

Toward the Development of a Multidimensional Legal Cynicism Scale

by

Faith Gifford

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Michael D. Reisig, Chair
Xia Wang
Kevin A. Wright

ARIZONA STATE UNIVERSITY

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ABSTRACT

Legal cynicism, a concept that reflects how individuals feel about the law, can be linked to different theoretical traditions. However, inconsistencies in the way legal cynicism is operationalized abound. This study aimed to develop a more complete and psychometrically-sound measure of legal cynicism. Factor-analytic procedures were used on a sample of 502 undergraduate university students to create the scale and to test its directional accuracy. Using promax-rotated principal-axis factor analysis, a 4-dimensional factor structure emerged—legal apathy, legal corruption, legal discrimination, and low legal legitimacy. The 21-item scale has a high level of internal consistency (Cronbach's $\alpha = .85$; mean inter-item $r = .58$). Results from ordinary least-squares regression models confirmed that the multidimensional legal cynicism scale is significantly correlated with criminal offending ($\beta = .34, p < .001$), net of low self-control and demographic characteristics.

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Criminologists have long been interested in the relationship between attitudes and law-violating behavior. Recently, the concept of “legal cynicism” has begun to receive increasing attention in criminal offending research (see, e.g., Fagan & Tyler, 2005; Reisig, Wolfe, & Holtfreter, 2011). Broadly speaking, legal cynicism reflects an individual’s negative beliefs about the law. More specifically, cynical people view the law as “illegitimate, unresponsive, and ill equipped to ensure public safety” (Kirk & Papachristos, 2011, p. 1191). Such beliefs are rooted in various theoretical traditions (e.g., neutralization, social control, and legal socialization). Regardless of the school of thought, however, individuals who are highly cynical are less likely to view the law as binding, and ultimately are less likely to comply with legal statutes.

The way in which legal cynicism is operationalized varies greatly from one study to the next. A variety of different survey items are used to construct legal cynicism scales. Perhaps the only thing legal cynicism studies have in common is that they all assume a unitary latent structure. One other feature is also fairly common: the reported estimates of internal consistency are typically low (i.e., Cronbach’s $\alpha \leq .60$; see, e.g., Piquero et al., 2005). While the latter necessitates that previously reported findings be interpreted with caution, the current state of the literature more generally points to the need for the development of a legal cynicism scale with strong construct validity.

This study advances legal cynicism research by accomplishing two research objectives. The first goal is to develop a multidimensional scale of legal cynicism with sound psychometric properties. The second goal is to empirically assess the directional accuracy of the new scale (i.e., test whether the scale is related to criminal offending in a multivariate context, net of other known correlates of crime). Cross-sectional survey data

from a university-based sample of 502 individuals are used to estimate factor-analytic models to construct a multidimensional legal cynicism scale. Linear regression models are used to test whether the new scale is a robust correlate of criminal offending. The broader objective of this study is not simply to develop a valid and reliable legal cynicism scale for criminologists investigating the link between attitudes and law-breaking behavior, but also to emphasize the need for good measurement of observed variables in crime and justice research.

Theoretical Origins of Legal Cynicism

The theoretical origins of legal cynicism are varied. In fact, the legal cynicism concept can be linked to at least three theoretical traditions: neutralization theory, social bond theory, and legal socialization theory. All three traditions place great importance on the connection between attitudes/beliefs and behavioral outcomes, such as criminal activity.

Neutralization Theory

Neutralization (or “drift”) theory posits that delinquency and crime occur because of rationalizations that individuals use to justify their involvement in behavior that conflicts with conventional beliefs and norms (Sykes & Matza, 1957). Although law breakers may adhere to similar moral positions as those who strictly comply with the law, the former still engage in crime and delinquency. Most offenders, according to the theory, understand that committing crime is wrong, and even feel shame and guilt. Techniques of neutralization help alleviate these negative feelings.

There are five rationalizations people learn through familial or peer networks to neutralize their feelings of guilt and shame following involvement in criminal or

delinquent activity (Sykes & Matza, 1957). These include: (1) denial of responsibility (*e.g., things are beyond their control*), (2) denial of injury (*e.g., no one was hurt*), (3) denial of the victim (*e.g., victim deserved it*), (4) condemnation of the condemners (*e.g., turning the tables*), and (5) appeal to higher loyalties (*e.g., for the good of the group*). Although additional rationalizations have been identified by other scholars, such as defense of necessity (Copes, 2003; Minor, 1981), the five advanced by Sykes and Matza are the most frequently cited by researchers.

The items used in survey research to capture rationalizations typically reflect cynical beliefs about the law. For example, Costello's (2000) test includes items such as "Most things that people call 'delinquency' don't really hurt anyone," "It is all right to get around the law if you can get away with it," and "Suckers deserve to be taken advantage of." Agnew (1994) uses similar statements, including "It's alright to beat up people if they started the fight," "It's alright to physically beat up people who call you names," and "If you don't physically fight back, people will walk all over you." Other studies tailor rationalizations to fit the specific type of criminal behavior under study. For example, Piquero, Tibbetts, and Blankenship (2004) present neutralizations that corporate criminals might use. However, regardless of the slight variations that can be identified in survey items used to reflect neutralizations, the items generally reflect cynical attitudes about crime and crime-related subjects (*e.g., victims*) that clearly depart from a majority view.

Social Bond Theory

Although Hirschi (1969) did not use the term legal cynicism, some of the ideas in contemporary legal cynicism research can be traced back to Hirschi's definition of

“belief”—the moral component of the social bond. Beliefs reflect an individual’s values for conventions. There is, according to Hirschi, an inverse relationship between beliefs and delinquency. The less an individual believes that rules should be obeyed, the more likely he or she will violate those rules. In other words, the absence of strong beliefs makes delinquency increasingly possible. In contrast, prosocial beliefs help individuals avoid undesirable behaviors in the absence of other bonds.

Hirschi’s (1969) version of social control theory (or social bond theory) also places great importance on familial bonds. Strong attachments to parents lead to stronger controls. Therefore, individuals who are strongly attached to their parents are less likely to engage in delinquency. Although Hirschi is not always clear on the origins of social bonds, he does posit that belief is a product of intimate relationships, “especially in most cases the parents” (p. 200).

Two survey items that are said to reflect beliefs are included in Hirschi’s (1969) classic study: “I have a lot of respect for the Richmond police” and “It is alright to get around the law if you can get away with it” (pp. 202-203). He also included neutralization items, arguing that beliefs favorable to crime result because of weak attachment and commitment. Thus, it may be that cynical beliefs are merely a rationalization for an individual’s place in conventional society (p. 203). Negative views toward the law in this portion of Hirschi’s study include items that reflect personal responsibility for one’s actions (e.g., “Most criminals shouldn’t really be blamed for the things they have done”), the acknowledgment of social harm caused by one’s actions (e.g., “Most things that people call ‘delinquency’ don’t really hurt anyone”), and the “relative culpability” of the thief and careless owner (e.g., “The man who leaves his keys

in the car is as much to blame for its theft as the man who steals it”). Hirschi explains that the individual who is bonded to societal conventions should not be able to neutralize feelings of guilt; such neutralizations reflect weak attachments.

Neighborhood-level Research

The effect of legal cynicism has also been studied across urban neighborhoods. This research suggests that neighborhoods that are economically disadvantaged and racially segregated are more likely to have residents with unfavorable attitudes toward the law (Sampson & Bartusch, 1998). At the neighborhood level, legal cynicism has been linked to lower levels of informal social control (or “collective efficacy”; see Kirk & Matsuda, 2011) and higher rates of homicide (Kirk & Papachristos, 2011).

Many of the neighborhood-level studies assessing legal cynicism have used survey data from the Project on Human Development in Chicago Neighborhoods and operationalize legal cynicism by aggregating the following items: “Laws are made to be broken,” “It’s okay to do anything you want as long as you don’t hurt anyone,” “To make money, there are no right or wrong ways anymore, only easy ways and hard ways,” “Fighting between friends or within family is nobody else’s business,” and “Nowadays a person has to live pretty much for today and let tomorrow take care of itself” (see Sampson & Bartusch, 1998, p. 786). Although studying the antecedents and consequences of legal cynicism across urban landscapes is informative and interesting, evidence from multi-level models indicates that only a small amount of variance in legal cynicism (about 6% by Sampson & Bartusch’s estimation) lies between neighborhoods. The remainder of the variation exists across individuals, which is the level of analysis adopted by this study.

Legal Socialization Theory

Legal socialization is the process of internalizing social norms and values about legal authorities and institutions of formal social control (Tyler, 1990). This process may be direct via personal experience or vicarious (i.e., through the accounts of others, especially parents and peers). In early life, experiences with nonlegal authority figures shape attitudes toward the law. These authority figures include individuals like teachers and parents (Tapp & Levine, 1974; Trinkner & Cohn, 2014). Direct experience with the law, such as interactions with the police and courts, is arguably more important than the vicarious experiences of friends and family as the socialization process unfolds. Research consistently finds that legal socialization is highly influenced by procedural justice judgments (see Fagan & Tyler, 2005). Procedural justice is said to consist of two components: (1) quality of decision making, and (2) quality of interpersonal treatment (Reisig, Bratton, & Gertz, 2007; Sunshine & Tyler, 2003). Individuals whose interactions with legal authorities (e.g., police and courts) can be characterized as procedurally just are more likely to express attitudes that are more favorable toward the law (e.g., lower levels of legal cynicism) and legal authorities (e.g., higher levels of police legitimacy).

Contemporary legal cynicism research frequently uses Sampson and Bartusch's (1998) scale. Although the nature of the scale varies little across studies, the types of samples used differ greatly. For example, Fagan and Tyler (2005) evaluate the correlates of legal cynicism using data from 10 to 16 years olds residing in New York City. Reisig, Wolfe, and Holtfreter (2011) test the effect of legal cynicism on self-reported criminal offending, net of low self-control, using a university-based sample. Piquero et al. (2005) evaluated the developmental trajectory of legal cynicism over time using a longitudinal

sample of serious adolescent offenders. Finally, data from the New Hampshire Youth Survey were used by Trinker and Cohn (2014) to test whether legal cynicism mediates the relationship between procedural justice and rule violations.

Other studies, such as Tyler and Huo (2002) and Gau (2014), take a different approach to operationalizing legal cynicism. For example, Tyler and Huo sample residents who had recent contact with legal authorities (i.e., police and courts) in Los Angeles and Oakland to obtain information on their attitudes, values and experiences. Their legal cynicism measure contained three items: “The law represents the values of people in power rather than the values of people like me,” “People in power use the law to try to control people like me,” and “The law does not protect my interests.” Gau (2014) tests whether cynicism mediates the link between legitimacy and procedural justice using mail survey data from residents of a city in Florida. Gau’s cynicism scale included the following: “Laws protect everyone equally” (reverse scored), “People with money and power can get away with anything,” “Politicians only care about getting re-elected,” “Anyone can get ahead if they try hard enough” (reverse scored), and “Powerful people use law to disadvantage powerless people.”

The legal socialization approach to the study of legal cynicism at the individual level is where the lion’s share of empirical attention is currently focused. This study intends to contribute to this rapidly growing literature by making improvements to the measurement of legal cynicism, which is the subject to which the focus now turns.

Measuring Legal Cynicism

Assessing the construct validity of multi-item scales in the social sciences is important. One popular statistical tool used by researchers is Cronbach’s alpha (α), a

well-known measure of internal consistency. Nunnally (1978) reports that alpha coefficients of .70 or higher are acceptable. However, other researchers indicate that solely relying on alpha estimates to assess the fitness of scale is simply not adequate. For example, Reisig et al. (2007) explain that alpha coefficients typically increase as the number of indicators in the scale increase, thus making the scale appear more reliable than it actually is. Additionally, researchers warn that scales with too few items may lack validity and internal consistency (Kenny, 1979; Nunnally, 1978). Therefore, the lessons appear to be twofold: (1) scale construction should employ a healthy number of items so that psychometric properties may be evaluated, and (2) additional scale construction statistics, such as mean inter-item r , should be reported to ease concerns with the reliability of alpha coefficients.

Within the contemporary legal cynicism literature, measures frequently lack internal consistency. Furthermore, there appears to be two main legal cynicism scales (Sampson & Bartusch, 1998; Tyler & Huo, 2002), although a new scale has emerged more recently (Gau, 2014). Table 1 lists various studies that use a legal cynicism scale in a multivariate context, primarily at the individual level. Studies testing the relationship between legal cynicism and criminal offending use a variety of outcome measures, including self-reported offending (Fagan & Piquero, 2007; Fagan & Tyler, 2005; Lee et al., 2011; Nivette et al., 2015; Reisig et al., 2011), drug dealing (Little & Steinberg, 2006), prior arrest (Piquero et al., 2005), rule-violating behavior (Trinkner & Cohn, 2014), and compliance (Tyler & Huo, 2002). In all cynicism-crime studies, the relationship is statistically significant and in the expected direction. Although some of the studies included in Table 1 did not test the association between legal cynicism and

criminal activity, cynicism was linked to the outcome measure of interest in the manner hypothesized (see Arsenio et al., 2012; Frye, 2007; Gau, 2014; Mulvey et al., 2010; Sampson & Bartusch, 1998).

TABLE 1: Individual-Level Legal Cynicism Scales

Study Author(s)	Year	# of Items	Relation to Offending	Cronbach's α
Arsenio et al.	2012	4	n/a	NR
Fagan & Piquero	2007	5	Sig	.57
Fagan & Tyler	2005	5	Sig	.74
Frye	2007	2	n/a	.77
Gau	2014	5	n/a	NR
Lee et al.	2011	5	Sig	.80
Little & Steinberg	2006	5	Sig	.59
Mulvey et al.	2010	5	n/a	.60
Nivette et al.	2015	6	Sig	.70/.73 ^b
Piquero et al.	2005	5	Sig	.60
Reisig, Wolfe, & Holtfreter	2011	4	Sig	.54
Sampson & Bartusch ^a	1998	5	n/a	NR
Trinkner & Cohn	2014	5	Sig	.74/.80 ^c
Tyler & Huo	2002	3	Sig	.70

Note: n/a indicates legal cynicism was not tested with offending or compliance. NR indicates α not reported.

^a Individual-level measure of legal cynicism used in a multilevel context.

^b Measured at two points in time.

^c Two legal cynicism measures from independent samples used in study.

Alpha coefficients for legal cynicism scales are also listed in Table 1. Existing scales of legal cynicism range from a low of two items to a high of six items. Alpha estimates range from a low of .54 to a high of .80. Put differently, the alpha coefficients in five of the studies listed in Table 1 do not meet the traditional .70 threshold, and another three studies do not report alpha estimates. On the face of it, there appears to be

room for improvement with regard to how criminologists measure and report legal cynicism.

In addition to weak measurement, very few studies test for the dimensionality of legal cynicism. Factor analysis is a useful tool for determining scale properties of latent constructs. Reisig et al. (2011) used a promax-rotated principal-axis factor model to confirm that legal cynicism and legitimacy were two distinct concepts. Gau (2014) employed confirmatory factor analysis to determine if the items used to measure legal cynicism, legitimacy, procedural justice and obligation to obey all fit into distinct factors. What is currently unknown is how well the items in different legal cynicism scales compare to each other. Testing dimensionality may provide insight into the depth of legal cynicism.

The Consequences of Legal Cynicism

Legal cynicism has most often been used in tandem with legitimacy to study offending. It is well understood that legal cynicism and legitimacy are inversely related—individuals high in cynicism have more negative legitimacy perceptions. These same individuals are also more likely to engage in offending behaviors (Fagan & Piquero, 2007; Gau, 2014; Reisig et al., 2011). For example, using data from two cohorts in the New Hampshire Youth Study, Trinkner and Cohn (2014) found that both cynicism and legitimacy were related to increased rule violation. And although their model differed for younger and older cohorts (i.e., procedural justice was a stronger predictor of rule violating behavior for the younger cohort than the older cohort), the direction of the relationship between cynicism and rule breaking remained consistent.

Although legitimacy has received more attention than legal cynicism, some studies have focused on the link between offending and legal cynicism with other concepts. Nivette, Eisner, Malti, and Ribeaud (2015) found that self-reported delinquency at the age of 14 was the strongest predictor of legal cynicism at age 15. Drawing from neutralization theory, the authors argue that cynicism is a way to justify prior violations of the law. Little and Steinberg (2006) found that psychosocial maturity influenced legal cynicism such that higher levels of psychosocial maturity were related to lower levels of cynicism, and thus decreased involvement in delinquency (also see Lee et al., 2011).

Tyler and Rankin (2011) outline the importance of developing positive beliefs toward the law with regard to offenders and recidivism. They argue that changing moral values from negative to positive enhances self-regulation and may be the most effective option for controlling offender behaviors. Tyler and Rankin explain that an important element of belief is a feeling of obligation to act in accord with personal values and feeling guilty when one does not. Legitimizing authority and reducing cynicism may be an influential strategy for desisting from criminal offending. Very few studies have tested this connection between legal cynicism and recidivism. One study has found a link between prosocial beliefs and the likelihood of recidivating. Individuals who are less cynical are less likely to recidivate (Rocque, Bierie, Posick & MacKenzie, 2013).

In addition to offending and recidivism, legal cynicism has been tested in a variety of other contexts. Lee et al. (2011) studied how ethnic identity is related to perceptions of legitimacy and legal cynicism. In their study, they found that those high in psychosocial maturity and ethnic identity report lower legal cynicism. Arsenio et al. (2012) used legal cynicism to assess aggressive tendencies and interpersonal fairness.

They found that reactive aggressive tendencies (described as a violent reaction, such as anger or a physical response, to a perceived threat) was associated with higher levels of cynicism. Furthermore, compared to individuals low in cynicism, individuals high in cynicism felt less negative emotion following their victimization of another individual. The underlying theme among these studies is that legal cynicism is negatively related to a host of prosocial outcomes, much like other known correlates of individual-level criminal activity (e.g., low self-control, see Tangney, Baumesiter, & Boone, 2004).

Current Focus

The primary objective of this study is to develop a psychometrically-sound multidimensional measure of legal cynicism. Contemporary scales vary considerably in terms of their measurement quality (e.g., internal consistency) and very little effort has been directed toward exploring the underlying dimensions, perhaps because the scales are typically parsimonious (i.e., consist of 5 or fewer items). To address these measurement concerns, this study uses cross-sectional survey data from a university-based sample to estimate factor-analytic models to identify a multidimensional legal cynicism scale. Not only is the construct validity of the new scale assessed, but the scale's directional accuracy is also tested. More specifically, self-reported criminal offending is regressed onto legal cynicism and other known correlates of crime.

Method

Data

This study uses cross-sectional survey data from students aged 18 and older at a large university in the southwestern United States. The surveys were distributed to 10 introductory undergraduate courses and 2 upper-level undergraduate criminal justice

courses during the fall 2014 and spring 2015 semesters. Prior to distributing the survey, students were told that their participation was voluntary, their responses were anonymous, and were instructed to place the survey into a sealed box at the end of the survey period regardless of whether they decided to participate. This is consistent with IRB-approved protocol. The survey took about 30 minutes to administer. In total, 507 students were invited to participate. There were 5 refusals, resulting in a 99% participation rate. Initially, 1.27% of the cells used in the study contained missing data. After using similar response pattern imputation (SRPI) to handle missing data, there was complete information for all 502 participants.

The sample consisted of 298 females (59.4%) and 204 males (40.6%). With regard to age, 32.9% were 18 ($n = 165$), 23.9% were 19 ($n = 120$), 11.8% were 20 ($n = 59$), and 31.5% were 21 and older ($n = 158$). In terms of race and ethnicity, a little less than one-half of the sample was White (46.0%, $n = 231$), followed by Hispanic (34.1%, $n = 171$), 6.8% Black ($n = 34$), 4.6% Asian ($n = 23$), 2.2% Native American ($n = 11$), and 6.4% “other” ($n = 32$). When compared to the total undergraduate population at the university where the sample was drawn, the sample had slightly more females and is more ethnically diverse.

There are concerns with using a sample of university students (e.g., range restriction bias). However, the population from which the sample contains students from all 50 states and over 100 nations. The acceptance rate in 2014 exceeded 80%, which also provides for a more intellectually-diverse sample than what is typically found in studies using university-based samples. Furthermore, the focus of this study is not to generalize findings to other populations. Rather, the aim is to develop a multidimensional scale with

strong construct validity and to test whether it is correlated with criminal offending.

Therefore, the sample is appropriate for the purposes of the current study.

Measuring Legal Cynicism

Prior studies have measured legal cynicism in different ways. To develop a strong legal cynicism scale, the current study begins with an exhaustive list of survey items used previously to measure legal cynicism, a total of 41 survey items (see Appendix A).¹ The closed-ended responses featured a Likert-type scale that ranged from “strongly agree” (coded 1) to “strongly disagree” (coded 4). Most of the items (e.g., “Laws are meant to be broken”) were reverse coded so that a higher scores indicated higher levels of cynicism.

To evaluate the latent structure of legal cynicism, all of the items were entered into a principal-axis factor model. Promax rotation was used to take into account the high likelihood that the factors are correlated. Table 2 provides the information from the promax-rotated pattern matrix for the multidimensional legal cynicism scale.

1. In addition to items used in legal cynicism scales, several items were drawn from a variety of other sources. Some of the items derived from a measure of neutralization techniques (Costello, 2000), a measure of Hirschi's (1969) belief, and a measure of an obligation to obey the law (Tyler & Huo, 2002). Several items representing cynical attitudes were also pulled from a criminal sentiments scale (Simourd & Olver, 2002). Lastly, a few items were constructed by the author(s) of the present study.

TABLE 2: Promax-Rotated Pattern Matrix for Legal Cynicism Scale

<i>Legal Cynicism</i>	Pattern							
	1	2	3	4	5	6	7	8
Laws are meant to be broken ^a	.25	.27	-.10	.18	.09	.03	.05	.07
It is okay to do anything you want ^a	.32	.25	-.26	-.12	.35	.03	-.08	.06
There are no right or wrong ways to make money ^a	.38	.10	-.04	-.18	.25	.11	.09	.07
If I have a fight with someone, it is no one else's business ^a	-.02	-.15	.11	-.14	.55	.04	.06	.03
A person has to live for today and not think about the future ^a	.18	.03	-.14	-.13	.43	-.05	-.06	.03
The law represents the values of people in power rather than the values of people like me ^a	-.03	.32	.23	.01	-.02	-.10	.07	.45
People in power use the law to try to control people like me ^a	-.21	.37	.09	-.01	.08	.08	-.02	.61
The law does not protect my interests ^a	-.04	.57	.01	.10	.12	.01	-.08	.22
Sometimes you have to bend the law for things to come out right ^a	.43	-.06	.18	.07	.09	-.04	-.01	.14
People who always follow the law are suckers ^a	.64	.10	.17	.03	-.06	-.21	.06	-.11
It is fun to break the law and get away with it ^a	.52	-.06	.13	.07	.10	.02	.09	-.15
Sometimes you need to ignore the law and do what you want to ^a	.65	-.05	.03	.12	.17	-.09	-.07	-.05
I do not care if people know I bend the law sometimes ^a	.40	-.19	-.06	.05	.30	.00	.05	.02
If the police can break the law, then so can I ^a	.15	.09	.25	.08	.24	.00	.00	.03
Nearly all laws deserve our respect	-.08	.01	-.03	.63	-.18	.12	-.02	.03
Laws are usually bad ^a	.09	.62	-.02	-.04	-.16	.01	.13	.00
The law is rotten to the core ^a	.19	.62	-.09	-.08	-.04	.01	-.05	.14
It's alright to break the law if you don't get caught ^a	.53	.15	-.02	.04	.15	-.09	.04	-.02
The law only protects a small group of powerful people ^a	.03	.46	.39	-.02	-.09	-.13	.03	.22
There is never an excuse for breaking the law	.15	-.12	.00	.63	-.15	-.11	.03	.07
People should always obey the law even if it interferes with their personal ambition	.22	.03	-.05	.64	-.08	-.05	-.28	.06
Most of the things that people call crime don't really hurt anyone ^a	.10	-.01	.12	-.05	-.01	.13	.59	.04
Most criminals really shouldn't be blamed for the things they have done ^a	.17	.32	-.15	.05	-.06	.04	.39	-.03
To get ahead, you have to do some things which are not right ^a	.59	.00	.17	.09	-.17	.17	.00	-.01
It is alright to get around the law if you can get away with it ^a	.61	.16	.02	-.02	-.07	.09	.16	-.02
Suckers deserve to be taken advantage of ^a	.59	.35	-.07	-.08	-.11	.10	-.14	-.18
The person who leaves their key in the car is as much to blame for the theft as the person who steals it ^a	.00	-.02	-.03	-.01	.05	.51	.09	-.01
I do not trust the law to protect me ^a	-.20	.33	.30	.28	.09	.19	-.07	-.09
The majority of laws do not apply to me ^a	.13	.23	.24	-.06	.04	.07	.09	-.09
I'd rather take justice into my own hands than call the police ^a	-.01	.12	.17	.09	.30	.15	.03	-.05
The courts only protect people who have a lot of money ^a	.02	.28	.65	-.09	.09	-.12	-.05	-.04
A lot of successful people broke the law to get ahead ^a	.16	-.12	.76	-.11	-.12	-.05	.03	-.09
If I had to, I'd break the law without hesitation ^a	.39	-.13	.17	.18	.08	.11	-.01	.04
Police treat rich people better than they do the poor ^a	-.08	.12	.55	-.03	-.06	-.05	.10	.19
Most people would commit crime if they knew they wouldn't get caught ^a	.16	-.21	.47	-.19	.03	.17	-.17	.08
I don't have much in common with people who disrespect the law	-.03	-.07	-.07	.31	.21	-.09	.29	-.03
Society would be a better place if all laws were enforced	-.09	.00	-.03	.64	.13	-.11	.05	-.10
I could easily overlook it if my friend stole someone's credit card ^a	.07	.20	-.06	-.03	-.07	.42	.07	.08
Some laws are stupid and should be ignored ^a	.13	-.10	.36	.29	-.06	.08	.06	.11
It is difficult to break the law and keep one's self-respect	.07	-.06	-.17	.40	.02	.10	.21	.11
I try to obey the law, even if it goes against what I think is right	.07	.10	-.15	.61	-.17	.01	.07	-.11

Note. Pattern coefficients greater than an absolute value of .40 are shown in boldface type.

Response set ranging from 1 = *strongly agree* to 4 = *strongly disagree*.

a. Reverse Scored

Eigenvalues ranged from 1.006-11.082

Eight factors were initially extracted using the Kaiser-Guttman criterion (eigenvalue, λ , > 1.0). Next, items greater than $|.40|$ were identified (see boldface type in Table 2). Items with loadings that did not meet this value criteria or that cross-loaded (i.e., loaded on two or more factors at $|.40|$) were removed. Each factor needed a minimum of three items in order to satisfy the scale requirement. A total of 18 items were removed from the initial analysis. Next, the factor model was re-estimated. In this model, one item (“It is difficult to break the law and keep one's self-respect”) failed to meet the $|.40|$ requirement and was removed from factor 3. Another item (“Most people would commit crime if they knew they wouldn't get caught”) was removed after Cronbach’s alpha demonstrated its omission increased scale internal consistency (α improved from .73 to .76). Lastly, one item (“The law only protects a small group of powerful people”) switched from factor 2 to factor 3. The patterns loadings for the 21-item 4-dimensional legal cynicism scale are shown in Table 3.

TABLE 3: Promax-Rotated Pattern and Eigenvalues for Legal Cynicism Subscales

	Loading	λ	Cronbach's α
<i>Factor 1 – Legal Apathy</i>		6.76	.86
Sometimes you have to bend the law for things to come out right ^a	.53		
People who always follow the law are suckers ^a	.58		
It is fun to break the law and get away with it ^a	.71		
Sometimes you need to ignore the law and do what you want to ^a	.72		
I do not care if people know I bend the law sometimes ^a	.56		
It's alright to break the law if you don't get caught ^a	.52		
To get ahead, you have to do some things which are not right ^a	.65		
It is alright to get around the law if you can get away with it ^a	.68		
Suckers deserve to be taken advantage of ^a	.47		
<i>Factor 2 – Legal Corruption</i>		1.96	.66
The law does not protect my interests ^a	.48		
Laws are usually bad ^a	.65		
The law is rotten to the core ^a	.61		
<i>Factor 3 – Legal Discrimination</i>		1.52	.76
The law only protects a small group of powerful people ^a	.55		
The courts only protect people who have a lot of money ^a	.71		
A lot of successful people broke the law to get ahead ^a	.59		
Police treat rich people better than they do the poor ^a	.67		
<i>Factor 4 – Low Legal Legitimacy</i>		1.23	.70
Nearly all laws deserve our respect	.58		
There is never an excuse for breaking the law	.56		
People should always obey the law even if it interferes with their personal ambition	.55		
Society would be a better place if all laws were enforced	.58		
I try to obey the law, even if it goes against what I think is right	.55		

Note. Factors were selected by selecting pattern coefficients greater than an absolute value of .40 that were not cross loading with other factors.

^a Reverse scored.

Legal apathy. Apathy is typically used to explain a lack of concern for a subject or event. Factor 1 consists of 9-items that reflect a lack of concern toward breaking the laws and a lack of regard for the well-being of others. People scoring high in this dimension might find law breaking fun or necessary in order to get what they want. This dimension most notably reflects a more direct approach to the definition of legal cynicism that Sampson and Bartusch proposed (a view of the law as not binding). Some of the items included in this scale: “Sometimes you have to bend the law for things to

come out right,” “People who always follow the law are suckers,” “It is fun to break the law and get away with it,” and “Sometimes you need to ignore the law and do what you want to.” Cronbach’s α for *legal apathy* is .86 (mean inter-item $r = .41$).

Legal corruption. This dimension is a 3-item factor and represents views that the law is corrupt. It is similar to Gau’s (2014) conceptualization of cynicism as a type of skepticism about law and the motives behind it. More specifically, this dimension captures the view that the law is not worth following because the law-making process has been corrupted by powerful individuals who enact laws that are only in their best interests. Items included “The law does not protect my interests,” “Laws are usually bad,” and “The law is rotten to the core.” The internal consistency for this subscale is slightly lower than conventional thresholds (Cronbach’s $\alpha = .66$; mean inter-item $r = .39$).

Legal discrimination. This 4-item factor reflects a cynical view that the legal system privileges the members of the upper class. This dimension most closely resembles Tyler and Huo’s (2002) conceptualization of cynicism (i.e., law protects the interests of the powerful). The subscale includes items such as: “The law only protects a small group of powerful people,” “The courts only protect people who have a lot of money,” “A lot of successful people broke the law to get ahead,” and “Police treat rich people better than they do the poor.” The level of internal consistency exhibited satisfies traditional cut offs (Cronbach’s $\alpha = .76$; mean inter-item $r = .44$).

Low legal legitimacy. This factor reflects an obligation to obey the law. This 5-item subscale includes survey items such as: “Nearly all laws deserve our respect,” “There is never an excuse for breaking the law,” “People should always obey the law even if it interferes with their personal ambition,” “Society would be a better place if all

laws were enforced,” and “I try to obey the law, even if it goes against what I think is right.” This subscale also possesses adequate levels of internal consistency (Cronbach’s $\alpha = .70$; mean inter-item $r = .32$). This scale is coded so that higher scores reflect lower levels of perceived legal legitimacy.

Factor regression scores from each latent construct were saved as variables. Next, these weighted factor scores were entered into a principal-axis factor model to determine whether the four variables loaded onto a single factor. The results from this analysis indicate the presence of a high-order factor, which represents legal cynicism (see Table 4). *Legal cynicism* is operationalized using weighted factor scores. The scale possesses a high level of internal consistency (Cronbach’s $\alpha = .85$; mean inter-item $r = .58$).

TABLE 4: Principal-Axis Factor Model for Legal Cynicism Scale

Items	Loadings
Legal Apathy	.87
Legal Corruption	.70
Legal Discrimination	.76
Low Legal Legitimacy	.72
Eigenvalue (λ)	2.75
Cronbach’s $\alpha = .85$	
Mean inter-item $r = .58$	

Dependent Variable

Criminal offending. *Criminal offending* is an 8-item additive scale. Respondents were asked how often they engaged in the following activities: “Illegally disposed of trash and litter”; “Made a lot of noise at night”; “Broke traffic laws”; “Bought something you thought might be stolen”; “Drank alcohol in a place where you are not supposed to”; “Used marijuana or some other drug”; “Illegally downloaded music from the Internet”; and “Damaged another person’s property without their permission.” The response sets

ranged from “never” (coded 1) to “frequently” (coded 4). Higher scores indicate more frequent self-reported involvement in criminal offending (Cronbach’s $\alpha = .73$; mean inter-item $r = .25$). The most frequently reported legal violations were illegally downloading music (63.4% report some involvement), illegally disposing of trash and litter (70.7% report some involvement), and breaking traffic laws (84.3% report some involvement). This offending scale is similar to those used previously in legal socialization research (see, e.g., Reisig, Bratton, & Gertz, 2007; Reisig, Tankebe, & Meško, 2014; Tyler, 1990).

Additional Variables

Low self-control. This study uses the 13-item low self-control scale developed by Tangney, Baumeister, and Boone (2004). Some of these items include, “I am good at resisting temptation,” “I have a hard time breaking bad habits,” and “I wish I had more self-discipline” (see Appendix A for a complete list). Items featured closed-ended response sets, ranging from “not at all” (coded 1) to “very much” (coded 5). To create the *low self-control* scale, the 13 items were summed (Cronbach’s $\alpha = .83$; mean inter-item $r = .28$). The score distribution for this scale was near normal ($M = 33.58$; $SD = 8.80$).

Demographic variables. Demographic variables are included in the study as statistical controls. The variables include *age* (1 = 18 years, 2 = 19 years, 3 = 20 years, and 4 = 21 years or older), *male* (1 = male, 0 = female), and *white* (1 = white, 0 = otherwise; racial and ethnic minorities represent the excluded category).

Table 5 presents the descriptive statistics for all of the variables in the study. Aside from the demographic variables, all of the score distributions for the variables are

relatively normal. The scores for the criminal offending scale are slightly skewed, indicating a more compliant sample.

TABLE 5: Descriptive Statistics

Variable	M or %	SD	Minimum	Maximum
Male	41%	--	0	1
White	46%	--	0	1
Age	2.42	1.24	1	4
Low Self-Control	33.58	8.80	14	62
Criminal Offending	15.70	4.51	8	30
Legal Cynicism ^a	.00	.93	-2.09	2.51
Legal Apathy ^a	.00	.94	-1.80	2.98
Legal Corruption ^a	.00	.87	-2.21	2.62
Legal Discrimination ^a	.00	.90	-2.09	3.41
Low Legal Legitimacy ^a	.00	.88	-1.65	2.51

^a Weighted factor score.

Analytic Strategy

The analysis proceeds in several steps. First, bivariate relationships are assessed to test theoretical relationships, and to help determine whether collinearity between independent variables will prove problematic. The correlation coefficients are below the standard threshold of $|\cdot 70|$ (Licht, 1995), which means they should be safe to use in a multivariate context. Furthermore, variance inflation factors (VIFs) fell within the range of acceptability ($VIF < 1.50$, mean $VIF = 1.11$). The Breusch-Pagan test indicated evidence of heteroskedasticity errors (Breusch & Pagan, 1979). To correct for this, robust standard errors were estimated. A series of ordinary least-squares (OLS) regression models are estimated to test whether the new legal cynicism scale is significantly related to criminal offending, net of control variables.

Results

Bivariate Associations

Table 6 presents the zero-order correlations for the variables used in the study. Criminal offending and legal cynicism are correlated with one another at the .01 level ($r = .43$). This indicates that individuals with higher legal cynicism scores report significantly more involvement in criminal offending. As expected, criminal offending is positively related to low self-control ($r = .42, p < .01$). Overall, these results are consistent with expectations and prior research (Fagan & Tyler, 2005; Nivette et al., 2015; Reisig et al., 2011).

TABLE 6: Bivariate Associations

	1	2	3	4	5	6
1 Criminal Offending	1.00					
2 Legal Cynicism	.43**	1.00				
3 Low Self-Control	.42**	.39**	1.00			
4 Male (1 = yes)	.16**	.14**	.04	1.00		
5 White (1 = yes)	.02	-.12**	-.02	.12**	1.00	
6 Age	-.10*	.00	-.05	.18**	.01	1.00

* $p < .05$, ** $p < .01$ (two-tailed test).

Multivariate Analysis

In Table 7, criminal offending is regressed on the new legal cynicism scale and the control variables. The standardized partial regression coefficient indicates that legal cynicism is the strongest correlate in the model. More formally, holding all other variables in the model constant, a one standard deviation increase in legal cynicism corresponds to a .32 increase in criminal offending. Interestingly, the legal cynicism estimate is stronger than the corresponding coefficient for low self-control ($\beta = .29$). The model also shows males and younger participants self-report higher levels of criminal

activity. Both findings are consistent with a generation of research on the gender gap in offending and the age-crime curve (Fagan & Tyler, 2005; Fagan & Piquero, 2007; Piquero et al., 2005; Trinkner & Cohn, 2014).

TABLE 7: The Effect of Legal Cynicism on Criminal Offending

Variables	Criminal Offending		
	<i>B</i> (SE)	β	<i>t</i> -ratio
Constant	11.17 (0.87)	--	12.85***
Low Self-Control	.15 (.02)	.29	6.62***
Male	1.07 (.36)	.12	3.01**
White	.38 (.35)	.04	1.09
Age	-.40 (.15)	-.11	-2.73**
Legal Cynicism	1.53 (.23)	.32	6.62***
<i>F</i> -test		37.27***	
R ²		0.29	

Note: Entries are unstandardized regression coefficients (*b*), standardized regression estimates (β), and robust standard errors are in parentheses.

* $p < .05$, ** $p < .01$, *** $p < .001$ (two-tailed test).

Table 8 provides a look at the relationship between each legal cynicism subscale and criminal offending. Before discussing the individual estimates, please note that all four of the models produced significant *F*-tests, indicating that the models are significantly better than what would be expected by chance alone. Of the four dimensions, legal apathy is the strongest correlate ($\beta = .34$), while low legal legitimacy is the weakest ($\beta = .16$). This suggests that having a general disregard for the law impacts offending outcomes more strongly than a view of the law as illegitimate. It may be that people who question the law's legitimacy still obey it, maybe out of fear punishment.

TABLE 8: The Effect of Each Legal Cynicism Subscale on Criminal Offending

Variables	Criminal Offending								
	<i>b</i> (SE)	β	<i>t</i> -ratio	<i>b</i> (SE)	β	<i>t</i> -ratio	<i>b</i> (SE)	β	<i>t</i> -ratio
Constant	11.39 (.86)	--	13.20***	10.24 (.86)	--	11.87***	9.95 (.86)	--	11.63***
Low Self-Control	.14 (.02)	.28	6.43***	.18 (.02)	.34	8.29***	.18 (.02)	.35	8.54***
Male	1.00 (.36)	.11	2.81**	1.21 (.36)	.13	3.33***	1.39 (.36)	.15	3.83***
White	.12 (.34)	.01	.35	.25 (.35)	.03	.72	.34 (.36)	.04	.94
Age	-.36 (.14)	-.10	-2.50**	-.43 (.15)	-.12	-2.89**	-.43 (.15)	-.12	-2.82**
Legal Apathy	1.64 (.86)	.34	7.47***	--	--	--	--	--	--
Legal Corruption	--	--	--	1.22 (.20)	.24	6.01***	--	--	--
Legal Discrimination	--	--	--	--	--	--	.92 (.23)	.18	4.00***
Low Legal Legitimacy	--	--	--	--	--	--	--	--	--
<i>F</i> -test		41.24***			37.68***			29.16***	
R ²		.30			.26			.24	
									28.99***
									.23

Note: Entries are unstandardized regression coefficients (*b*), standardized regression estimates (β), and robust standard errors are in parentheses.

* $p < .05$, ** $p < .01$, *** $p < .001$ (two-tailed test).

Finally, comparing the standardized coefficients for the different variables, the estimates for the legal cynicism subscales stack up fairly well when compared to the strongest known correlate of criminal behavior—low self-control (see Pratt & Cullen, 2000). Indeed, the standardized partial regression coefficient for legal apathy is actually stronger than that of low self-control ($\beta = .34$ versus $.28$, respectively). The story changes in the remaining models in Table 8, where low self-control is a stronger correlate of criminal offending. Nevertheless, all of the subscales that reflect the different dimensions of legal cynicism are significantly related to the self-reported offending, net of low self-control and demographic characteristics.

Discussion

The current legal cynicism research has been devoid of a consistent operationalization and definition. With legal cynicism increasing in popularity in criminal research, it is necessary to design a scale that is both reliable and valid. This study aimed to create a scale of legal cynicism that is high in construct validity, as well as provide a more complete understanding of the concept. Using data from a university-based sample, a promax-rotated principal-axis factor model produced a 21-item, 4-dimensional scale. The resulting scale links four types of attitudes: legal apathy, legal corruption, legal discrimination, and low legal legitimacy. Reliability estimates demonstrated a high level of internal consistency. OLS regression models provided evidence that the new scale not only yielded results similar to previous studies (i.e., higher cynicism associated with higher self-reported criminal offending), but produced a standardized partial regression coefficient roughly equivalent to that of low self-control.

Legal cynicism may be more complex than previously thought, as a new operational definition of legal cynicism has emerged. In the current study, the resulting scale appears to be an amalgamation of concepts from Gau (2014), Sampson and Bartusch (1998) and Tyler and Huo (2002). From the present analyses, legal cynicism can be defined as an apathetic attitude toward the bounds of the law, with a view that law is corrupt, discriminatory, and ineffective. This synthesized definition provides a more thorough understanding of legal cynicism and may improve consistency for future studies by limiting the need for researchers to choose among narrowly defined cynicism scales.

The present study highlights the importance of developing good scales and contributes to the literature studying the link between attitudes and criminal offending. The legal apathy dimension produced a stronger effect on criminal offending than low self-control. It may be that indifference toward law breaking is a powerful predictor of criminal offending regardless of the level of low self-control. The relationship among low self-control, legal cynicism and criminal offending should be tested further as prior research has been mixed (i.e., low self-control indirectly affecting cynicism through increased criminal offending as opposed to a direct relationship between legal cynicism and criminal offending) (Nivette et al., 2015; Reisig et al., 2011).

It is important to note that the nature of the data limits the generalizability of the findings. However, the focus of this study was to develop a measure of legal cynicism that was high in construct validity. A university-based sample is adequate for this type of research, as scale development requires testing in a variety of contexts in order to determine if it maintains high construct validity and internal consistency across populations. Additionally, the use of cross-sectional data limits the ability determine

causation. Longitudinal data may help researchers determine if legal cynicism leads to criminal offending or if criminal offending generates cynical attitudes. Current longitudinal research on legal cynicism is very scarce (Nivette et al., 2015; Piquero et al., 2005). Furthermore, there may be some concerns with the cumbersome nature of using a 21-item scale given time and spacing considerations in survey research. It may be beneficial for future research to develop a “brief” legal cynicism scale encompassing the strongest items from each dimension to increase feasibility (see, e.g., Tangney et al, 2004). Finally, the factor analysis used in the present study is ideal for interval and ratio level data. However, the data presents items at the ordinal level. More appropriate tests using statistical techniques designed for ordinal data are needed to address this limitation.

It is understandable why legal cynicism is increasing in popularity in criminal offending research. While previous measures have been useful, they have been incomplete. Although this new measure has demonstrated strong effects among legal cynicism, low self-control, and criminal offending, more research is needed to determine how it will interact with other known correlates of crime. For instance, legal cynicism has often been studied in tandem with legitimacy and procedural justice. Will the multidimensional dimensional scale produce similar effects? Replicating previous studies may enhance credibility of the scale and may provide a better understanding of formerly observed relationships.

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APPENDIX A
DESCRIPTIVE STATISTICS FOR SCALES AND ITEMS

TABLE 9: Descriptive Statistics for Scales and Items

Scales and Items	M	SD	Skew
Low Self-Control^a			
1. I am good at resisting temptation ^d	2.181	1.052	0.748
2. I have a hard time breaking bad habits	2.865	1.204	0.097
3. I am lazy	2.675	1.146	0.252
4. I say inappropriate things	2.849	1.280	0.090
5. I do certain things that are bad for me, if they are fun	2.614	1.190	0.239
6. I refuse things that are bad for me ^d	2.630	1.250	0.199
7. I wish I had more self-discipline	2.775	1.316	0.168
8. People would say that I have iron self-discipline ^d	2.877	1.096	0.009
9. Pleasure and fun sometimes keep me from getting work done	2.996	1.232	-0.076
10. I have trouble concentrating	2.877	1.246	0.186
11. I am able to work effectively toward long-term goals ^d	2.020	0.987	0.836
12. Sometimes I can't stop myself from doing something, even if I know it is wrong	2.050	1.116	0.819
13. I often act without thinking through all the alternatives	2.175	1.157	0.609
Criminal Offending^b			
14. Illegally disposed of trash and litter ^d	2.082	0.915	0.528
15. Made a lot of noise at night ^d	2.171	0.988	0.287
16. Broke traffic laws ^d	2.659	0.994	-0.244
17. Bought something you thought might be stolen ^d	1.223	0.556	2.756
18. Drank alcohol in a place where you are not supposed to ^d	2.157	1.138	0.366
19. Used marijuana or some other drug ^d	1.803	1.085	1.011
20. Illegally downloaded music from the Internet ^d	2.371	1.239	0.134
21. Damaged another person's property without their permission ^d	1.237	0.552	2.685
Legal Cynicism^c			
22. Nearly all laws deserve our respect	1.994	0.904	0.517
23. There is never an excuse for breaking the law	2.727	0.870	-0.517
24. People should always obey the law even if it interferes with their personal ambition	2.293	0.792	0.156
25. Society would be a better place if all laws were enforced	2.398	0.829	-0.012
26. I try to obey the law, even if it goes against what I think is right	2.136	0.721	0.367
27. The law does not protect my interests ^d	2.036	0.755	0.528
28. Sometimes you have to bend the law for things to come out right ^d	2.576	0.820	-0.299
29. People who always follow the law are suckers ^d	1.771	0.785	0.950
30. It is fun to break the law and get away with it ^d	2.014	0.860	0.388
31. Sometimes you need to ignore the law and do what you want to ^d	2.018	0.813	0.258
32. I do not care if people know I bend the law sometimes ^d	2.084	0.862	0.213
33. Laws are usually bad ^d	1.731	0.556	0.205
34. The law is rotten to the core ^d	1.526	0.624	1.014
35. It's alright to break the law if you don't get caught ^d	1.743	0.632	0.363

36. The law only protects a small group of powerful people ^d	2.000	0.850	0.607
37. To get ahead, you have to do some things which are not right ^d	2.004	0.748	0.253
38. It is alright to get around the law if you can get away with it ^d	1.831	0.687	0.492
39. Suckers deserve to be taken advantage of ^d	1.494	0.659	1.241
40. The courts only protect people who have a lot of money ^d	2.275	0.891	0.281
41. A lot of successful people broke the law to get ahead ^d	2.735	0.824	-0.121
42. Police treat rich people better than they do the poor ^d	2.735	0.935	-0.259

-
- a. Response set ranging from 1 = *not at all* to 5 = *very much*.
 - b. Response set ranging from 1 = *frequently* to 4 = *never*.
 - c. Response set ranging from 1 = *strongly agree* to 4 = *strongly disagree*.
 - d. Reverse scored.