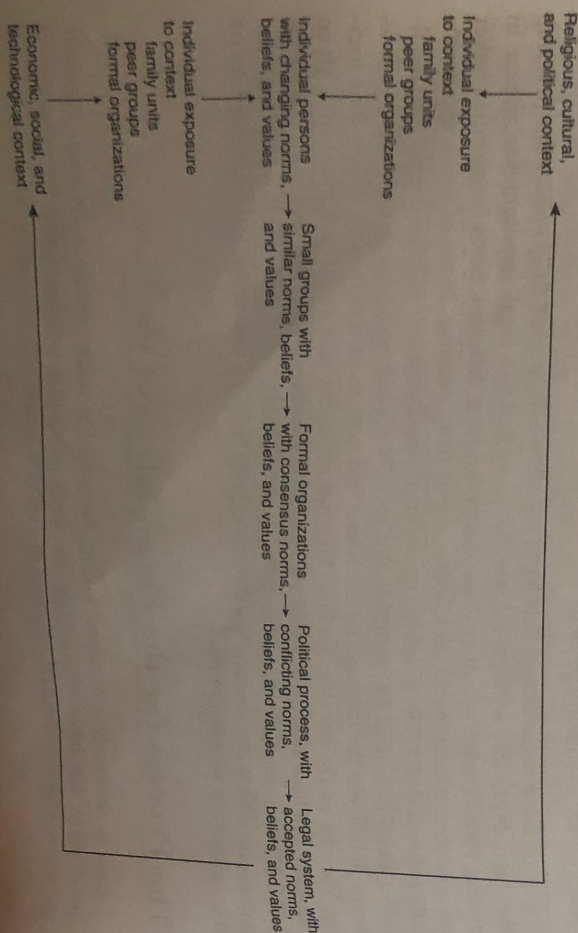


to be a time lag between changes in moral standards and subsequent changes in legal requirements. Actions that 20 years ago were considered to be fully legal—such as racial and gender discrimination in hiring, or the discharge of chemical wastes into lakes and streams—are now clearly illegal. The question is whether these changes in the law came from changes in the moral standards of a majority of our population through participative social and political processes and, consequently, whether the law does indeed come close to representing the collective moral standards of our society. The social and political processes by which the changing moral standards of our society, human beings are alleged to become institutionalized into the formal legal frameworks of their societies are lengthy and complex, but a simplified version is shown in graphic form in Figure 3.3.

There are four stages in the proposed formation of explicit legal requirements through the inclusion of collective moral standards. These are the stages of (1) individual persons, (2) small groups, (3) formal organizations, and (4) political institutions. Each will be addressed in sequence. Some of the material in the first or “individual person” stage has been covered in an earlier chapter, but it is repeated here for emphasis and understanding.

1. *Individual persons.* Each individual within society has, as was described in the first chapter, a set of goals, norms, beliefs, and values that together form his or her moral standards. Goals, also as described in that chapter, are what we want out of life. They include material possessions (cars, homes, boats, and vacations), lifestyle preferences (security, position, leisure, and power), personal goods (family, friends, health,

FIGURE 3.3 Process by which Individual Norms, Beliefs and Values Are Institutionalized into Law



and respect), and social aims (justice, equality, a clean environment, and a world at peace. Clearly, these goals differ between people. Equally clearly, they influence the norms, beliefs, and values that those individuals hold, and consequently the moral standards that they profess and allegedly the laws that they wish to see enacted.

Norms, once more as described in the earlier chapter, are criteria of behavior. They are the ways an individual expects others to act, when faced with given situations. Foreign students from certain Asiatic countries, for example, used to bow slightly when addressing a university professor; the bow was their norm or expectation of behavior given that situation. University faculty members within the United States, however, were usually somewhat annoyed when that occurs; their norm or expectation of behavior in that situation was considerably less formal and generally more egalitarian. The depth of the bow and the degree of annoyance both declined over time as the expectations of behavior on both sides were modified through learning.

Another example of a norm of behavior is far less facetious and much more relevant to the discussion of moral standards and the law. Most people expect that others, when they meet them, should not cause them injury. Norms are expectations of the ways people ideally should act, not anticipations of the ways people really will act. A person who holds a norm against assault and robbery—as most of us do—will not ordinarily walk down a dark street in the warehouse district of a big city at three in the morning, he or she feels that people should not assault and rob each other, not that they will not do so.

Norms are expectations of desired behavior, not requirements for that behavior. This is the major difference between a norm and a law. A norm is not published, may not be obeyed, and cannot be enforced except by the sanctions of a small group whose members hold similar norms and use such penalties as disapproval or exclusion. Norms also are often neither consistent nor universal. The person who actually commits a crime in the warehouse district at three in the morning, feeling it permissible to assault and rob someone else given his or her situation and need upon that particular night, doubtless would feel outraged and unfairly treated if assaulted and robbed in the same place and at the same time the following night. Norms are just the way we feel about behavior; often they are neither logically consistent nor universally applied because we have never thought through the reasons we hold them.

Beliefs are criteria of thought; they are the ways an individual expects other people to think about given concepts and to support specific norms. I believe in participatory democracy, for example, and I expect others to recognize the worth of that concept and support my norm of free elections. You may believe in environmental preservation, and expect other people to recognize the importance of that idea and support your norm against the improper disposal of harmful chemicals.

Beliefs are different from norms in that they involve no action—no overt behavior toward others—just an abstract way of thinking that tends to support an individual's goals and norms. Asiatic students who used to bow to American professors believed, it is alleged, in a hierarchical society based upon age, not position, with definite gradations between older faculty and younger students. People who hold the norm that others should not assault and rob them, even on darkened streets and in deserted neighborhoods, generally believe in the worth of human beings and the