

LEGAL CULTURE AND LEGAL CONSCIOUSNESS IN TERMS OF SET AND ATTITUDE

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Abstract

Effective functioning of the legal system is a precondition for the state's and society's sustainable democratic development and requires a highly developed legal culture. Legal consciousness which is a constituent of legal culture comprises a system of expectations and attitudes. Set psychology presents different terms and interpretations of the phenomenon of set (Attitude, Predisposition, Set, Dispositional Set, Value Orientation, etc.) which is caused by the existence of numerous forms of set as well as inappropriate accentuation of its specific individual manifestations at the expense of others. This creates an obstacle for the formation of the relevant understanding of set as the individual's integrate psycho-physical state of readiness for action. Variety of terms denoting set makes it difficult to consolidate the data of the theoretical and experimental research applying different concepts of expectation and set and, therefore, prevents us from increasing the descriptive and explanatory potential of set approach. The given article aims to differentiate the concept of set on the basis of extended version of Uznadze model and describe the continues process of set formation and change from Set to Atitude which will prove the organic relationship between different types of set. We assume that despite the existing versatility, all manifestations of set have the same roots, and therefore, represent stages in the formation and development of the same initial mental entity, as a whole, rather than different and opposing mental phenomena. Accumulation of the content of the above concepts in a common context enables us to develop a unified methodological approach, and, therefore, increases the possibility of applying set theory to psycho-legal studies, namely to the exploration of the factors determining the effectiveness of the regulatory function of the legal system.

Keywords: Legal Culture, Legal Consciousness, Attitude, Set, Disposition

Introduction

The term legal culture is used for „lining up a range of phenomena into one very general category“[2:33; 8625]. This phenomenon is understood as „ideas, values, expectations, and attitudes toward law and legal institutions“[2:34; 8625], pertinent to a group or society. According to L. Friedman [1975:15], these are “those parts of general culture – customs, opinions, ways of doing and thinking – that bend social forces toward or away from the law”.

As for legal consciousness it is related to the micro social level and involves specific people: “...the study of legal consciousness traces the ways in which law is experienced and interpreted by specific individuals...” [IES&BS.p.8626]. It, specifically, implies people’s beliefs, attitudes and values. The following components could be singled out within the structure of individual legal consciousness: 1) legal knowledge; 2) emotions and attitudes; and 3) readiness for lawful behaviour (actual behaviour). [4:16-20].

Although, differently from legal culture, legal consciousness places less emphasis on general activity, that is specific, ready patterns of culture related legal behavior, both concepts necessarily imply the system of attitudes and expectations. The people possessing these systems put law into action. The development level of these systems determines the effectiveness of law. That is why we consider important to explore the regularities of the formation, extinction and change of the attitudes and expectations that are mostly marked with a low level of consciousness and underly legal culture. We find it equally important to determine relationship between such attitudes/expectations and the conscious, voluntary regulation of behavior.

It is thought that lawfulness is a necessary component of democracy. One of the principles of lawfulness is the existence of legal culture. An indicator of a highly developed legal culture is the prevalence of social integration over social regulation within a single social control system. Social integration implies the existence of a set⁵⁵ system ensuring the self-regulation and self-activity of social subjects when it becomes necessary to perform normative behavior. The type of activity involved in social integration is ensured by the synergism of conscious and unconscious forms

⁵⁵ “In set theory the stimulus that activates a living being is in each and every case a need, but the nature of the activity is determined by the actual situation. The combination of these two factors induces in a living being a general change that is expressed in a readiness to take appropriate action. This state of readiness mobilizes all the subject’s capabilities for meeting the challenge before him or her and anticipates the development of a process of activity. This is the set. For D.Uznadze, the set is a reality that is far removed from any opposition between the subjective and the objective. Uznadze’s set mediated the relationship not only between the physical and the psychological but also between psychological processes”[5:687].

of behavior regulation [8:534-539]. The given text focuses on the inducing and regulatory functions of unconscious set.

According to D. Uznadze set theory, set, as the state of psychophysical readiness for adaptive activity, creates a basis for any level of regulatory activity[10:239]. One of its forms is primary or situational set which stops existence as soon as its constituting factors (need and situation) lose importance. Another form of set is represented by mental formations – fixed sets, the fixation of which takes place in the course of past experience [7:26].

The self-regulatory function cannot be performed by any kind of fixed set. Only specific form of set possess this kind of ability. Adaptive activity running on the personality level (or the level of normative activities) implies the existence of a specific form of fixed set - dispositional set [7:29].

In the given context, the term dispositional set is used in an arbitrary way, since disposition implies either inclination or readiness [3: 89-105; 6:325]. Any set, as a basis of activity, implies readiness to carry out activity which is the stage preceding activity where activity exists in the form of possibility rather than reality. Given such an understanding, if we label only one of the types of set as dispositional, other types of set will be deprived of their indispensable characteristic. In other words, situational set is also a disposition to behave in a certain way and differs from other forms of set by the shortness of time period preceding its actualization. As for the situational set which is actualized with some delays, the prolongation of the named time period does not at all imply that in this case we deal with the fixed set because fixedness or the ability to repeatedly actualize itself and reproduce the corresponding behavior does not represent its attributive characteristic.

According to our approach, dispositional set has the following specific attributes: 1. existence in permanently active state; 2 ability to self - actualize (relative independence from external stimulation); 3. ability to affect a wide range of events; 4. ability of being actualized by a wide range of events; 5. dispositional set is social value oriented; 6. is characterized by a high level of stability. Such sets are permanently supplied with energy because they are not dependent on the satisfaction of individual needs. They are based on internalized social values that are incorporated into set structure and, for this reason, their ‘satisfaction’ can be understood as a permanent process of the realization of sets through the activity aimed at the realization of values. Therefore, dispositional sets are never fully actualized or never reach the state of balance understood as stagnation. The balanced state for like sets implies their continual dynamic existence, continual actualization [7:26].

High level of adaptation and normativity of activity cannot be ensured only by the systems of dispositional sets fixed through past

experience. To modify fixed dispositional sets and adjust them to changeable environment it becomes necessary to form new situational sets. Formation of new primary sets for the realization of fixed dispositional sets requires conscious resources, since the named sets have to take into consideration current and future social requirements, and the social value of expected results [7:29].

To make the above reasoning better understandable, it is necessary to clarify some terms related to the concept of set.

1. Only those states that are stable and fixed through experience, i.e. the fixed mental states or their underlying entities existing in the form of potential for the corresponding activity, can be called dispositions. According to S. Chkhartishvili it is the static unconscious [1:179] which is different from the dynamic unconscious, like the situational set through which a general potential of activity is actualized in a specific behavior. [9:233].

2. According to Uznadze differentiation is the process through which less differentiated diffuse mental entities are transformed into more prominent mental entities. In other words, initial un-differentiated state of readiness becomes more prominent, definite and develops into the state of readiness for a specific activity [10:165]. This differentiated state is a stage in the formation of initial situational set. We do not think that differentiation is completed with the formation of situational set. In certain cases this process goes on and the initial form of set is transformed into the further forms. Therefore, a stage of set is the basis for the formation of the set of the next stage.

Set formation involves the following stages or phases a) relatively neutral unmodified mental state, absence of set modification; b) initial modification (roughly corresponds to 0-V set expositions in Uznadze classical experiment⁵⁶), that is formation of diffuse set; c) specification of

⁵⁶ Uznadze's original method based on the artificial inducing of sets provides the opportunity for accurate, objective experimental research on the unconscious state and for study of the set through its role in the process of illusory (erroneous) perception that accompanies its apparition and extinction. The basic method for research on sets introduced by Uznadze is as follows: a need is engendered in the subject to perform a given task. For example, the subject may be asked to compare two balls placed simultaneously in his or her hand and say which is the larger. The balls are presented several (ten to fifteen) times so that the set or disposition (to identify the big one and the small one) induced on each occasion becomes sufficiently well reinforced (these are set-inducing tests), after which 'say the sixteenth time' the original balls of different sizes are replaced by two of identical size, although the subject is still asked to compare their sizes. This test usually reveals that the subject has acquired a fixed set corresponding to the previous tests and now judges one of the two equal-sized balls to be 'larger' or 'smaller'. The set-inducing tests have created a state producing the illusionary perception that equal-sized balls are of different sizes. In

modification – occurrence of differentiated set (roughly corresponds to V-X set expositions); d) fixation of modification– formation of fixed set (X-XV set exposition). This is followed by differentiation stages of fixed set per se: e) occurrence and initial differentiation of components; e) differentiated components; f) compatibility of components. A high level of differentiation along with consistency and maximum effectiveness of behavior, compatibility ensures repeated actualization of the whole set even when only one of the components is affected, and, therefore, reproduction of behavior.

Only fully differentiated set characterized by an adequate level of readiness is able to ensure both necessary components of legal culture – legal consciousness and legal behavior.

As already mentioned dispositional set is characterized by a high differentiation level of its components. High level of differentiation is related to a high quality of components (e.g. knowledge in the cognitive component corresponds to reality, is comprehensive, precise and complete).

When there is a need to adjust to new environmental challenges and dispositional set has not enough resources for self-actualization or direct initiation of behavior [6:86], situational set is formed on the basis of dispositional set which is done through the unconscious activity proceeding on the set level and conscious voluntary activity. Components of dispositional set are used as factors for situational set. The more differentiated and compatible the components of dispositional set are, the easier it is for situational set to form itself.

Therefore, activity is initiated and regulated through the combination of different kinds of set – dispositional set which involves past experience and situational set reflecting the present and formed on the basis of dispositional set. In addition to combining past and present resources, the two sets jointly combine the following: 1) psychic phenomena of ‘mental’ character (opinions, beliefs, attitudes, value orientations) - dispositional sets (e.g. attitude as a concrete type of dispositional set) and, 2) dynamic psychic entities - situational set, with its dominant aspect – readiness for behavior.

Conclusion

The phenomenon of set which is well known from psychological sources is described with different terms. However, the content of these terms reflects different aspects of the same mental reality. Existence of different terms and concepts is caused by different stages of set formation and different types of sets corresponding to these stages.

Uznadze’s view this state is nothing other than a disposition towards a specific activity [5: 687–701].

According to the extended model of the differentiation process, set develops from diffuse set into fixed dispositional set and then, again, into situational set.

The given approach which uses the data obtained by the Georgian school of psychology could be applicable to the challenging attitude behavior relationship problem formulated in the following way: 1. Is relatively 'mental' cognitive-affective entity able to induce behavior? 2) To what extent do attitude and behavior correspond to each other? [3:136]. According to our approach, every activity carried out at the personality level is determined by combination of different kinds of set; also, the possibility of inducing specific actual behavior as well as the character of this behavior are determined by the specificity of set which is actualized and dominant at the moment.

It can be said in conclusion that 1) dispositional set is a mental entity involving law related knowledge, attitude and ready behavioral patterns fixed through experience; 2) situational set formed on the basis of the above is a dynamic mental entity which is the immediate basis _ for the actualization of readiness for the behavior in specific and real legal activity. This means that the combined model of the interrelatedness and interchangeability of different forms of set ensures: 1) existence of all the components - legal knowledge, emotions, attitudes and readiness for lawful behavior (dispositional set) of legal consciousness, and 2) realization of the readiness for behavior in specific activities (situational set). Existence of the above two constituents – 'mental' and behavioral (according to Malko A.V. 2009, the person's legal culture involves the knowledge of law and its awareness as well as the corresponding behavior) determines a high level of legal culture which is necessary for the performance of normative activity and the prevention of deviation.

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