



The effects of priming legal concepts on perceived trust and competitiveness, self-interested attitudes, and competitive behavior

Mitchell J. Callan^{a,*}, Aaron C. Kay^b, James M. Olson^c, Novjyot Brar^d, Nicole Whitefield^e

^a Department of Psychology, University of Essex, Wivenhoe Park, Colchester CO4 3SQ, United Kingdom

^b Department of Psychology, University of Waterloo, Waterloo, ON, Canada N2L 3G1

^c Department of Psychology, University of Western Ontario, London, ON, Canada N6A 5C2

^d Department of Educational Psychology, University of Alberta, Edmonton, AB, Canada T6G 2G5

^e Department of Psychology, University of Calgary, Calgary, AB, Canada T2N 1N4

ARTICLE INFO

Article history:

Received 30 November 2009

Keywords:

Psychology of law
Psycho-legal
Self-interest
Interpersonal trust
Competitiveness
Legal consciousness
Priming

ABSTRACT

Socio-legal scholars have suggested that, as a ubiquitous social system, law shapes social reality and provides interpretive frameworks for social relations. Across five studies, we tested the idea that the law shapes social reality by fostering the assumptions that people are self-interested, untrustworthy, and competitive. In Studies 1 and 2, we found that people implicitly associated legal concepts with competitiveness. Studies 3–5 showed that these associations had implications for social perceptions, self-interested attitudes, and competitive behavior. After being primed with constructs related to the law, participants perceived social actors as less trustworthy and the situation as more competitive (Study 3), became more against a political issue when it conflicted with their normative self-interest (Study 4), and made more competitive choices during a prisoner's dilemma game when they believed that social relations were basically zero-sum in nature (Study 5). The implications and applications of these results are discussed.

© 2009 Elsevier Inc. All rights reserved.

Introduction

Scholars interested in psycho-legal studies have focused their research efforts on the applications of psychology to law. Much has been learned about the psychological processes involved in the various procedural aspects of the law and legal system, such as jury decision making, eyewitness memory, expert testimony, and courtroom persuasion (see Ellsworth & Mauro, 1998; Kapardis, 2003; Wrightsman, Greene, Nietzel, & Fortune, 2002). More recently, psychology and legal scholars have commented on how legal theory and practice may benefit from a better understanding of human psychology (see Darley, Fulero, Haney, & Tyler, 2002; Hanson & Yosifon, 2004; Ross & Shestowsky, 2003), and researchers have highlighted the importance of examining, for example, trust in legal authorities (Tyler, 2001) and the perceived legitimacy of the legal system (Tyler, *in press*; Tyler & Jost, 2007).

Without disputing the obvious importance of these previous approaches, in this paper we adopt a notably different perspective to studying the intersection between psychology and law. Namely, we suggest that the existence of law and the manner in which the Anglo-American legal system functions may shape everyday cognition and social relations. There is a burgeoning body of research on

legal consciousness, which is characterized as the conscious and non-conscious ways the existence of law and legal systems affect people in their everyday lives (e.g., Ewik & Sibley, 1998; Merry, 1990; Sarat, 1990; Silbey, 2005). Drawing on theorizing and research from social cognition and legal studies, we argue that people tend to associate legal concepts with competition and the pursuit of self-interest, which can affect social perceptions and judgments.

The Anglo-American legal system functions under the philosophy that the best way of eliciting the truth of a controversy is through confrontation (e.g., prosecution versus defense, plaintiff versus defendant) and the zealous pursuit of one's self-interests; therefore, people may come to mentally associate legal concepts with such competition and pursuit of self-interest. Further, the very existence of laws may influence perceptions of the motivations behind other people's behavior, which may have consequences for the development of interpersonal trust. For example, Peachey and Lerner (1981; Lerner 1982; see also Tapp, 1974) argued that the mere existence of a system of rules, sanctions, and laws designed to ensure that people act decently and cooperatively implicitly influences the attributions they render about others' and their own motivations and intentions—namely, that people are inherently self-seeking, cannot be trusted, and need be controlled from acting in selfish ways (cf. Deci, Koestner, & Ryan, 1999; Lepper & Greene, 1975).

For these reasons, we suggest that the "law" in its common understandings has become associated in people's minds with

* Corresponding author.

E-mail address: mcallan@essex.ac.uk (M.J. Callan).

notions of competition and the pursuit of self-interest. Thus, given research showing that the cognitive activation of abstract social constructs can influence social perception and behavior (Dijksterhuis, Chartrand, & Aarts, 2007; Higgins, 1996), we propose that bringing law-related concepts to mind for people can exert unconscious influences on social perceptions, attitudes, and behavior in accord with the mental constructs associated with law. If psychological representations of everyday legal concepts (e.g., law, legal, lawsuit, lawyer, judge, courts) are associated with the concepts of competition and self-interest—that is, if adversarialism and the pursuit of self-interest are a part of “legal consciousness”—then subtle activation of concepts related to the law should lead to construal of social situations, attitudes, and behavioral responses consistent with self-interestedness (cf. Kay, Wheeler, Bargh, & Ross, 2004). In the following paragraphs, we discuss in more detail why or how people might come to mentally associate legal concepts with competition and the pursuit of self-interest. We then describe our research relying on methodologies of social cognition supporting the idea that activating the “law” through priming procedures can, depending on various circumstances and individual differences, lead to: (a) perceptions that others are untrustworthy, (b) more extreme self-interested attitudes, and (c) more competitive behavior.

The adversary system

At the core of the adversary system of law, which is largely predominant in common law, English-speaking countries, is a process characterized by opposing sides or parties to controversies gathering evidence and advocating their respective positions during formal adjudicatory proceedings to a neutral and passive decision maker, which is generally a judge or jury (Cole, Frankowski, & Gertz, 1987; Glenn, 2004). The classic view of the adversary process is a zero-sum game. Particularly in litigation, disputants often assume that the legal process is “you against me” and “winner-takes-all”: one side is right, the other is wrong; one side wins, the other loses (Marshall, 1971; Maute, 1987). Indeed, in the adversary system, lawyers are expected to pursue their client’s interests with competitive zeal within the bounds of the normative rules of the legal “game” (Maute, 1987). It is perhaps not surprising, then, that metaphors of war (“cross swords”, “custody battle”) and sport (“play hardball”) pervade both lawyer speak and more everyday language about legal processes (O’Conner, 1999; Thornburg, 1995). The adversary system can be contrasted with the inquisitorial system (which is more common in continental European countries), whereby the legal process is less adversarial, lawyers play a smaller role, and legal fact-finding is generally left up to judges or magistrates (Cole et al., 1987; Glenn, 2004; Jolowicz, 2003).

Our purpose is not to argue the relative merits of the adversary system versus other legal systems (see Kagan, 1991, 2001), but to examine how the existence of an adversarial legal system can shape some people’s understandings of human nature (Lerner, 1982; Miller, 1999). The important point for our purposes is that the adversarial model of law adheres to the philosophy that justice is most likely to be served by *competition* and pursuing one’s *self-interest*. Indeed, “the adversary system is based on the assumption that the truth of a controversy will best be arrived at by granting competing parties, with the help of an advocate, an opportunity to fight as hard as possible. Few systems rely more on the self-interests of the participants” (Johnston & Lufano, 2001, p. 147).

Legal socialization

Legal socialization is the process through which people acquire their attitudes, beliefs, and knowledge of the law and legal system. Researchers interested in legal socialization have largely examined

how the law serves as a “moral educator” of social values and normative conduct within a society, and have examined the developmental factors involved in, for example, respect for legal authorities, law-abidingness, legal reasoning, and the perceived legitimacy of the law (e.g., Cohn & White, 1990; Fagan & Tyler, 2005; Melton & Saks, 1985; Tapp & Kohlberg, 1971). Legal socialization is believed to develop through contact with legal authorities, processes of cognitive and moral development, and direct and vicarious instruction from peers, families, and the larger community. One important way that people come to associate legal concepts with self-interest and competitiveness is through popular culture portrayals of the legal process.

Frequent and consistent media portrayals of the adversarial legal system—fictional or otherwise—undoubtedly contribute to people associating legal concepts with self-interest and competitiveness. Asimow (2007) notes:

Popular culture has taught us that the adversarial system uncovers the truth about past events. According to familiar pop culture narratives that we absorb from the cradle onward, lawyers working within an adversary system are champions of justice and liberty. . . Popular culture, therefore, may reinforce our belief in adversarialism and confer legitimacy on the adversary system (pp. 655–656).

Indeed, the news is replete with coverage of adversarial trial proceedings: popular crime and legal dramas depict adversarial, lawyer-driven legal processes (e.g., *Law and Order*); syndicated television courtrooms (e.g., *Judge Judy*) may foster the belief that litigation is a normative means of resolving disputes (Podlas, 2004, 2005); the relative frequency of tort litigation is overrepresented in popular media (Bailis & MacCoun, 1996); and even television and print advertisements for legal services often aim to convince consumers that the primary role of lawyers is to fight for their clients (including toll free numbers comprising the words “WE FIGHT,” “FIGHT IT,” or “UWIN”). Although most people have never entered a courtroom, many could describe the adversarial legal process and the particular role of contesting lawyers in the adversary system. There is good reason to believe, then, that common legal concepts will be associated in memory with self-interest and competitiveness (at least amongst constituents of nations that employ the adversary legal system).

At the same time, however, it is important to acknowledge that, even within an adversary legal system, not all areas of legal practice are *de facto* highly adversarial. Indeed, many fields of law (e.g., administrative law) involve legal practices that do not necessarily involve adversarial disputes (e.g., filing papers). Moreover, people’s experiences with the legal system in their everyday lives often do not involve the adversarial aspects of the legal system (e.g., following traffic signs, paying taxes, buying insurance, running small businesses, etc.). Nevertheless, the mass media tend to portray the more adversarial elements of the law and legal system, which, as we argue, may lead some people to mentally associate legal concepts with competition and the pursuit of self-interest. Our empirical interests, then, were in the mental associations people hold between common legal concepts and competition and the consequences of those associations for perceptions, attitudes, and behavior.

We hypothesize, then, that exposure to the law and legal system through the course of legal socialization may produce cognitive associations between legal concepts and notions of self-interest and competitiveness (Bargh, 1996, 2004), presumably because of the adversarial nature of the legal process. These mental associations may have implications for social judgments and behavior when people think about common legal concepts. Previous research outside the legal domain has shown that activated constructs, such as those

Download English Version:

<https://daneshyari.com/en/article/948455>

Download Persian Version:

<https://daneshyari.com/article/948455>

[Daneshyari.com](https://daneshyari.com)