East German panel population.

We have decided against weighting the West German data to improve their representativeness. First, the West German sample

is relatively small ($N = 197$). Second, the bias is relatively small as well. Consequently, we must be mindful that the West German sample is slightly more favorable toward the EC than the population from which it was drawn.

Nonresponse Bias

The response rates differ somewhat across the countries in the panel reinterviews. If we use a very strict definition of response rate (i.e., without adjusting the denominators for respondents who are dead, moved out of the country, etc.), the rate ranges from a low of 30.0% in Portugal to a high of 75.8% in East Germany. The highest response rate for telephone reinterviews was in Italy (50.0%).

A crucial test of nonresponse bias is the comparison between those with whom reinterviews were completed and those eligible to be reinterviewed but with whom no second interview was possible. Generally, the data strongly support the conclusion that there is little substantive bias in these data due to nonresponse. The sample of respondents interviewed appears to be representative of the larger population from which it is drawn.

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