

ORIGINAL ARTICLE

Emotion: The forgotten component of legal socialization

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Abstract

Legal socialization researchers have largely ignored the importance of emotion in the legal socialization process and engagement in crime. The purpose of the current study was to argue the potential importance of moral emotions (e.g., guilt) in legal socialization and take a preliminary step to integrate an emotion component into an existing model. The current study investigated whether the moral emotion of guilt, using both proneness and anticipatory measures, would predict rule-violating behavior (RVB) as part of the integrated cognitive legal socialization model. The study used survey data from 474 participants who were part of a longitudinal study of adolescent rule-violating behavior. Results showed that guilt proneness functioned as a predictor of RVB in parallel with legal reasoning, while anticipatory guilt served as a mediator in parallel with normative attitude mediators. Enforcement status (i.e., feeling people should be punished for committing RVB) mediated the relation between guilt proneness and RVB, while normative status (i.e., approval for engaging in RVB) and anticipatory guilt mediated the relation between legal reasoning and RVB. These findings help to advance legal socialization by demonstrating the unique contribution of emotion in legal socialization theory and provide a foundation for future research in this area. The implications for the role of emotion in both the integrated cognitive legal socialization

model and the procedural justice legal socialization model and future directions for further inquiry are discussed.

KEYWORDS

emotion, guilt, legal reasoning, legal socialization, moral reasoning

EMOTION: THE FORGOTTEN COMPONENT OF LEGAL SOCIALIZATION

Since its inception over 50 years ago, legal socialization began by developing cognitive, rational models to explain norm acceptance, rule breaking, and crime (Cohn & White, 1990; Tapp & Kohlberg, 1971; Tapp & Levine, 1974). In the beginning, emotion was introduced as an important conceptual component of the legal socialization process (Hogan & Mills, 1976). Children will feel guilty when they break rules, because they are violating their trusted parents. Adolescents and adults feel guilty if they violate rules, because they fear social disapproval from their peers. However, with cognitive reasoning dominating the field at the time, emotions were largely relegated to the role of internal drivers of cognitive processes (Bower, 1981) and overlooked as important in their own right.

Although modern legal socialization researchers have attempted to incorporate such factors as developmental (Fine et al., 2017) and non-legal authorities, such as parents and teachers (Cardwell et al., 2021; Cole et al., 2021; Trinkner et al., 2012), they have neglected to acknowledge emotion, a basic human component in the process of reasoning, forming attitudes, and making decisions. The existing theories of legal socialization, to date, presume that the development of one's understanding of the law, its function in society, and resulting decisions stemming from that understanding, are the product of either rational thought or social interactions (Cohn & White, 1990; Cohn et al., 2010; Trinkner & Cohn, 2014; Trinkner & Tyler, 2016; Tyler & Trinkner, 2017). Outside of the legal socialization field, emotion has been studied within the context of many relevant areas, such as socio-legal issues (Bandes & Blumenthal, 2012; Wiener et al., 2006) and crime and delinquency (see review by Spruit et al., 2016). Therefore, there are vast theoretical frameworks from which to draw to begin to develop models of emotion in legal socialization.

The purpose of the current paper is to accomplish three primary goals. The first is to establish an initial theoretical model of emotion, drawing from existing research in psychology, criminology, and sociology, to incorporate into an established model of legal socialization. For the purpose of this initial investigation and contribution, we have chosen to limit the scope of our examination to a single emotion, guilt. The second is to find support for the role of guilt in legal socialization and to gain a better understanding of how it might relate to other legal socialization variables. The third is to provide a foundation for future research in this area and outline several different avenues for future exploration. Laying this groundwork for future research will help to provide new paths for expanding emotion into other areas of legal socialization research.

THE HISTORY OF LEGAL SOCIALIZATION AND EMOTION

Early legal socialization theories were grounded in cognitive developmental approaches focused on reasoning within the context of the law and legal socialization (Tapp & Kohlberg, 1971; Tapp

& Levine, 1974, 1977). The emphasis on these “cold” rational and deliberative processes largely ignored the “hotter” human factors, such as emotion, that were suggested to be important in guiding legal judgments in some other early work in the field (Hogan & Mills, 1976). Instead, emotion was mostly acknowledged as important, but only within the context of reflection within the cognitive reasoning process at the time and, consequently, largely forgotten in legal socialization research and other transgressive behavioral research for several decades.

It was not until the 1990s that there was a resurgence of emotion in the broader psychological literature (Zajonc & McIntosh, 1992) and a renaissance of new research on the role of emotion in moral reasoning and engagement in moral behavior (Haidt, 2001, 2003, 2007; Malti & Ongley, 2014; Pizarro & Bloom, 2003; Tangney, 1991; Tangney et al., 2007a). During this period, researchers expanded on Tapp and Kohlberg's (1971) notions of moral reasoning as the primary driver of judgment and emphasized moral emotions as a preceding, intuitive process that led to deliberative cognitive reasoning (Haidt, 2001, 2007). Perhaps most importantly, Haidt (2001, 2007) argued in the social intuitionist model of morality that although moral emotions are an automatic intuitive process, they are cognitive in nature, directly influencing the calculated reasoning process. This would have been a window of opportunity for legal socialization researchers to capitalize on prominent contemporary theories, which were largely compatible with the cognitive developmental approaches, to consider emotion and how it might play a role in the legal socialization process.

It would be counterfactual to attempt to posit precisely why the opportunity was missed, but there is one likely potential explanation. Around this same time, a new area in legal socialization was also emerging (see Fagan & Tyler, 2005; Piquero et al., 2005; Tyler & Trinkner, 2017) which could explain the shift away from cognitive models in legal socialization research and thus the failure to explore other emerging areas related to the cognitive approach. The procedural justice model (Fagan & Piquero, 2007; Fagan & Tyler, 2005; Piquero et al., 2005; Trinkner & Tyler, 2016) focuses on social factors and experiences with the law through the study of procedural justice and legitimacy of legal authorities. The procedural justice model did not incorporate cognitive aspects or processes from the earlier theories of legal socialization. This left little room to bridge the theories of moral emotions leading to reasoning within a cognitive framework with legal socialization as it expanded into procedural justice.

Over the last two decades, the field has focused primarily on two concepts of legal socialization: the integrated cognitive legal socialization model and the procedural justice model. The integrated cognitive model, closely related to the seminal work of Tapp and her colleagues (Tapp & Kohlberg, 1971; Tapp & Levine, 1974; 1977) focuses on cognitive factors with legal norms mediating between legal and moral reasoning and rule-violating behavior (Cohn & White, 1990; Cohn et al., 2010, 2012). The integrated cognitive legal socialization model, from here on referred to as the ICLS model, likely provides a more commonly shared theoretical starting point for investigating emotion in legal socialization, because there is substantial literature to support emotion, particularly moral emotions, as part of both the cognitive reasoning process (Haidt, 2001, 2007) and normative attitudes (Ajzen, 1991; Ravis et al., 2009). Furthermore, the only empirical example of research on emotion in legal socialization to date (see Cole et al., 2014) utilized the ICLS model variables, providing a foundation for the development of the first incorporated theory.

THE INTEGRATED COGNITIVE LEGAL SOCIALIZATION MODEL

The ICLS model was developed by Cohn and White (1986, 1990) as an extension of Tapp and her associates' (Tapp & Kohlberg, 1971; Tapp & Levine, 1974, 1977) legal reasoning model that focused on legal reasoning level affecting rule-violating behavior. Cohn and White's model expanded reasoning to include both moral and legal reasoning (Cohn & White, 1990). The two reasonings are related, as transgressive behaviors encompass issues of both morality and legality, but each places the focus of the cognitive appraisal on a distinct aspect of the behavior. Moral reasoning is a cognitive process assessing the rightfulness or wrongfulness of morally relevant behavior (e.g., is the behavior wrong, will the behavior cause harm, what are the intentions of the actor) (Kohlberg, 1969). Legal reasoning is a cognitive appraisal focused on the formal rules or laws governing behavior in society (e.g., is the behavior illicit/illegal, what is the punishment for the behavior, what are the social consequences for the behavior) (Levine & Lapp, 1977; Tapp & Kohlberg, 1971).

Cohn and White (1990) also introduced two attitude variables as mediators, normative status, and enforcement status to their model of legal socialization. Normative status measured how much participants approved of rule-violating behavior (RVB); while enforcement status measured how much participants approved of punishing people who violated rules. The ICLS model they proposed stated that normative status and enforcement status mediated between legal and moral reasoning and RVB. They found support for the model in college students (Cohn & White, 1990) and later Cohn and colleagues (2010) found additional support with younger and older adolescents.

More recently, Cole et al. (2014) conducted a preliminary examination of guilt in the ICLS model. The study remains one of the few examples of research on emotion in legal socialization but makes a limited contribution. Cole et al. conducted two studies to investigate guilt proneness (guilt trait or proclivity to feel guilty) and anticipatory guilt (one's likelihood of feeling guilty after breaking specific rules). In the first study, they found that anticipatory guilt was a better predictor of RVB than guilt proneness. In the second study, they found that sex moderated the effects of guilt on RVB, controlling for the legal socialization variables (legal and moral reasoning, approval of RVB, enforcement of RVB). Interestingly guilt affected RVB for middle and high school boys and for high school girls, but guilt did not predict RVB for middle school girls.

Although the study presented an important first step in introducing emotion into legal socialization research, it did not provide a theoretical contribution to the understanding of how emotion should function within the ICLS model, or the legal socialization process more broadly. In this case, the study did not attempt to develop a formal theory of emotion in legal socialization or test emotion within the existing ICLS model; instead, it merely controlled for ICLS variables. In order to advance the field and this line of research in particular, more theoretically driven development of an emotion model of legal socialization needs to be considered fully incorporated and tested within the ICLS model to assess the unique contribution of emotion to our understanding of legal socialization. The first step in such a process is to review the available literature on emotion and select ideal candidates for initial inquiry.

EMOTIONS AND BEHAVIOR

The concept of emotion encompasses a wide array of human internal experiences and reactions. Emotion has many definitions across different disciplines and fields, as noted by Izard (2010), who

surveyed 34 of the leading emotion researchers and found they disagreed widely on the definition. There was more agreement about the functions of emotions “in motivating and focusing individual endeavors, social interactions, and the development of adaptive and maladaptive behavior” (p. 368). Criminologists (e.g., Benson & Levelsberger, 2012), legal scholars (Bandes & Blumenthal, 2012), and psychology and law scholars (Wiener et al., 2006) have recently recognized the importance of emotion as a predictor of behavior.

Neuroscience research suggests that during adolescence, delinquent behavior increases due to a peak in reward seeking, instinctual reactions, and emotions (Shulman et al., 2016; Steinberg, 2008). A variety of emotions and emotional traits, including basic, callous unemotional traits (Frick, 2012; Frick et al., 2014; Ray et al., 2016, 2017) and moral emotions (Tangney et al., 2007a; Tracy & Robins, 2007), have been linked to transgressive behaviors in particular. For example, aggressive offenders are more likely to report both anger and antisocial beliefs (Granic & Butler, 1998). In identifying good candidates that would support theoretical integration into existing legal socialization models, we chose to focus on the moral or self-conscious emotions (Stuewig et al., 2015; Tangney, 1991; Tangney & Dearing, 2002; Tangney et al., 1996, 2007a, b).

MORAL EMOTIONS

Moral emotions are self-conscious emotions, such as guilt, shame, and embarrassment, that require a self-reflective and evaluative process (Tangney et al., 2007b; Tracy & Robins, 2007). They are different from basic emotions, such as disgust, because they are not entirely innate and their utilization as an emotional mechanism of behavioral regulation must be developed over time from childhood into adulthood (Crystal et al., 2001; De Rubeis & Hollenstein, 2009). This is also why moral emotions are inherently important to and consistently linked with engagement in transgressive behaviors (Frick, 2012; Stuewig & Tangney, 2007; Tangney et al., 2007a; Tracy & Robins, 2004, 2007). The nature of moral emotions as reflective and evaluative, encompassing a process parallel to that of cognition and situational appraisal (Tracy & Robins, 2004, 2007), make the moral emotions especially viable candidates for integration in existing legal socialization theories.

Developmental psychologists (Eisenberg, 2000; Malti & Ongley, 2014), clinical psychologists (Tangney et al., 2007a, b), and criminologists (Rebellon et al., 2010) all have explored the role of moral emotions on rule violating; although psychological work has developed more quickly than criminological work (Eisenberg, 2000; Frick et al., 2014; Malti & Ongley, 2014; Tangney et al., 2007a, b). The exact definition and conceptualization of specific moral emotions differs across disciplines, particularly between psychologists and criminologists. For example, guilt is conceptualized differently in the psychological literature as it is in the criminological literature but presents a more compatible theoretical framework than most other moral emotions for our initial inquiry into the role of emotion in the ICLS model.

From the psychological perspective, guilt is thought to be a self-conscious emotion that regulates the moral self and is characterized by negative feelings that offer immediate salient feedback on our social and moral standing and can serve as a self-imposed immediate punishment or reinforcement of morally salient behavior (Tangney et al., 2007b). For example, one who is highly guilt-prone may anticipate the negative affect associated with guilt and, as such, may avoid engaging in antisocial behavior. Guilt is a negative evaluation of one's own behavior instead of an evaluation of the self, presenting less detrimental psychological effects to self-efficacy, self-perception, and mental health (Lewis, 1971; Tangney, 1991; Tangney & Dearing, 2002; Tangney et al., 2007b; Tracy & Robins, 2007). Moreover, guilt can be thought of as an internal response to the disconnect

between one's immoral action and moral identity. When one commits an immoral act but considers oneself to be a good person, one feels the need to repair the harm one has caused to restore sense of self (Tangney et al., 2007b).

Criminologists view guilt as a private emotion that is experienced in the absence of others knowing about the transgression (Smith et al., 2002). Preliminary criminological research suggests that social emotions like guilt may play a critical role in preventing crime (e.g., Grasmick & Bursik, 1990). Although criminological literature has begun including measures of anticipated guilt alongside traditional predictors like strain or social control (e.g., Rebellon et al., 2010, 2012, 2014; Svensson et al., 2013), these approaches have paid limited attention to formally integrating social emotions into mainstream criminological theory. Although there is far less criminological literature on guilt and emotion in general, guilt is conceptually more similar in nature than many of the other moral emotions, such as shame. Both psychology (Tangney & Dearing, 2002; Tangney et al., 2007a, b) and criminology (Grasmick & Bursick, 1990; Rebellon et al., 2010; Smith et al., 2002) view guilt as a purely internal process to positively regulate transgressive behavior. Taken in combination with the abundant research demonstrating guilt's relationship with rule breaking, antisocial behavior, and criminality, and the previous findings showing anticipatory guilt's effectiveness as a predictor even when controlling for ICLS model variables (Cole et al., 2014), guilt is an excellent first candidate. For these reasons, we have chosen guilt as the primary candidate for initial incorporation into the ICLS model.

CONCEPTUALIZING GUILT FOR LEGAL SOCIALIZATION

For the purpose of the current study and the contribution of the study's findings to the legal socialization literature, we sought to identify a conceptualization of guilt that was compatible with both psychological and criminological theories. Broadly, psychologists have conceptualized moral emotions influencing moral behavior through two distinct, but interrelated mechanisms. Guilt proneness represents guilt as a stable trait and emotional style that functions as a generalized propensity to experience guilt across a variety of morally relevant situations (Tangney et al., 2007a; Tracy et al., 2007). The other conceptualization considers guilt in terms of specific behavioral instances, either as anticipated or reflective of consequences. Under these definitions, Tracy and Robins (2007) formulated a model of moral emotions, including guilt, that incorporates a dual role or process of emotion, beginning with the intuitive, innate disposition toward a given emotion, which is then utilized in the situationally-induced emotion.

In a similar vein, criminologists have mostly focused on anticipatory moral emotions (Grasmick & Bursik, 1990; Nagin & Paternoster, 1993; Rebellon et al., 2010; Tibbetts, 2003)—how much guilt one would feel if they committed a particular behavior. There is already evidence to suggest that anticipatory guilt specifically provides a unique contribution to the legal socialization model via the work by Cole et al. (2014). Furthermore, the model proposed by Tangney and colleagues draws from both Kohlberg (1969) and Haidt's (2001, 2003) work, which has direct ties to theoretical underpinnings of the ICLS model. From this perspective, a model of guilt with proneness as antecedent to anticipatory guilt, which then exhibits a downstream effect on behavior is the most consistent with both psychological and criminological literature and presents the most theoretically relevant model for incorporation into the integrated model.

GUILT IN THE INTEGRATED COGNITIVE LEGAL SOCIALIZATION MODEL

There is less direct research to guide the actual incorporation of guilt into the legal socialization model. Although both the chosen model of guilt (Tangney et al., 2007a, b) and the ICLS model (Cohn et al., 2010; Cohn & White, 1990) stem from much of the same foundational research on morality and legal decision making, there is disagreement about the relationship between emotion and cognition in particular. Some view cognition and emotion as a dual, entirely separate, but parallel process (Helion & Pizarro, 2015), while others consider emotion as inherently entangled with cognition (Decety et al., 2011; Malti & Latzko, 2010). From the perspective of Haidt (2001, 2003), emotion precedes rational thought, such as moral or legal reasoning. This follows the intuitive interpretation, which means that within the confines of our definitions, guilt proneness should function as the initial lens through which behavior should be considered or interpreted, only then moving into the deliberative process of reasoning.

In contrast, other researchers have argued that emotionality and cognition are part of a reciprocal process, consisting of appraisals and reappraisals that both contribute to behavior (Helion & Pizarro, 2015; Pizarro & Bloom, 2003). Under this explanation, guilt proneness and moral and legal reasoning might function in parallel, modeled as interrelated. Given the measurement methodology for guilt proneness, this is likely the more reasonable approach. It would be inherently difficult to measure the truly intuitive nature of guilt as a purely “gut” reaction using the commonly employed scenario-based measurement style utilized in social science research. This approach not only mirrors that of the cognitive measures for moral and legal reasoning, further suggesting why they might be functionally parallel in practice, but also presents a theoretical challenge in determining whether individuals engaged in self-reflective reasoning to understand their emotional reactions to the situations presented.

Similarly, anticipatory guilt could be conceived as theoretically parallel with the mediating constructs of the ICLS model, normative and enforcement status. All three are framed in reference to self-reflection of potential future behavior and align with key elements of the theory of planned behavior: anticipated affect and moral norms (Ajzen, 1991). Drawing from these perspectives, the guilt proneness and anticipatory guilt model could be incorporated into the ICLS model in parallel, as an interrelated structure, with guilt proneness functioning as a predictor along with moral and legal reasoning, and anticipatory guilt as a mediator along with normative and enforcement status, in predicting rule-violating behavior.

CURRENT STUDY

The current study seeks to combine the theories and findings from emotion researchers (Stuewig & Tangney, 2007; Tracy & Robbins, 2007) with legal socialization researchers (Cohn et al., 2010; Cole et al., 2014) to provide a more comprehensive and complete picture to understand adolescent engagement in RVB. The purpose of our current research was to determine how emotions play a role in the legal socialization process by building the first theoretical contribution of emotion into a model of legal socialization. While we suspect that many different emotions likely contribute to our understanding of legal socialization, we decided to focus on the role of guilt alone for the purpose of this preliminary endeavor.

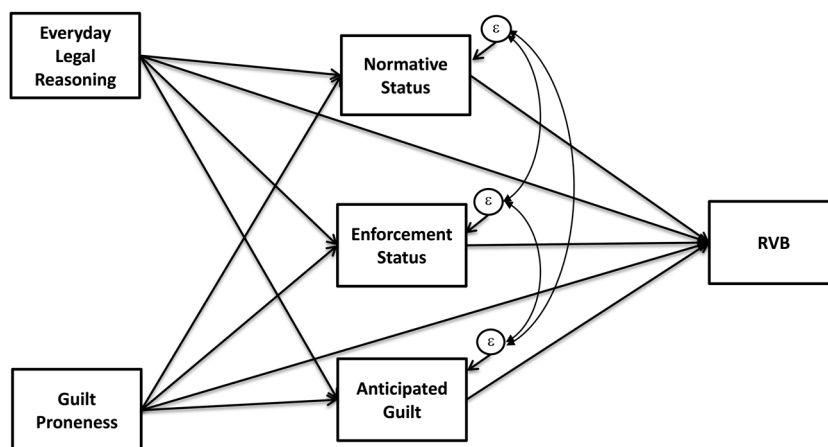


FIGURE 1 Hypothesized model of guilt in the integrated legal socialization model

Based on the contemporary perspective on the integration of law and emotion (see Grossi, 2015; Maroney, 2006, 2016; Tyler & Trinkner, 2016) and building on one of the only studies to examine emotion in legal socialization previously (Cole et al., 2014), we hypothesized that guilt would play a significant role in predicting RVB as a part of the ICLS model. To test our new model, we utilized cross sectional data from the New Hampshire Youth Study. The wave of data in which the emotion variables were available did not include one of the ICLS variables, moral reasoning, and the model and hypotheses have been adjusted to correspond to the variables used in the current study (see Figure 1).

Specifically, we hypothesized that guilt proneness and anticipated guilt would make unique contributions to the ICLS model in predicting RVB and would be interrelated with existing model variables. We hypothesized that guilt proneness would significantly predict the proposed model mediators: normative status, enforcement status, and anticipated guilt. Furthermore, guilt proneness would predict RVB, but normative status, enforcement status, and anticipate guilt would mediate this relation. Finally, we hypothesized that legal reasoning would predict anticipated guilt and anticipated guilt would mediate, at least in part, the relation between legal reasoning and RVB.

METHOD

Participants

The current study analyzed data provided by 474 participants in the New Hampshire Youth Study (NHYS), a longitudinal study of adolescent rule-violating behavior (see Cohn et al., 2010, 2012). The NHYS is a ten-wave study of middle and high school students with data collected from 2008 to 2013. Measures varied at each wave of data collection and the data for the current study were taken from wave 10 (fall 2013). The current study utilized data exclusively from wave 10 because it was the only wave that included measures of the moral emotion variables. The sample for the current analysis was 55.39% female and 84.78% identified as White, 4.44% Asian, 4.44% more than one, 2.75% Hispanic/Latinx, 1.48% other, 1.90% African American, and 0.21% Native American.

Of the current sample, 48.41% were a younger cohort (originally middle school) of participants and 52.59% were an older cohort (originally high school) of participants. The average age of the younger cohort at wave 10 was 18.23 ($SD = .44$) years and of the older cohort at wave 10 was 21.22 ($SD = .55$) years old.

Measures

All measured variables were derived from previously used or validated scales. All scales used in the current study were obtained with permission and measured using their original validated format (e.g., item wording, number of items, scaling).

Demographic control variables

Previous research on the ICLS Model has historically controlled for several demographic variables, including age cohort, sex, SES, and average grades (Cohn et al., 2010, 2012). Because much of our sample, particularly in the older cohort, at wave 10 is no longer in school, we chose to exclude average grades as a control but retained all other previously used demographic control variables. For the current study, age cohort was a binary variable, with the younger cohort coded as 0. Sex was also entered as binary with females coded as 0. As a proxy for SES, participants were given a simple rating measure of family wealth, which asked participants to “please select the answer that best describes your family’s economic (money/income) situation. Families are different in the amount of money they have. How would you rate your family?” Participants rated their answers on a scale from 1 (very little money available) to 5 (lots of money available), with participants averaging 2.89 ($SD = .90$).

Guilt proneness

Guilt proneness was measured using the Test of Self-Conscious Affect – Adolescent (TOSCA-A) (Tagney et al., 1996). The TOSCA-A measures proneness for five self-conscious emotions, including guilt, using scenarios to which participants respond how likely they would be to react in a similar way as described on a scale from 0 (*not likely at all*) to 4 (*very likely*). Some examples of scenarios include incidents where the individual trips in the cafeteria and spills a friend’s drink, gets a poor report card, and forgets their mother’s birthday. Guilt proneness scores were calculated by averaging guilt subset responses across the 15 items, with higher scores reflecting greater guilt proneness ($M = 3.83$, $SD = .58$; Cronbach’s $\alpha = .86$).

Anticipated guilt

Behavior specific guilt was measured using an anticipatory guilt scale (Cole et al., 2014). Participants indicated how guilty they would feel if they engaged in each of 26 rule-violating behaviors on a scale of 1 (*not guilty at all*) to 6 (*very guilty*). The 26 behaviors were consistent with the RVB measure and generally fall into three categories of offenses: assault, property crimes, and substance use. Some example items include “how guilty would you feel if you had done each of the

following behaviors but nobody you know found out?: getting into a physical fight; knowingly stealing or holding stolen goods; using marijuana.” Anticipated guilt scores were calculated by creating a mean score ($M = 2.51$, $SD = 0.56$; Cronbach’s $\alpha = .95$), with higher scores indicating greater anticipated guilt.

Everyday legal reasoning

Legal reasoning ability was measured using the Everyday Legal Reasoning scale (Cohn et al., 2012; Cole et al., 2013), a 16 item, scenario-based behavioral intention measure. ELR assesses reporting rule-violation or upholding a rule in which participants indicate their likelihood to respond similarly to the actor in the scenario on a scale from 1 (*I definitely would not do*) to 7 (*I definitely would do*). An example items of a report item is “I witness a man robbing a store. After the robber is captured, I am asked to talk about what I saw in court. I agree.” An example of an uphold item is “A friend tells me that they have a fake ID to buy alcohol and that they can get me one too. They ask me if I want it. I decline the offer.” The 16 items were averaged to create participants’ ELR scores ($M = 4.72$, $SD = 1.03$; Cronbach’s $\alpha = .89$), with higher scores representing higher levels of legal reasoning.

Normative status

Normative status is the degree of agreement with engaging in rule-violating behavior and was measured using a scale developed by Cohn and White (1990), which was used in the ICLS Model (Cohn et al., 2010). To measure normative status, participants rated the degree to which they approved of 26 different RVBs on a scale from 0 (*strongly disapprove*) to 3 (*strongly approve*). The 26 behaviors were consistent with the RVBs measured in the study. Example items include “how much do you APPROVE of the following behaviors?: Taking something from a store without paying for it?; Kicking somebody on purpose?; Using other illegal drugs?” Normative status scores were calculated using the mean of the 26 items ($M = .39$, $SD = .38$; $\alpha = .94$), with higher scores indicating greater approval of RVB.

Enforcement status

Enforcement status, the degree to which one agrees with enforcing punishment for committing RVB, was measured using a scale developed by Cohn and White (1990) and used in the ICLS Model (Cohn et al., 2010). Participants rated the degree to which they agreed someone should be punished for engaging in each of the same 26 behaviors used in the normative and RVB measures on a scale from 0 (*no, definitely not*) to 3 (*yes, definitely*). Example items include “should people be PUNISHED for the following behaviors?: Taking a vehicle without the owner’s permission?; Pushing or shoving somebody on purpose?; Selling any drugs?” A mean score was calculated ($M = 2.39$, $SD = .62$; $\alpha = .96$), with higher scores indicating more agreement for enforcing punishment for RVB.

Rule-violating behavior (RVB)

RVB was measured using the Delinquency Component of the National Youth Longitudinal Survey (Wolpin, 1983). Students reported how many times in the last six months they had engaged in each of 26 rule-violating behaviors, which generally fell into three categories: assault, property crimes, and illicit/illegal substance use. These were the same 26 behaviors presented in the anticipated guilt, normative status, and enforcement status measures. Example items include “broken into a building or vehicle to steal something or to just look around,” “hurt someone badly enough to need bandages or a doctor,” and “set fire to someone’s property on purpose.” RVB scores were created using a variety measure (see Cohn et al., 2010; Sweeten, 2012), which counts how many different types of rule violations each participant reportedly engaged in the past six months ($M = 2.14$, $SD = 2.31$; $\alpha = .75$).

Procedure

At the beginning of the NHYS, participants were recruited through five high schools and seven middles schools in several communities throughout New Hampshire. Participants were sixth graders and ninth graders at wave one and were surveyed as part of the study at 6-month intervals (each fall and spring) in mass collection session at their schools for the first six waves of the study. Starting in wave seven, as the older cohort began to graduate from high school, the survey administration moved to an online format and participants were surveyed at 1-year intervals (each fall) for the remainder of the study, through wave 10.

In the NHYS wave 10 data collection, participants were sent a solicitation email and postal letter inviting them to participate in the survey. In the correspondence, participants were provided the survey URL and their unique study ID number to use when completing the survey. Surveys were conducted through Qualtrics, an online survey creation and administration platform. At the beginning of each survey, participants completed a consent form and provided their unique study ID number before being directed to the survey material. Parental assent was given for all participants at the beginning of the NHYS study. ID numbers were used to connect participant data across each survey wave. Each survey took approximately 20–30 min to complete and after participants completed the survey, they were taken to a separate page to provide their contact information for future correspondence and participant compensation distribution. Participants were compensated for participating in each wave with a \$20 gift card.

Analytic strategy

Due to its nature as a discrete count variable, the RVB measure tends to be positively skewed, over dispersed, and zero-inflated as indicated in prior legal socialization model research (e.g., Cohn et al., 2012; Cole et al., 2021; Trinkner et al., 2012; Trinkner & Cohn, 2014). Such distributions are common among count variables and violate several assumptions of OLS linear regressions but are appropriately modelled by negative binomial regressions (Dobson & Barnett, 2018; Hilbe, 2011; Warner, 2020). Preliminary data screening revealed the expected negative binomial distribution of the wave 10 RVB measure, raising issues with using RVB as an endogenous dependent variable in maximum likelihood estimation (MLE)-based SEM analyses.

To address this issue, we used STATA 15 Generalized Structural Equation Modeling (GSEM) software, which allows for non-parametric paths and mixed path types in path analyses. Using GSEM, we created a model with negative binomial paths to the RVB variable and gaussian paths to the mediating variables (see Figure 1). However, GSEM has several limitations to SEM path analysis, including limited model fit indices, an inability to estimate indirect effects for mixed path types (e.g., a path is gaussian and b path is negative binomial), an inability to produce standardized coefficients or effect sizes, and an inability to impute missing values within the analysis. Therefore, we chose to use GSEM to test the complete model, which included all paths in the model and AIC/BIC fit indices and employed alternative methods to calculate other standard fit indices, standardized coefficients, and to estimate indirect effects.

To provide commonly reported fit indices, the RVB measure was dropped from a separately run partial model. The partial model analysis was only used to report commonly reported fit indices and the remaining analyses relied on the full GSEM model described above. The partial model, comprised entirely of gaussian paths, was able to be calculated using maximum likelihood estimation method and produce all standard fit indices (see Trinkner et al., 2020). Additionally, this allowed us to retrieve standardized path coefficients for gaussian paths.

To calculate the indirect effects for the full model, we employed the R package *medflex* which uses the modern counterfactual approach to path analysis capable of estimating indirect effects in models with mixed gaussian and negative binomial path types (Lange et al., 2012; Muthén et al., 2017; Steen et al., 2017; Valeri & VanderWeele, 2013; Vansteelandt et al., 2012). The counterfactual framework is a recent seminal advancement in mediated path analyses that is algebraically related to Baron and Kenny's (1986) product of coefficients method but has the added advantage of not being limited to linear models and is compatible with models predicting skewed count (negative binomial distributed) outcomes.

Medflex estimates the natural total effect (NTE), which is then decomposed into the natural direct effect (NDE) and natural indirect effect (NIE) using nested counterfactuals, to identify causal pathways. We used the imputation method to calculate the natural direct effect (NDE) and natural indirect effect (NID), in this case using a negative binomial link function. Using this method, the NDE represents the expected change in outcome produced by exposure (i.e., allowing the predictor to vary) while the mediator is set to the value of being naturally unexposed (i.e., fixed at 0). The NID represents the expected change in outcome if unexposed (i.e., the predictor is held constant at 0) while the mediator reflects exposure (i.e., is allowed to vary) (NIE; Muthén et al., 2017; Preacher & Hayes, 2004; Steen et al., 2017; Valeri & VanderWeele, 2013). The counterfactual framework has been utilized extensively for estimating indirect effects for mixed path type models in other disciplines such as public health (Lange et al., 2012), and, given the limitations of traditional path analysis techniques, has started to gain traction in legal and social science research (e.g., Augustyn, 2015; Choy et al., 2017).

Because general linear models tend to have downwardly biased standard errors of indirect effects (see Steen et al., 2017), bootstrapping was used to estimate standard errors for indirect effects (using 5000 repetitions). In the case of the present study, the working model used a regression mean imputation-based approach as recommended by Vansteelandt et al. (2012). Unlike the original product of coefficients method (Baron & Kenny, 1986), *medflex* has the added advantage of not requiring bias correction for non-normal indirect effect distributions due to the use of non-parametric bootstrapping (Steen et al., 2017). By combining these various approaches, we provide a comprehensive assessment of our model.

RESULTS

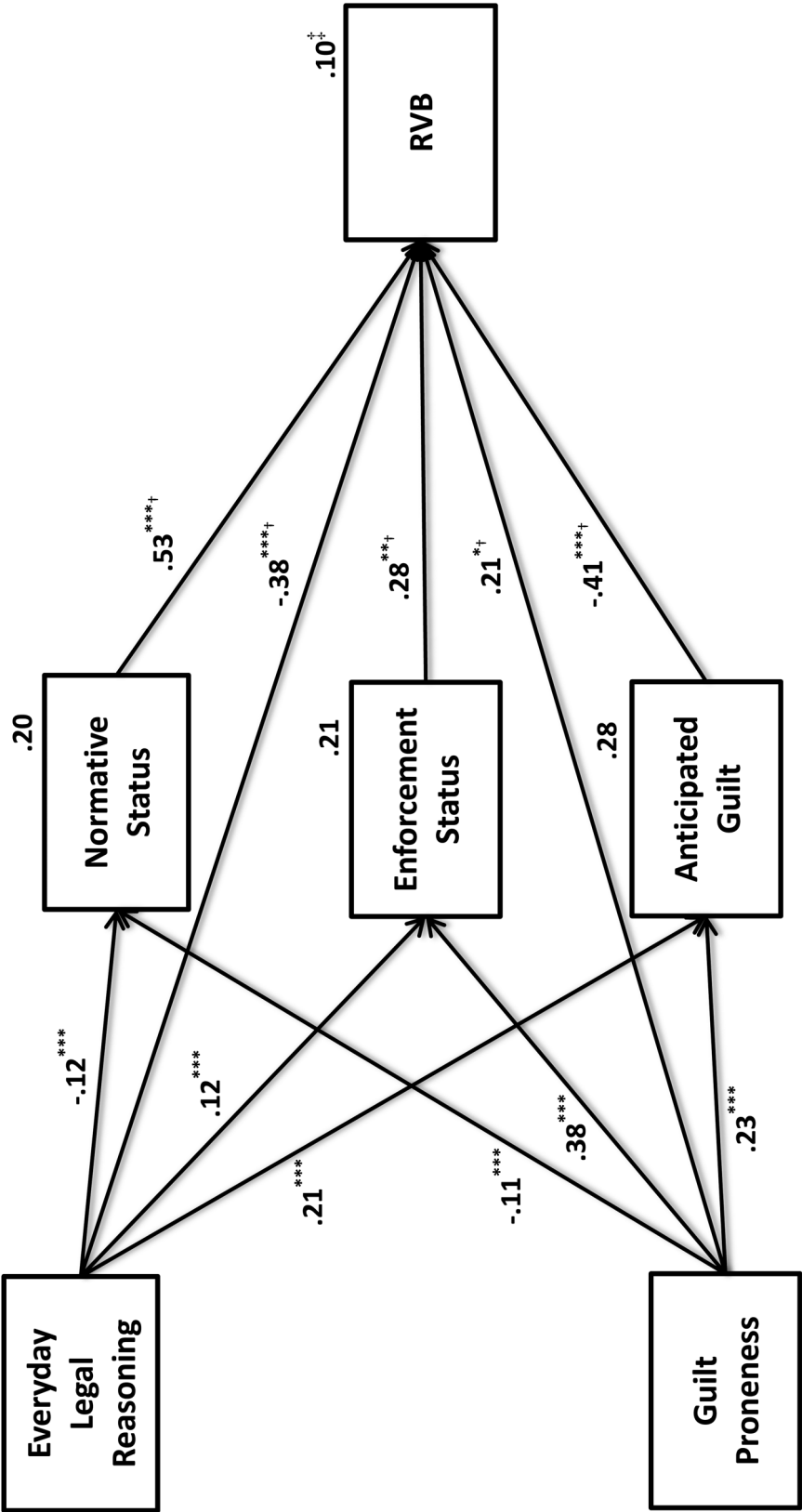
The hypothesized model, along with control variables for sex, cohort (original middle school, high school sample) as a proxy for age, and family wealth as a measure of SES, was tested using STATA 15 GSEM. Some control variables were not significant, and analyses were performed with and without these variables to confirm that results remained consistent. Results did not differ and analyses with the controls included are reported. The ICLS model variable results were mostly consistent with previous research on the model (see Figure 2). Everyday legal reasoning (ELR) was significantly predictive of the two original mediators of the ICLS model: normative status, $b = -.12$, $p < .001$, and enforcement status, $b = .12$, $p < .001$. Moreover, ELR, $b = -.38$, $p < .001$, normative status, $b = .53$, $p < .001$, and enforcement status, $b = .28$, $p = .002$, all significantly predicted RVB. The only inconsistency with previous research on the ICLS Model was the positive association between enforcement status and RVB, which had been a negative association in previous studies. Enforcement status was only positively associated with RVB in the full model and showed a negative association at the bivariate level, $b = -.17$, $p = .045$, consistent with findings from previous studies.

The addition of guilt proneness and anticipated guilt into the model showed evidence for successful integration into the model. Guilt Proneness significantly predicted all three mediators in the anticipated directions. It showed a positive association with enforcement status, $b = .38$, $p < .001$, and anticipated guilt, $b = .23$, $p < .001$, and a negative association with normative status, $b = -.11$, $p < .001$. Guilt proneness also had a significant direct relation with RVB, $b = .21$, $p = .010$, although it was positive in nature. Similar to enforcement status, this positive relation was only found in the full model and bivariate analysis showed a negative, although non-significant, relation, $b = -.14$, $p = .076$. Anticipated guilt showed support as a mediator in the combined model. ELR was a significant positive predictor of the anticipated guilt mediator, $b = .21$, $p < .001$, and anticipated guilt was a significant negative predictor of RVB, $b = -.41$, $p < .001$ (see Table 1 for full results). In order to assess model fit, RVB was dropped from the model and the remaining variables were reanalyzed using MLE. The hypothesized model with RVB removed showed perfect model fit, due to all paths being estimated, leaving no degrees of freedom, $\chi^2(0) = .00$, $p < .001$, CFI = 1.00, TLI = 1.00, RMSEA = .00 (90% CI: .00–.00), PCLOSE < .001.

The indirect effects through anticipated guilt, normative status, and enforcement status to RVB were estimated with the counterfactual approach using the R package *medflex* (see Table 2 for results; Steen et al., 2017). Results indicated a significant indirect effect of ELR, on RVB through normative status, $b = -.04$, $p = .021$, and anticipated guilt, $b = -.07$, $p = .004$. Additionally, guilt proneness showed a significant indirect effect on RVB through enforcement status, $b = .04$, $p = .015$.

DISCUSSION

The current study was the first attempt to incorporate emotion into the ICLS model and one of few studies to consider the contributions of emotion to the study of legal socialization overall. We hypothesized that the measures of guilt proneness and anticipated guilt would fit in parallel with the existing ICLS model. We also hypothesized that both guilt proneness and anticipated guilt would integrate into the model, with guilt proneness functioning as a predictor and anticipated



AIC = 3384.82, *BIC* = 3526.37, *N* = 474

FIGURE 2 Model of guilt in the integrated legal socialization model results *AIC* = 3384.82, *BIC* = 3526.37, *N* = 474 Note: Control variables and covariances have been omitted from the figure to ease presentation. All coefficients are unstandardized. **p* < .05, ***p* < .01, ****p* < .001. †Negative binomial coefficients; ‡McFadden's pseudo *R*²

TABLE 1 Guilt and the integrated legal socialization model coefficients

	Anticipated guilt			Normative status			Enforcement status			RVB [†]	
	β	b (SE_b)	95% CI	β	b (SE_b)	95% CI	β	b (SE_b)	95% CI	IRR	95% CI
Everyday legal reasoning	.38***	.21 (.02)	.16, .25	-.33***	-.12 (.02)	-.15, -.09	.20***	.12 (.03)	.07, .17	.68***	-.48, -.28
Guilt proneness	.23***	.23 (.04)	.15, .31	-.17***	-.11 (.03)	-.17, -.05	.35***	.38 (.05)	.29, .47	1.23*	.05, .37
Anticipated guilt	—	—	—	—	—	—	—	—	—	.67***	-.57, -.25
Normative status	—	—	—	—	—	—	—	—	—	1.69***	.29, .76
Enforcement status	—	—	—	—	—	—	—	—	—	1.32**	.10, .46
Sex	-.03	-.03 (.04)	-.12, .06	.05	.04 (.03)	-.04, .10	-.03	-.04 (.05)	-.14, .06	.88	-.28, .03
Cohort	.09*	.10 (.04)	.02, .19	-.06	-.05, (.03)	-.14, .01	-.02	-.02 (.05)	-.12, .08	1.25**	.07, .38
Family wealth	.03	.02 (.02)	-.03, .06	-.08	-.03 (.02)	-.07, <.01	-.02	-.01 (.03)	-.07, .04	.95	-.14, .03
Constant	.48			1.54			.45			1.63	
R ²	.28			.20			.21			.10 [‡]	

Note. -2 Log Likelihood = -1658.41, AIC = 3384.82, BIC = 3526.37, $N = 474$, $df = 34$, IRR = incident rate ratio; [†]Negative binomial regression paths; [‡]McFadden's pseudo R^2 ; p -values were calculated from unstandardized coefficient estimates for all outcomes, asterisks are affixed next to the standardized and IRR estimates to increase readability. * $p < .05$. ** $p < .01$. *** $p < .001$.

TABLE 2 Indirect effects for full paths to RVB in the integrated cognitive legal socialization model

Mediated path		Direct effect		Indirect effect		Total effect	
		<i>b</i> (<i>SE_b</i>)	95% CI	<i>b</i> (<i>SE_b</i>)	95% CI	<i>b</i> (<i>SE_b</i>)	95% CI
ELR→RVB	via NS	-.38***(.05)	-.48, -.28	-.04* (.02)	-.07, <.01	-.42***(.06)	-.52, -.31
	via ES	-.38***(.05)	-.48, -.28	.02 (.01)	<.01, .05	-.36***(.06)	-.46, -.25
	via AG	-.38***(.05)	-.48, -.28	-.07* (.02)	-.12, -.02	-.45***(.05)	-.55, -.35
GP→RVB	via NS	.21* (.09)	.02, .38	-.02 (.02)	-.06, .02	.11* (.06)	.00, .22
	via ES	.21* (.09)	.02, .38	.07* (.03)	.01, .14	.28* (.09)	.09, .46
	via AG	.21* (.09)	.02, .38	-.08 (.04)	-.15, <.01	.13 (.09)	-.06, .31

Note. ELR = everyday legal reasoning, GP = guilt proneness, NS = normative status, ES = enforcement status, AG = anticipated guilt. * $p < .05$. ** $p < .01$. *** $p < .001$.

guilt as a mediator. The results of the current study largely supported our hypotheses, with few exceptions.

Guilt proneness was significantly related to all three mediators in the expected directions and directly related to RVB, although in the opposite direction as expected. This might be due to parsing of shared variance with other variables in the model, as the bivariate relation between guilt proneness and RVB was in the expected direction, although not significant. This highlights a potential complex relation of guilt proneness with engagement in RVB. It could be that the other guilt measure in the model, along with the ICLS model variables accounted for the majority of the negative portion of the relation between guilt proneness and RVB. This could have left behind only variability related to overlap with other moral emotion traits, perhaps shame, which is a more maladaptive moral emotion and often found to be positively related to RVB (Dearing et al., 2005; Stuewig & Tangney, 2007; Stuewig et al., 2010, 2015; Treeby & Bruno, 2012).

Tests of indirect effects indicated that enforcement status was the only mediator to partially mediate the relation between guilt proneness and RVB, suggesting that guilt proneness might be linked to attitudes about punishment in particular. Interestingly, enforcement status also showed a positive relation with RVB in the model but was negatively related at the bivariate level. This suggests a suppression type effect on this path similar to the effect observed for guilt proneness, resulting in the change in direction. Overall, the mediated path from guilt proneness to RVB through enforcement status is an intriguing finding.

Perhaps this path represents an identified link between guilt proneness and more punitive attitudes for specific types of behaviors, but not others. Unfortunately, using the current combined measure of RVB may prohibit examining these attitudes in a more nuanced way. For example, participants might have strong feelings toward punishment for assault offenses yet find substance use perfectly acceptable and frequently engage in a variety of substance use behaviors. Further investigation is needed to replicate this finding and examine the intricacies and potential underpinnings of this emotion pathway to RVB. For the final pathways, anticipated guilt, along with normative status, partially mediated the relation between everyday legal reasoning and RVB and was overall a strong predictor of RVB.

This was a preliminary examination of emotion in legal socialization using cross-sectional data and only a single type of emotion considered. We chose a moral emotion, guilt, as the initial emotion to introduce into a legal socialization model for two reasons. First, guilt has a large body of literature to support a relationship with delinquency (Tangney et al., 2007a, b; Stuewig et al.,

2010, 2015). Second, as a moral emotion, there is also literature to suggest a connection between guilt and moral reasoning (Tangney et al., 2007b; Tracy & Robins, 2007). Although our analysis showed support for guilt proneness as predictor with reasoning and anticipated guilt as mediator with normative attitudes in parallel with the ICLS model, there are conflicting theories of how and at what point moral emotions contribute to reasoning and attitudes (Baird, 2008; Lazarus & Lazarus, 1994; Nussbaum, 2001).

Other theoretical frameworks might have suggested an alternative sequential modeling of emotion in the ICLS model. Haidt (2001, 2003) suggest that emotion, particularly moral emotions, are intuitive in nature. In Haidt's view, moral emotions proceed cognitive-based reasoning about moral issues. Therefore, Haidt's (2001, 2003) theory would suggest that the measure of guilt proneness in our current study precedes the reasoning components of the ICLS model. Our results supported a more reciprocal approach whereby reasoning and emotion might be related yet work in parallel. Additional research, particularly utilizing longitudinal data and other measures specifically targeting intuitive emotional responses, will need to be conducted to determine which of the two theories is best supported in the legal socialization process. Overall, more theory needs to be developed to understand where and why emotion should fit into legal socialization and also to explain how these constructs are interacting, as in the case with our unexpected findings.

Limitations

The current study provided an initial test of emotion in an existing legal socialization model; however, our examination had several important limitations to note. First, we restricted our study to only one theoretical model, the ICLS model, and one emotion, the moral emotion of guilt. Although the presented findings provide a proof of concept for including emotion in legal socialization, it was only the first step in introducing an emotion component into the study of legal socialization overall. Future research needs to include other and more prominent models of legal socialization, such as the procedural justice model, and other types of emotion.

The current study used data from an existing source for which a key variable in the ICLS model was not available, moral reasoning. Although the study findings remained mostly consistent with hypotheses for the full model, it will be important to replicate our findings with data from the full model to assess how moral reasoning relates to guilt in the legal socialization framework. Moreover, the data was cross-sectional which limited our ability to determine how variables might change and influence each other over time. Further research needs to use longitudinal data to replicate the results of the current study and confirm the identified model structure. This would also provide the ability to test alternative theories of the model structure, such as whether moral emotions should precede reasoning. Overall, more theoretically driven approaches are needed, as theories of emotion in legal socialization are developed. In that effort, we have provided some preliminary lines of inquiry for some of these models and emotions for additional avenues of exploration.

Future directions

Emotion may play a very different role in other models of legal socialization, such as the procedural justice model, than it does in the cognitive-based models of legal socialization, as the focus is on social interactions with legal authorities (Tyler, 2006; Tyler & Jackson, 2014; Tyler & Trinkner,

2016) and not internal reasoning processes. The existing procedural justice model of legal socialization posits that perceptions of treatment by legal authorities and whether that treatment is fair leads to perceptions of legitimacy toward those authorities and cynicism toward the legal system (Tyler, 2006; Tyler & Jackson, 2014; Tyler & Trinkner, 2016). Emotion might fit in to the evaluation of the interactions with police and contribute to formation of legitimacy attitudes and cynicism.

In the last decade of procedural justice research, the conceptualization of legitimacy of authority has shifted to include normative alignment. Normative alignment is the consideration of whether the authority of interest aligns with or shares one's moral and ethical principles. When individuals believe in the legitimacy of authorities it is, at least in part, because those authorities and the law reflect the moral values of the individual (Jackson, 2018; Jackson et al., 2012). This comparative appraisal likely requires an understanding of one's intuitive emotions and moral judgments in determining set values, making moral emotions and reasoning reflective and antecedent components of legitimacy. Procedural justice—the perception of fairness in treatment by an authority—which precedes and directly influences the formation of legitimacy, is likely influenced by emotion as well. Particularly, when treatment is viewed as unfair, basic emotions, such as anger, fear, pride, and disgust might help shape the interpretation of the interaction with the authority (Karstedt, 2008). This relationship could be explained by the cognitive appraisal model of emotion, whereby a series of appraisals produce a multidimensional emotional response (Cropanzano et al., 2003; Weiss et al., 1999).

Using the appraisals framework, basic emotions might follow the evaluation of the outcome and perceived fairness of the interaction, suggesting that emotions might fit in between the perception of procedural fairness and the formation of legitimacy attitudes in the procedural justice model of legal socialization. Therefore, one possible avenue of future research is the potential role of basic emotions, such as anger, as mediators between procedural justice and legitimacy in the causal pathway towards delinquency. Basic emotions may also play a role in other downstream constructs, such as obligation to obey authority (Fine & van Rooij, 2021) through similar mechanisms. In addition to basic emotions, moral emotions could play a reflective role in reference to the reason for the interaction (i.e., is there something that has precipitated this interaction for which I should feel guilty or ashamed), which likely follows more of the psychological proneness conceptualization. They could also play a role in response to the interaction itself (e.g., feelings of public shaming), which would follow the criminological conceptualization of moral emotion, and likely also lead to the occurrence of other basic emotional responses, such as anger (Agnew, 2014; Rebellon et al., 2012).

While we have outlined several avenues for future exploration and integration of emotion into existing legal socialization models, this is in no way complete or comprehensive. There are plentiful theories of emotion in legal research and fields outside of the legal realm which might contribute to a basic theoretical framework for how emotion affects the legal socialization process. Our goal was to bring attention to this overlooked component and begin the conversation about how to address emotion in legal socialization research. With rich emotion literature from which to draw, there are many paths legal socialization researchers can take moving forward. Whether future legal socialization researchers decide to incorporate emotion theories into existing models of legal socialization, as we have demonstrated here in our own research, or develop entirely new models and conceptualizations of legal socialization based on emotions, we hope that emotion becomes an important component of the legal socialization field moving forward.

CONCLUSION

The legal socialization field has shifted over its fifty years of existence from cognitive approaches focused on rational choice to the procedural justice models that dominate the field at present. Yet despite the changes in the field over time, it has mostly failed to acknowledge the importance of emotionality within the legal socialization process. Ultimately, there is extensive evidence to support the inclusion of emotion as a component in legal socialization, drawing from relevant areas related to the field, yet few legal socialization scholars have attempted to bridge this gap. We successfully introduced a model of guilt into the integrated cognitive legal socialization model, providing preliminary evidence for the role of emotion in legal socialization as it pertains to a cognitive-based model. Additional research is needed to expand on this initial finding and develop theories of how emotion affects the legal socialization process using some of the paths of exploration that we have outlined. We hope that other legal socialization researchers consider how emotion might fit in their conceptualizations of legal socialization into their future work.

CONFLICTS OF INTEREST

The authors have no known conflict of interest to disclose.

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