Toward an Understanding of Legal Culture: Variations in Individualism and Collectivism between Kurds, Lebanese, and Germans

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Legal culture is a socially derived product encompassing such interrelated concepts as legitimacy and acceptance of authorities, preferences for and beliefs about dispute arrangements, and authorities' use of discretionary power. This study investigated five attributes of legal culture by comparing subjective notions of law and the legal system of respondents from Turkey (Kurds), Lebanon, and Germany. Our samples fell into two distinct groups on cultural orientation: the German group showed a distinct individualistic orientation; the two other groups (Kurds and Lebanese) showed a relative collectivistic orientation. The findings suggest a substantial variety of legal preferences and practices between the two orientations. Collectivistic groups had a greater preference for abiding by the norms of tradition and religion and were less willing to let state law regulate in-group disputes; individualistic respondents showed a clear preference for formal procedures and guidelines. The study suggests that legal norms prevailing in Western societies may be inconsequential to people socialized in other cultures. Implications of diverse conceptions of law, legal expectations, and legitimacy for various cultural groups in multiethnic and plural societies are discussed.

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 for decisions that influence the construction of intentional systems, including cognitive processes and individual dispositions. The latter manifest themselves as attitudes, values, beliefs, and expectations.

The purpose of the study reported here was to systematically investigate how variations among cultures influence concepts of legal behavior and norms of conduct. I argue that cultures differ systematically in the way individuals see their position in society, and I hypothesize that these differences have important consequences for preferred modes of handling disputes. This article attempts to provide a conceptual linkage between cultural variation (individualism versus collectivism) and differences in legal cultures. Moreover, within a single multicultural or multiethnic society, laws and legal institutions may have different meanings for different culture groups, creating tensions and conflicts between the legal system of the dominant culture and the legal conceptions of the acculturated groups. Systematic analyses of justice beliefs and preferences for various forms of conflict resolution can expand our understanding of justice and disputing in the global context.

Cross-cultural comparisons not only allow the study of cultural heterogeneity but also aid our understanding of the organization of single social systems by permitting study of their subsystems from a comparative perspective. The focus of interest was to explore and extend the importance and variation of some major "attributes" of legal culture (see Pospisil 1971). As defined by Hamilton and Sanders (1988:302), the concept of legal culture "encompasses not only attitudes, values, and opinions held with regard to the law per se but also the appropriate way to resolve disagreements and process disputes . . . [and] include[s] the informal resolution of wrongdoing in everyday life, including the decision . . . that some matter is not one for formal legal handling."

With some notable exceptions (Hamilton & Sanders 1988; Sanders & Hamilton 1992), there is little empirical research that systematically explores and connects concepts stemming from cross-cultural psychology to the domain of legal culture differences. As Friedman (1975:209) noted, "legal culture is difficult to research and there are little systematic data on comparative culture." The present investigation was developed to implement and extend concepts of legal theorizing with a data-driven approach based on individual and cultural differences. Therefore, our interest was in untangling the dimensions among legal cultures that are empirically important and meaningful for cross-cultural comparisons.

We were particularly interested in how general cultural orientations were related to legal concepts and expectations. We argue that the nature of social relationships in a society, expressed as general cultural orientations, affects the perceptions and use of the legal system. An actor who perceives himself and others as individuals whose identity and sense of self is separate from the group or community is more likely to favor the use of formal legal procedure and less likely to be concerned that formal law

will be destructive of ongoing social relationships. On the other hand, an actor whose identity or self is defined by close social relationships and obligations is more likely to seek legal solutions and modes of dispute settlement that are nonlegal because such methods of dispute resolution will be perceived as less likely to destroy these social relationships (Hamilton & Sanders 1988; Nader 1969; Sanders & Hamilton 1992).

This study focuses on norms rather than on formal legal practices by examining respondents' attitudes about, and judgments of, what is right and proper to do in various hypothetical instances of wrongdoing and conflict. Our data were collected in interviews with individuals from three cultural groups, Germans, Kurds, and Lebanese, the latter two being recent immigrants to Germany. The respondents were mainly asked about dispute resolution within their particular homeland.

I. Conceptions of Self in Cross-cultural Psychology

One starting point in addressing the relationships between culture, identity, and law is to examine how a person's identity or self-concept is influenced by the social environment and social relationships (see Markus & Kitayama 1991). Different conceptions of self or identity, created in part by the cultural context, have been advanced in cross-cultural psychology. Recently, a number of related dimensions of cultural variation have been suggested in the literature, among them (1) individualism versus collectivism, (2) tight versus loose cultures, and (3) high versus low context cultures (see Hamilton & Sanders 1988). The different conceptions of the self are viewed as strongly influenced by culture as imposed by various forms of social control. Reciprocally, individuals' definitions of self influence and maintain social order. Therefore, the conduct of individuals who define their identities in terms of close social relationships, such as family or local community, will reproduce this social order, whereas the conduct of individuals who feel free from tight social control will be less influenced by the social values and norms of their immediate social environment. The latter persons are not free from societal influence altogether but rather are influenced by an abstract system of societal power and legal control (see Sampson 1985).

The concept of cultural variation receiving the most interdisciplinary attention worldwide (e.g., Geertz 1979; Parsons 1977), including attention from researchers in cross-cultural psychology, is the individualism-collectivism dimension (Hofstede 1980; Triandis 1989).[1] As summarized by Leung (1987:899):

[1] The distinction between collectivism versus individualism as used here has been adopted in cross-cultural psychology to denote variations of social connectedness in different cultures (see Hofstede 1980; Triandis 1989). To avoid possible misunderstanding

> *[I]ndividualism* refers to the tendency to be more concerned
> about the consequences of one's behavior for one's own needs,
> interests, and goals, whereas *collectivism* refers to the tendency
> to be more concerned about the consequences of one's behav-
> ior for in-group members and to be more willing to sacrifice
> personal interests for the attainment of collective interests.

A number of additional characteristics are consistent with this
distinction. Whereas in individualistic societies the distinction be-
tween out-groups and in-groups is relatively unimportant and
such values as autonomy, achievement orientation and self-suffi-
ciency are more emphasized, in collectivistic societies behavior
toward in-group members can differ markedly from behavior to-
ward out-group members. Further, general orientations toward
social relatedness, such as group solidarity and harmony, are em-
phasized (Leung 1987; Triandis 1989). Kim (1994) notes that a
particular feature of individualism is the emphasis on abstract
principles, whereby important values of a group are abstracted
from specific contexts and persons. Consequently, in individual-
istic societies individuals interact with others on the basis of such
principles as competition, equity, and exchanges based on con-
tracts (Bellah et al. 1985; Hofstede 1980; Leung & Bond 1984).[2]

Individualistic and collectivistic orientations have important
implications for the normative order an individual will favor. In
every society social order is achieved by exercising some form of
social control through values, norms, and sanctions. As the pre-
ceding ideas suggest, different cultural orientations reflect differ-
ent ways of understanding how, for instance, group harmony and
social control can be maintained.

Two major dimensions of justice—*distributive justice* and *proce-
dural justice*—have been explored employing a cross-cultural per-
spective (see Leung 1987, 1988). With respect to distributive jus-
tice, it may be predicted that persons in a collectivistic culture
will favor the distribution of rewards or goods based on equality
principles to a greater extent than will persons in an individualis-
tic culture, as the former value interpersonal harmony more
highly (Leung 1987). On the other hand, persons in an individu-
alistic culture will prefer a distribution based on equity princi-
ples, because they value achievement and competitiveness more.
Furthermore, as pointed out above, the distinction between in-
groups and out-groups is more salient in collectivistic cultures.

with terms like "political collectivism" or "state collectivism," Sanders and Hamilton
(1992: 120), e.g., prefer terms like "individual actor" and "contextual actor."

   [2] Although it has been the focus of important recent empirical work by Hofstede
(1980), who analyzed individuals' responses in more than 50 countries about their work-
related values, the individualism-collectivism dimension of identity has been an important
concept in much of social science for about a century (Triandis 1989). The concept
closely resembles Tönnies's (1957 [1887]) classical distinction between *Gemeinschaft* and
Gesellschaft. According to Hofstede's analysis, the most individualistic cultures are in
North America and in Western Europe; the more collectivistic cultures are in Asia, Africa,
and Latin America.

Members of the latter may show greater flexibility in reward allocation when considering members of an in-group than when considering members of out-groups. For example, in a study comparing preferences for distribution norms, Leung and Bond (1984) found that Chinese subjects (collectivists) used the equality norm to a larger extent than did American subjects (individualists) when in-group members were the recipients. However, when out-group members were involved, collectivistic subjects tended to prefer an equity norm.

The degree to which interpersonal harmony and group solidarity is valued in different cultures also seems to vary with preferences for *procedural justice* (e.g., Lind & Earley 1992). Leung (1987), for instance, showed that in the handling of everyday disputes, collectivistic Chinese subjects showed a stronger preference for mediation and negotiation techniques than did individualistic American subjects, who preferred formal adjudication. Chinese subjects perceived the former procedures as more likely to lead to less animosity between the disputants. Furthermore, concessions made in response to mediation were perceived as helping the opponent to save face and as leaving the social bond between the disputants open for further interaction. In contrast, when adjudication is used, the all-or-nothing outcome was seen to produce loss of face and render continued social interaction between the disputants difficult.

A similar pattern of cultural preferences emerged when individuals from different cultures were questioned as to their preferred mode of punishment. In a survey by Hamilton and Sanders (1988) involving hypothetical punishment choices in everyday civil and criminal incidents, Japanese and American subjects were asked for their preferred sanctioning norms. As expected, Americans chose those punishments for everyday misdeeds that favored retribution and social isolation, while Japanese respondents emphasized restitution and reintegration.

Important differences in attitudes toward authority may also be expected between collectivistic and individualistic cultures. The conception of the individual as a separate entity, individuated from others, is the result of the historical transformation of the Western world. It is embodied in the emergence of a new kind of social character, the individual, which replaced the collective as the elementary unit of the social world.[3] Sampson (1987:86) argues that during this process of individualization a new kind of societal control was established over the newly differentiated individual "to meet the challenges of individualization." Put differently, in societies where group solidarity is at the core of social organization, group loyalties and responsibilities con-

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[3] The Western notion of the self is characterized by labels such as "individualist, egocentric, separate, autonomous, idiocentric and self-contained" (Markus & Kitayama 1991:226).

tinue to be effective; appeals to abstract principles of state or legal control are less preferred when matters of in-group concern are at stake. It may be hypothesized that people in collectivistic societies will base decisions on whether to bring disputes or offenses to formal legal attention on criteria of social relatedness (see Hamilton & Sanders 1988). Furthermore, members of the in-group and close friends are least likely to be targeted for legal action, while members of out-groups are most likely to be targeted.

II. Connecting Cultural Orientations and Dispute Resolution: Hypotheses

Based on the above considerations, the present study focused on a wide variety of legal issues using respondents' attitudes to, and judgments of, what they would prefer to do in various hypothetical instances of conflict. The construct of individualism-collectivism was used as an explanatory mechanism to examine a number of attitudinal components of legal culture. This construct was employed to study differences with regard to the following five (partially overlapping) attitudinal dimensions: (1) general legitimacy and acceptance of authority, (2) legitimacy of norms for dispute resolution, (3) procedural preferences, (4) goals of dispute resolution, and (5) discretion and particularism in legal decisions.

1. General Legitimacy and the Acceptance of Authority

It is generally assumed that in modern societies law is the major authority system for maintaining social order. However, legal anthropological writings suggest that additional normative subsystems can function as legitimate sources of authority (e.g., Merry 1988; Radcliffe-Brown 1952). Legitimacy is an essential element in the exercise of authority, as it provides the reasons for voluntarily obeying the commands of authorities (see Tyler 1990).

To understand the role and impact of law within a particular culture, this study examined the relationship between the collectivistic or individualistic orientation of individuals and the perceived degree of legitimacy of law and two other prominent normative systems of authority—tradition and religion.[4]

Some evidence suggests that societal modernization, among other things, is related to an individualistic orientation, nontraditionality, and the development of formal legal systems. On the

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[4] Max Weber's (1954 [1925]) recognition that state law is only one element of authority in a society has since been widely accepted in sociolegal writings as making a major distinction among three principles of legitimacy—three types of valid authority reflecting differences in societies and cultures: traditional, charismatic, and rational authority.

other hand, Yang (1988) argues that modernization will not necessarily lead to a decline of collectivistic values. Within the context of this study, "tradition" means general manners and customs practiced in a particular culture. It is expected that in collectivistic cultures with low or moderate levels of technological development, tradition and religion will generally be more accepted than in individualistic cultures, as state law embodies a set of rational-legal principles that are typical for modern individualistic cultures (see Weber 1954 [1925]).[5]

2. Legitimacy of Norms for Dispute Resolution

Similarly, it was expected that for collectivistic respondents, tradition and religion would enjoy a higher degree of legitimacy for the regulation of particular disputes, whereas individualistic respondents would prefer state law. Furthermore, collectivistically oriented individuals would have a greater preference for resolving a dispute according to informal standards and would be less inclined to use the standards set by general rules or precedence.

Harmony within the context of the family and in-group is regarded as the core of collectivistic values (Hui 1988; Triandis 1989). Hence, it is expected that individuals in collectivistic cultures will prefer intervention by the state in disputes within the family or in close relationships much less than persons in individualistic cultures.

3. Procedural Preferences

In recent years the variation in procedural preferences across cultures has become a major focus in the study of social justice and disputing behavior. The psychological study of choices among various disputing procedures began in the early 1970s with the work of Thibaut and Walker (1975). Their studies showed a strong preference for adversarial adjudication over bargaining, mediation, and nonadversarial adjudication among American and Western European respondents. However, anthropologists and sociologists have long argued that the way disputes are handled is conditioned by cultural factors (e.g., Felstiner 1974; Gluckman 1969; Nader 1969). Anthropological studies suggest that nonconfrontational and informal procedures are preferred in cultures and contexts in which cooperative and harmonious relations are important (e.g., Rosen 1989).

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[5] Yet, note that the separation between state law and religion may not be tenable in other collectivistic societies as, e.g., in Iran where the traditional Muslim vision of the inseparability of religion and politics holds. Since our collectivistic respondents came from two countries—Turkey and Lebanon—that both have a tradition of modern Western law, the distinction between state law and religion makes sense (see Rosen 1989).

Respondents from collectivistic cultures may, therefore, be expected to show a preference for informal settlements such as negotiation and family involvement, whereas respondents with an individualistic background would prefer formal authorities, such as police or courts, to intervene in disputes.

4. Goals of Dispute Resolution

One additional aspect in the study of procedural preferences should address the question of why cultures favor one procedural form over another. Implicit in much anthropological work on disputing is the idea that preference for a dispute procedure depends on the cultural values and goals that are in turn shaped by the social needs of the culture in question (e.g., Felstiner 1974; Gluckman 1969; Nader 1969). As already mentioned, cultures that rely heavily on long-term interpersonal relationships value interpersonal harmony and therefore prefer compromise-oriented procedures such as mediation and negotiation. On the other hand, people from cultures that place a greater emphasis on variable and short-term transactions are thought to be more likely to accept legal-type adjudicatory procedures, as formal adjudication yields impersonal and consistent rules that can guide stranger-to-stranger relationships. Potential damage to personal relationships is less of a problem in these cultures (see Kim 1994; Leung 1987; Leung et al. 1993). In other words, people in different cultures differ in their beliefs as to which procedures will achieve the attainment of valued goals, for example, social harmony or legal consistency to guarantee legal rights.

It is expected that individuals from collectivistic cultures will regard harmony and compliance with moral values as more important for conflict reduction because these are valued goals that are likely to preserve social relationships. On the other hand, on the basis of the previous discussion, it is expected that people in individualistic cultures will consider formal legal rules, functioning as guidelines for future behavior, as being more important. This is because such rules reflect legal consistency and abstract principles that can be applied to a wide variety of issues irrespective of social contexts and types of relationships.

5. Discretion and Particularism in Legal Decisions

Discretion is a vexing problem in modern Western legal systems because it concerns the degree to which a judge or an official can take special circumstances into account or choose between alternative rules for a decision. Flexible rules that allow discretion invite corruption and caprice and may undermine the moral sense of a society rather than fulfill it. On the other hand, discretion may allow justice to be tailored to individual circumstances, thereby increasing the perceived fairness (see Rosen

1989; Tyler 1990). Nevertheless, discretion exercised by legal protagonists somewhat contradicts our modern notion of fair procedure that demands precise rules to avoid vagueness and ambiguity.[6]

Within the context of this study, it was expected that individuals with an individualistic cultural orientation would be less comfortable with discretionary legal justice than individuals with a collectivistic orientation. Furthermore, it was expected that respondents from collectivistic cultures would feel more comfortable with flexibility in applying rules to allow legal authorities to tailor their decisions to personal characteristics and changing social relations. Persons from individualistic cultures were expected to reject the use of flexible rules, as such cultures endorse universal legal rules and consistency in their application.

III. Methods

A. Overview

Respondents from three cultures (Germans, Kurds, and Lebanese) were interviewed. Although the interviews were conducted in Germany, the two non-German samples—asylum seekers from the Lebanon and Kurds from Turkey—were asked to respond on the basis of their understanding of the legal system and practices in their homeland. Similarly, the Germans responded on the basis of their understanding and experiences in Germany.

Although respondents were interviewed in their native languages, a major problem of cross-cultural comparisons is the employment of concepts, terms, and institutions stemming from one culture for comparison with other cultures. Keeping in mind the dangers implicit in using concepts stemming from Western legal tradition, we nevertheless employed them when necessary (for the purpose of common understanding) to denote the various areas of legal activity.

B. Subjects

The respondents representing a collectivistic orientation were Kurds and Lebanese residing in Germany; the individualistic respondents were Germans.[7] To diminish their possible accul-

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6 As observed by Levine (1985), one of the main characteristics of modern societies is the trend toward unambiguous communication in all spheres of life. He mentioned our modern doctrinal law as a prime example and noted that in traditional cultures of Africa and Asia ambiguous modes of expression are tolerated and valued. For example, the Arabic discourse is full of metaphors, allegories, and associations which, from our Western point of view, would be dismissed as vague or contradictory (see Rosen 1989).

7 Although Hofstede (1991) did not survey Lebanese and Kurds in his study, he reports that Arab countries and Turkey have a moderate individualism score and West Germany has a relatively high individualism score.

turation within German society, the respondents representing
the collectivistic culture were selected by the following criteria:
They had to be recent immigrants to Germany and their formal
education must not exceed high school level. The Kurdish group
comprised 28 males and the Lebanese Arab group, 41 males.
Both groups had been living in Germany for an average of 21
months. The German sample was comprised of 37 males who
were much like the Kurds and Lebanese in education. The aver-
age age in all groups was 28 (range 18–50 years). Respondents
were paid the equivalent of $(US)13 for participating in the in-
terviews, which were conducted in their native language—Kurd-
ish, Arabic, or German. Since most of the immigrants had never
been interviewed before and thus were completely unfamiliar
with such an approach, some interviews lasted several hours. All
respondents were approached personally by members of the re-
search team and were asked for their participation; confidential-
ity was assured. It should be noted that at the time of the inter-
views the non-Germans were seeking political asylum in Germany
and, therefore, may have exhibited some unique characteristics
that might have influenced their responses.[8] However, our major
concern involved collectivism and, as our data clearly show, the
non-Germans differed substantially from the Germans in the ex-
pected direction on the individualism-collectivism dimension.

C. The Questionnaire

The questions encompassed a wide range of topics, all re-
lated to justice, law, and the legal system.[9] None of the questions
covered individual knowledge of the legal system in the respon-
dent's home country. In addition to eliciting respondents' con-
ceptions of law and legal practices, the questionnaire presented
respondents with five vignettes containing hypothetical scenarios
depicting various types of conflicts.[10] The double-translation
method was used, and the subjects' responses were recorded on
Likert-type scales. The original German version of the question-
naire was developed with the help of experts on the separate cul-
tures to ensure that the various questions and vignettes were ap-
propriate for each culture. Due to the different backgrounds of
the collectivistic respondents, vignettes 2 and 4 for the non-

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[8] Since the interviewees had all come to Germany to apply for political asylum, we
asked only a few questions relating to asylum issues at the end of the interview to mini-
mize fears about legal status.

[9] The complete questionnaire in German, Turkish, and Arabic is available from the
author.

[10] The basic substance of the scenarios appears in the Appendix. Two conflicts deal
with "criminal" matters (e.g., assault) and three with "civil" matters (e.g., sales transac-
tions). This distinction was prompted by the hypothesis that collectivistic respondents
would exhibit a greater preference for handling "civil" matters more informally and judge
"criminal" matters basically as more serious and disruptive and therefore suitable for han-
dling and enforcement by state law.

Germans differed slightly from the original German version. The various sections of the questionnaire were arranged in the following order:

1. Collectivism scale (described below)
2. The five vignettes in the described order. After each vignette had been read, respondents were asked for responses on questions related to (*a*) procedural preferences, (*b*) goals of dispute resolution, (*c*) legitimacy of norms for dispute resolution; then the next vignette was read.
3. Discretion and particularism in legal decisions
4. General legitimacy and the acceptance of authority
5. Willingness to accept state law for the regulation of in-group disputes
6. Questions related to shame and guilt reactions (see Bierbrauer 1992)

D. Collectivism Scale

To independently assess the cultural orientation of the respondents, subjects completed a 14-item scale measuring individualism-collectivism.[11] It was expected that the Lebanese and the Kurds would be higher on collectivism than the German respondents. The items were administered with a 10-point format (0 = "never" or "bad" to 10 = "always" or "good").

IV. Results

A. Collectivism Scale

As expected (Table 1), German respondents showed a significantly lower mean (4.17) than the respondents of the two "collectivistic" cultures: Kurds (mean = 7.28) and Lebanese (mean = 7.22) (F = 363,48; df = 1,105; $p < .001$); the latter two groups do not differ significantly from each other. The scale reached an acceptable level of reliability (c - alpha = .86).

In view of these results the Kurds and Lebanese were combined to represent the collectivistic group (mean = 7.25). In all further analyses only the combined collectivistic group was compared with the German sample, which constitutes the individualistic group.

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[11] The substance of the scale is based on items developed by Sinha and Verma (1987) and Hui (1988). The items of the scale reflect attitudes mainly toward the family domain, for instance: "If you are not with your brothers, sisters or close relatives, do you feel lonely?" For the construction of the scale and a more elaborated version of it validated on additional cultural groups, see Bierbrauer (1994). The validity of the construct has been demonstrated in several studies. For instance, collectivism is positively related to social interest, sharing of responsibility, and belief in the group as the basic unit of survival but negatively related to hedonic values (see Hui 1988; Triandis et al. 1985).

Table 1. Collectivism Ratings for the Three Groups

	n	Mean	S.D.
Germans	37	4.17_a	.94
Kurds	28	7.28_b	.66
Lebanese	41	7.22_b	.72

NOTE: The scales ranged from 0 ("bad" or "never") to 10 ("good" or "always"); the higher the number, the higher the degree of collectivism.

Means not sharing the same subscript differ at the $p < .001$ level. Table adapted from Bierbrauer (1992).

1. General Legitimacy and the Acceptance of Authority

The respondents were each asked three questions about their general willingness to accept religion, tradition, or state law as legitimate sources in situations involving authority (e.g., "Should people adhere to the rulings of religion?" "Should people adhere to the manners and abide by the customs in their native country?" "Should people observe state law?"). It was expected that Lebanese and Kurds, as representatives of a collectivistic culture, would show a significantly greater willingness than Germans to abide by the norms of religion and tradition, whereas Germans would show a greater preference for observing state law.

As expected (see Table 2, panel A), there were very different patterns of preferences with respect to the legitimate source of authority and the degree to which state law was accepted as legitimate means for dispute resolution. In the collectivistic cultures, religion and tradition were accorded a higher degree of general acceptance than in the noncollectivistic culture; for state law the individualistic respondents show a higher mean score than the collectivistic respondents. This value does not, however, differ significantly from that of the collectivistic group.[12]

In addition, the respondents were asked specifically about the degree to which they were willing to accept state law in the regulation of disputes within the family and among acquaintances. Four questions referred to the degree to which state law should (1) decide on an inheritance dispute between brothers ("If two brothers have a dispute about an inheritance which they cannot resolve on their own, do you think that they should resolve it with the support of state law?"), (2) intervene in a family dispute, (3) regulate the education of children, and (4) settle a divorce. As shown in Table 2, panel B, when all four scale ratings were combined to form a mean score, the Kurds and Arabs indicated less willingness to allow state law to intervene in family-re-

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[12] One could argue that Kurds and Lebanese put little faith in state law as an instrument to resolve disputes because for both groups the vision of a state they could trust does not exist. Nevertheless, they hold state law in high regard, which suggests that the collectivistic groups do indeed differentiate among the three sources of authority.

Table 2. Overall Willingness to Accept Sources of Authority and the Legitimacy of Norms for Dispute Resolution as a Function of Culture

	Germans (n=37)		Kurds/Lebanese (n=69)		
	Mean	S.D.	Mean	S.D.	t
A. Willingness to Accept Various Sources of Authority					
Religion	4.57	2.44	7.09	2.68	4.81***
Tradition	5.70	1.98	7.78	2.20	4.99***
State law	8.14	1.29	7.81	1.90	n.s.
B. Willingness to Accept State Law for Regulation of In-Group Disputes					
Family	6.29	1.60	4.95	2.21	3.63***
Acquaintance	7.11	2.32	4.67	2.82	4.59***
C. Legitimacy of Norms for Dispute Resolution					
Religion	1.39	2.48	4.37	2.71	3.84***
Tradition	2.94	2.31	6.42	2.52	4.83***
State Law	8.43	1.74	5.38	3.39	3.91***

NOTE: The scales ranged from 0 ("never") to 10 ("always"); the higher the number, the higher the degree of acceptance.
***$p < .001$

lated matters than did the Germans. In the same vein, when there was a dispute between individuals who knew each other well, Lebanese and Kurds were significantly less willing than Germans to let state law intervene.

2. Legitimacy of Norms for Dispute Resolution

As shown above, members of the collectivistic culture ascribed a higher degree of general acceptance and legitimacy to religion and tradition, whereas the groups from collectivistic and individualistic cultures did not differ significantly with respect to state law. To further explore the phenomenon of legitimacy, the respondents were asked specifically about the degree to which three types of normative authority (religion, tradition, state law) are suited for regulating particular disputes by confronting our respondents with a series of detailed scenarios involving different types of conflicts. After each vignette was read, the respondents were asked to rate the importance of each type of authority.

It was expected that collectivistic respondents would accord tradition and religion (e.g., "Should this dispute be settled according to religious rules?") a higher degree of legitimacy for regulating disputes, whereas individualistic respondents would prefer state law ("Should this dispute be settled according to state law?"). The hypotheses were confirmed. The means reported in Table 2, panel C, combine the ratings for each question averaged across the five scenarios.

Members of the collectivistic group granted a higher degree of legitimacy to religion and to tradition in the regulation of disputes relative to individualistic respondents, who demonstrated a higher preference for state law.[13]

3. Procedural Preferences

Who should be involved in the resolution of a dispute? Should disputes be mutually resolved informally (e.g., a bilateral settlement effected with or without the aid of family or friends)? Or should they be settled by means of a formal appeal to authorities such as the police or courts? Again our five vignettes were employed.

As shown in Table 3, there was a clear preference for informal settlements for dispute resolution among the Kurdish and Lebanese samples and a clear preference for formal arrangements, such as the involvement of the police or courts, by the German sample. The collectivistic respondents preferred self-regulation of the conflict and apologies by the perpetrator to a greater degree. Similarly, when a third party was involved, the collectivistic respondents preferred family involvement. Individualistic respondents preferred a resolution through police or courts. In addition, German respondents rated the presence of written testimonies as more important than did the collectivistic respondents.

Table 3. Procedural Preferences in Disputes as a Function of Culture

	Germans (n=37)		Kurds/Lebanese (n=69)		
	Mean	S.D.	Mean	S.D.	t
Informal settlement					
Settlement by participants	1.92	1.75	6.59	1.41	9.41***
Acceptance of excuse	1.48	1.79	3.68	1.70	4.15***
Other family involvement	1.43	1.80	6.34	1.59	9.56***
Own family involvement	2.29	1.96	5.18	2.10	4.72***
Formal settlement					
Police involvement	5.31	2.18	2.32	2.92	4.22***
Court involvement	7.30	2.17	1.96	2.12	8.34***
Written testimonies	9.29	1.12	8.56	1.51	3.21**

NOTE: The scales ranged from 0 ("disagree") to 10 ("agree"); the higher the number, the higher the degree of importance.
**$p < .01$ ***$p < .001$

4. Goals of Dispute Resolution

To what extent do different goals and beliefs influence procedural preferences? After each vignette was read, the respon-

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[13] Separate analyses of the "criminal" and "civil" scenarios resulted neither in systematic differences between the cultural groups nor in any meaningful differences among the other dimensions.

dents were asked to rate the importance of the following dimensions: (*a*) "If the conflict is to be decided, to what degree does it matter that the two disputants get along with each other again?" (*b*) ". . . that the legal rules are taken into account?" (*c*) ". . . that the moral values are taken into account?" (*d*) ". . . that other people know how to behave in similar situations?" (*e*) ". . . that the other person knows how to behave in the future?" The combined mean preference scores for the two culture groups for each dimension across the five scenarios are shown in Table 4. As expected, the largest difference between the two groups was found with regard to harmony. Respondents from the collectivistic groups considered social harmony as significantly more important than did the German respondents.

Table 4. Goals of Dispute Resolution as a Function of Culture

	Germans (*n*=37)		Kurds/Lebanese (*n*=69)		
	Mean	S.D.	Mean	S.D.	
Harmony	2.12	2.35	6.47	1.26	7.43***
Consideration of legal rules	8.40	1.53	5.45	2.95	4.29***
Consideration of moral values	6.79	0.01	7.93	1.55	2.08*
General future conduct	6.62	2.00	5.58	2.54	1.51
Specific future conduct	8.69	1.63	5.84	2.55	4.55***

NOTE: The scales ranged from 0 ("disagree") to 10 ("agree"); the higher the number, the higher the degree of importance.
*$p < .05$ ***$p < .001$

The degree to which formal rules should serve as guidelines for future conduct was rated as significantly more important in the German sample. The two types of cultural orientation also differed with respect to their overall willingness to comply with legal and moral norms, the former being more important for Germans and the latter more important for the Kurds and Lebanese.

In summary, the respondents from the collectivistic cultures believe that social harmony and compliance with moral values are more important in deciding a dispute, whereas our respondents with an individualistic orientation believed that legal rules require compliance and, in addition, serve as guidelines for future conduct. It seems as if in individualistic cultures, abstract regulations for the future are more preferred than rules to achieve harmony. Again, separate analyses among the vignettes and between the cultural groups did not yield systematic differences.

5. Discretion and Particularism in Legal Decisions

It was predicted that respondents from collectivistic cultures (more than their individualistic counterparts) would expect a judge to take into account a number of characteristics of the par-

ties to the dispute as well as his or her personal impressions when rendering a just verdict. Our respondents rated the following dimensions: (*a*) "In order to arrive at a just verdict judges should take into consideration whether a man or a woman is standing trial," (*b*) ". . . the person's reputation and income," (*c*) ". . . the person's ethnic and religious background," (*d*) ". . . whether the person standing trial appears trustworthy and sympathetic."

Table 5. Discretion and Particularism in Legal Decisions as a Function of Culture

	Germans (*n*=37)		Kurds/Lebanese (*n*=69)		
	Mean	S.D.	Mean	S.D.	*t*
Gender	1.27	2.21	2.57	2.27	2.87**
Social status	0.65	0.79	2.52	1.78	7.39***
Ethnic and religious affiliation	1.39	1.50	1.67	1.78	0.87
Political conviction	1.29	1.81	2.13	2.61	1.93
Personal impression	2.38	1.54	5.14	1.89	8.10***

NOTE: The scales ranged from 0 ("never") to 10 ("always"); the higher the number, the higher the degree of discretion.
**$p < .01$ ***$p < .001$

The results are presented in Table 5. They indicate that the collectivistic respondents expected a judge to make a significantly greater allowance for gender and social status than did the individualistic respondents. In light of these effects, one would also expect parallel differences in judges' use of religion and ethnic elements in their decisions. Indeed, there were no differences here, probably due to the fact that the Kurdish and Lebanese respondents were immigrants who had to leave their country of origin because of political or ethnic persecution.

Again, the collectivistic respondents granted a judge significantly greater discretion to base decisions on his or her personal impressions of the persons before the court.

In summary, the respondents from collectivistic cultures preferred a more flexible handling of the rules by apparently granting the judge more authority to use discretionary power. This fact, of course, allows for a greater variety of forums for dispute resolution, such as mediation and conciliation. This evidence somewhat contradicts an individualistic culture's notion of fair procedure, which demands precise and detailed rules in order to avoid arbitrariness and caprice. On the other hand, as pointed out by Tyler (1990), the fact that authorities are given enough discretion allows them to demonstrate their good will and benevolence, which in turn may affect the willingness of people to accept their judgment.

V. Discussion

Legal systems appear to reflect both culturally based variations of social order and different conceptions of the individual. A central organizing concept in which this variation may be understood is the dimension of individualism versus collectivism. A major theme of this investigation is the contention that cultural ideas represented in individual orientations are important elements of legal culture. This line of research complements and extends approaches that focus on an analysis of social structure as a core explanatory tool for understanding variations among legal cultures (for a general discussion see Friedman 1975; Kidder 1983).

This exploratory study was an attempt to analyze empirically how culturally based conceptions of the individual are related to a number of interrelated attitudes and beliefs concerning the legal system and its dispute resolution practices. The study explored and systematically analyzed how individualistic and collectivistic orientations affect the perceived functions and roles of various dimensions and components of legal systems important for understanding legal culture. In particular, it was suggested that a person's individualistic or collectivistic orientation can serve as a framework connecting conceptions of social identity or self with such attributes of legal culture as legitimacy, authority, preferences and goals for dispute arrangements, and the legitimate use of discretion by authorities.

The collectivistic respondents who were Kurds from Turkey and Arabs from Lebanon, indeed, scored significantly higher on our scale measuring collectivistic orientation than did our comparison group, a sample of German respondents who were like the foreign respondents in age and other demographic characteristics. In addition to a number of closed-ended questions, vignettes depicting forms of wrongdoing and conflicts were employed to elicit respondents' conceptions of law and legal practices in their home countries.

Broad patterns of differences between our two legal cultures emerged: First, Lebanese and Kurds showed a generally greater willingness to abide by the norms of tradition and religion and a lesser willingness to let state law intervene in in-group matters. They see such laws as less legitimate for disputes involving primary social relationships. In the same vein, collectivistic respondents prefer informal modes of dispute regulation to a greater extent, as such modes involve persons from the in-group, for instance, to serve as mediators. It seems that settling disputes informally and based on flexible rules is better suited to preserving social relationships than is the employment of abstract norms. Thus, for collectivistic respondents, the main purpose of norms was to establish and preserve social harmony. German respon-

dents expected norms to be consistent so that they could serve as guidelines for future conduct.

These findings demonstrate a clear preference for abstract regulations and legal consistency within the individualistic group. One reason for the preference for abstract guidelines may be that, as theorized by Triandis (1989), persons in individualistic cultures share a more confused identity as they have to cope with overly complex societies (see Levine 1985). The preference for abstract regulations became particularly evident when our respondents rated the acceptability of increased degrees of discretionary power entrusted to legal authorities. Although our collectivistic respondents perceived state law as less suitable, for instance, for regulating family disputes, and found it less legitimate for enforcing compliance than religion and tradition, they would nevertheless grant legal authorities more power to particularize outcomes to the social characteristics of parties, including gender and social status. Written evidence is more valued in individualistic cultures, which demonstrates their emphasis on formal and abstract principles. On the other hand, we observe within the collectivistic cultures a greater contextual emphasis on the employment of principles under which the person tends to act, as noted, for instance, by Miller (1984) and Markus and Kitayama (1991), not as an isolated individual but as part of a context, a role, or a group member.

The study establishes a pattern of results across various "attributes of law" and thus supports existing theories about individualism and collectivism (e.g., Triandis 1989). The extension of the individualism-collectivism construct into the realm of legal culture is a confirmation of the broad significance of this concept. In this respect the study opens new avenues and tests differences among culture groups on the basis of their cultural identity and the way they perceive disputes and legal authorities.

Some of the results obtained, especially the relationship between cultural orientation and attitudes toward legal discretion and attributes of legal authorities, are particularly important for an improved understanding of the dynamics of multiethnic societies and should be explored in further studies. Applied and used properly for various ethnic groups, they may have the potential to regulate disputes among and between ethnic groups outside the formal legal system.

Despite the statistical significance and the consistency in the results, several caveats are in order. One could argue that in view of the unusual position of the two immigrant groups, they do not represent "normal" subjects within a collectivistic society. They were, indeed, recent refugees driven out of their native country because they were not comfortable under the political conditions there. Thus, it may not be at all surprising that they show distrust in the legal systems in their home countries. However, this possi-

ble objection is contravened both by the fact that the Kurdish and Lebanese respondents held state law in high regard and by the fact that they give legal authorities a greater range of discretion than would the German respondents.[14]

The study as a whole has both theoretical and applied implications. In fact, it was initially undertaken to better understand how immigrants faced with the imposition of different legal norms would respond to the constraints of the German legal culture. Moreover, judges and officials dealing with immigrants often show a lack of understanding and skills precisely because they are unaware that legal cultures may differ. The results seem to support the notion that the experiences and attitudinal orientations of two immigrant groups are quite divergent from those of the broader German legal culture (see Bierbrauer & Volkmann 1988). This fact clearly raises the question of the extent to which immigrants are capable of responding and acting according to the existing legal mechanisms in German society and, moreover, how the German legal system, for example, renders immigrants a fair trial when cross-cultural misunderstandings are a characteristic phenomenon.

Obviously, we are confronting the issue of the legitimacy of a legal system in a plural society. As convincingly demonstrated by the work of Tyler (1990), a key element in legal and political systems is the degree to which members of a society see adequate reasons to voluntarily accept the commands of authorities. Tyler makes a strong argument that such procedural justice issues as feelings of dignity, respect, and positive valuation of one's own group are major determinants of legitimacy.

As demonstrated in this study, law and legal institutions may mean different things for different cultural groups. Many Western European nations have experienced massive immigration. Most countries, and in particular Germany, have not been prepared for this development, and recent acts of ethnic violence are signs of the growing tensions and conflicts (e.g., Bade 1994). Thus, in the context of their own growing cultural diversity, Western societies must consider how to adapt institutions for dispute resolution to retain their legitimacy and effectiveness. The advantages of flexibility, informal decisionmaking, mediation, and other alternatives to formal adjudication have long been recognized and advocated (see, e.g., Menkel-Meadow 1984, 1991; Tyler 1990). While the growing contact between cultures both

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14 To control for immigration in our design, we would have had to conduct similar interviews with residents still living in their native country and with persons trying to immigrate from an individualistic country. Neither was feasible within the context of this exploratory study. Even if we avoid generalizations beyond the specific nature of our subject samples, the study mirrors the situation found in many Western countries: Refugees from the Third World create multiethnic societies when they flee into countries with predominantly individualistic orientations and they are confronted with unfamiliar social and legal rules and values.

within and outside the borders of Western societies may or may not accelerate this trend, it will continue to call for development of a clear understanding of the relationship between culture and dispute resolution.

Appendix.   Vignettes Used in the Study

Vignette 1

> Imagine that your cousin had bought a second-hand car from a stranger. Because the engine broke down after two days, the cousin wants an explanation from the seller; the seller claims not to know him and denies that he sold him a car. A heated argument turns into in a physical fight in which the cousin is severely injured.

Vignette 2

> Your cousin is looking for a refrigerator [automobile tires in collectivistic version]. In a classified advertisement he finds an offer and goes to the potential seller who is a stranger to him. Your cousin does not have enough money with him and promises to pay the rest in a month. After the month passes and the cousin has failed to pay, the seller demands the rest of the money. The cousin tells the seller that he owes him nothing.

Vignette 3

> A farmer sells some sheep to a man who is a stranger to him. Since the buyer does not have enough money at that moment, they agree that he will pay in a month. Since the "buyer" has not paid after a month, the farmer goes to him and asks for the money. The "buyer" denies that he owes the farmer any money.

Vignette 4

> Your cousin is looking for someone to take over the lease on his rented apartment. A man he does not know wants to rent the apartment, but your cousin tells him that he can only have the apartment if he also buys his kitchen appliances [two sacks of sugar in collectivistic version]. The man agrees, but he says that he does not have enough money at the moment and will give your cousin the money in a month. When after a month the cousin has not received the money for his merchandise, he goes to his old apartment and the renter denies that he owes your cousin any money.

Vignette 5

> A man is selling jewelry at the flea market. He observes a stranger taking a ring from his stand and going away without paying. The jewelry salesman runs after the stranger, grabs him, and tells him that he is a thief. The stranger denies this, and the ensuing heated argument ends in a physical fight in which the salesman is severely injured.

References

Bade, Klaus J. (1994) "Immigration and Social Peace in United Germany," 123 *Daedalus* 85.

Bellah, Robert, Richard Madsen, William M. Sullivan, Ann Swidler, & Steven M. Tipton (1985) *Habits of the Heart.* Berkeley: Univ. of California Press.

Bierbrauer, Günter (1992) "Reactions to Violation of Normative Standards: A Cross-cultural Analysis of Shame and Guilt," 27 *International J. of Psychology* 181.

——— (1994) "Measurement of Normative and Evaluative Aspects in Individualistic and Collectivistic Orientations: The Cultural Orientation Scale (COS)," in Kim et al. 1994.

Bierbrauer, Günter, & Hans-Rüdiger Volkmann (1988) "Legal Culture: Attitudes towards Asylum Seekers in West Germany," in P. J. van Koppen, D. J. Hessing, & G. van den Heuvel, eds., *Lawyers on Psychology and Psychologists on Law.* Amsterdam: Swets & Zeitlinger.

Felstiner, William L. F. (1974) "Influences of Social Organization on Dispute Processing," 9 *Law & Society Rev.* 63.

Friedman, Lawrence M. (1975) *The Legal System.* New York: Russell Sage Foundation.

Geertz, Clifford (1979) "From the Native's Point of View: On the Nature of Anthropological Understanding," in P. Rabinow & W. M. Sullivan, eds., *Interpretive Social Science.* Berkeley: Univ. of California Press.

Gluckman, Max (1969) *Ideas and Procedures in African Customary Law.* London: Oxford Univ. Press for the International African Institute.

Hamilton, V. Lee, & Joseph Sanders (1988) "Punishment and the Individual in the United States and Japan," 22 *Law & Society Rev.* 301.

Hofstede, Geert (1980) *Culture's Consequences: International Differences in Work-related Values.* Beverly Hills, CA: Sage Publications.

——— (1991) *Cultures and Organizations: Software of the Mind.* New York: McGraw-Hill.

Hui, C. Harry (1988) "Measurement of Individualism—Collectivism," 22 *J. of Research in Personality* 17.

Kidder, Robert L. (1983) *Connecting Law and Society: An Introduction to Research and Theory.* Englewood Cliffs, NJ: Prentice-Hall.

Kim, Uichol (1994) "Introduction to Individualism and Collectivism: Conceptual Clarification and Elaboration," in Kim et al. (1994).

Kim, Uichol, H. C. Triandis, C. Kagitcibasi, S. C. Choi, & G. Yoon, eds. (1994) *Individualism and Collectivism: Theory, Method, and Applications.* Newbury Park, CA: Sage Publications.

Leung, Kwok (1987) "Some Determinants of Reactions to Procedural Model for Conflict Resolution: A Cross-national Study," 53 *J. of Personality & Social Psychology* 898.

——— (1988) "Theoretical Advances in Justice Behavior: Some Cross-cultural Inputs," in M. H. Bond, ed., *The Cross-cultural Challenge to Social Psychology.* Beverly Hills, CA: Sage Publications.

Leung, Kwok, & Michael H. Bond (1984) "The Impact of Cultural Collectivism on Reward Allocation," 47 *J. of Personality & Social Psychology* 793.

Leung, Kwok, Michael H. Bond, & Shalom Schwarz (1993) "Exploratory Mechanisms for Cross-cultural Differences: Values, Valences, and Expectancies?" (submitted for publication).

Levine, Donald N. (1985) *The Flight from Ambiguity: Essays in Social and Cultural Theory*. Chicago: Univ. of Chicago Press.

Lind, E. Allan, & P. Christopher Earley (1992) "Procedural Justice and Culture," 27 *International J. of Psychology* 227.

Markus, Hazel Rose, & Shinobu Kitayama (1991) "Culture and the Self: Implications for Cognition, Emotion, and Motivation," 98 *Psychological Rev.* 224.

Menkel-Meadow, Carrie (1984) "Toward Another View of Legal Negotiation: The Structure of Problem Solving," 31 *Univ. of California Law Rev.* 754.

——— (1991) "Pursuing Settlement in an Adversary Culture: A Tale of Innovation Co-opted or 'The Law of ADR,'" 19 *Florida State Univ. Law Rev.* 1.

Merry, Sally Engle (1988) "Legal Pluralism," 22 *Law & Society Rev.* 896.

Miller, Joan G. (1984) "Culture and the Development of Everyday Social Explanation," 46 *J. of Personality & Social Psychology* 961.

Nader, Laura, ed. (1969) *Law in Culture and Society*. Chicago: Aldine.

Parsons, Talcott (1977) *The Evolution of Societies*. Englewood Cliffs, NJ: Prentice-Hall.

Pospisil, Leopold (1971) *Anthropology of Law: A Comparative Theory*. New York: Harper & Row.

Radcliffe-Brown, A. R. (1952) *Structure and Function in Primitive Society*. London: Cohen & West.

Rosen, Lawrence (1989) *The Anthropology of Justice: Law as Culture in Islamic Society*. New York: Cambridge Univ. Press.

Sampson, Edward E. (1985) "The Decentralization of Identity: Toward a Revised Concept of Personal and Social Order," 40 *American Psychologist* 1203.

——— (1987) "Individualization and Domination: Undermining the Social Bond," in C. Kagitcibasi, ed., *Growth and Progress in Cross-cultural Psychology*. Lisse: Swets & Zeitlinger.

Sanders, Joseph, & V. Lee Hamilton (1992) "Legal Cultures and Punishment Repertoires in Japan, Russia, and the United States," 26 *Law & Society Rev.* 117.

Sinha, Jai B. P., and Jyoti Verma (1987) "Structure of Collectivism," in C. Kagitcibasi, ed., *Growth and Progress in Cross-cultural Psychology*. Lisse: Swets & Zeitlinger.

Thibaut, John, & Laurens Walker (1975) *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: L. Erlbaum Associates.

Tönnies, Ferdinand (1957 [1887]) *Community and Society*. New York: Harper Torchbooks.

Triandis, Harry C. (1989) "The Self and Social Behavior in Differing Cultural Contexts," 96 *Psychological Rev.* 506.

Triandis, Harry C., Kwok Leung, Marcelo J. Villareal, & Felicia L. Clack (1985) "Allocentric versus Idiocentric Tendencies: Convergent and Discriminant Validation," 19 *J. of Research in Personality* 395.

Tyler, Tom R. (1990) *Why People Obey the Law*. New Haven, CT: Yale Univ. Press.

Weber, Max (1954 [1925]) *Max Weber on Law in Economy and Society*. New York: Simon & Schuster.

Yang, Kuo-Shu (1988) "Will Societal Modernization Eventually Eliminate Cross-cultural Psychological Differences?" in M. H. Bond, ed., *The Cross-cultural Challenge to Social Psychology*. Newbury Park, CA: Sage Publications.