



This book undertakes a fundamental critique of a theory of civic education which its author calls the “orthodox view” of civic education. Ian Mac Mullen, associate professor at Washington University in St. Louis, defines the “orthodox view” as a theory of civic education which argues that normative civic character education a) is necessary for the flourishing of democracy, but b) that its content should be strictly limited to very basic and universal (not particular) moral values because otherwise the ability to think and act as critically autonomous citizens would be undermined. In the “orthodox view”, individual critical autonomy based on reason and moral self-discipline is seen as the most important value. According to the author, though the “orthodox view” does not dominate the educational reality of parenting, schools etc., it constitutes a theoretical ideal popular especially among academics but whose full implementation would entail dangerous consequences.

It is the second part b) of the “orthodox view” which attracts the critique of Mac Mullen. His central claim is that character education must go notably *beyond* teaching basic universal moral values. He criticizes that the orthodox view heavily overestimates the benefits and potentials of individual, critical autonomous reasoning and that it neglects its negative side-effects and disadvantages: “crude moral relativism, subjectivism, nihilism, and skepticism” (p. 34). Thus, the orthodox view is said to engender dangerous societal consequences in three central areas around which the book is structured: (too low levels of) compliance with the law (Part I), (too low levels of) voluntary political participation (Part II), and (a too negative) attitude

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towards fundamental institutions of a nation’s polity, causing too quick support for radical change (Part III).

Overall, he admits that his proposal(s) for (an) alternative(s) is well developed only with regard to alternative goals, but hardly so with regard to concrete prescriptions of how exactly to achieve these.

1 Part I: Compliance with the law – an individual or a social phenomenon?

According to the orthodox view, education should avoid habituating as well as teaching compliance with any law just based on a certain degree of general trust in the democratic legislator and / or the collective legal wisdom of democratic ancestors or today’s public. Instead, the merit of laws should be openly discussed and individually evaluated based on plain facts (reason) and basic universal values (morals).

Mac Mullen criticizes that such a strategy puts not only an unrealistic faith in the intellectual ability of children as well as young people to make qualified judgments but also puts too much faith in the individual’s capacity of moral self-restraint (actually acting according to one’s theoretical moral conclusion). The “orthodox view” would expect them to be “génies” and “saints”, but it would be “pure fantasy” (p. 81) to expect that such a pedagogical strategy would produce the high level of compliance which is needed to safeguard liberal democracy. Thus, according to him, the orthodox view suffers from “lofty expectations” (p. 81), because students’ assessment of the necessity to comply with a particular law would always be prone to “self-deception” (p. 82) and “self-interested biases” (p. 87), leading them much too often to break it.

Instead—within the context of a long-established liberal democracy like those in many Western countries—it would be much wiser to cultivate “non-autonomous motives for compliance” and to “encourage non-autonomous compliance” (p. 80). Educators should instill the belief in a “prima facie duty to obey the law” (p. 72), inculcate defeasible trust in unseen reasons for a law (especially social coordination), and form a habit of compliance in order to create an inner discomfort not so easy to overcome when breaking a law. Later on, he advises to “routinely” use stories and examples which portray compliance as wise, admirable and which depict illegal acts “almost always” as morally wrong. This “encourages that [educated] person to feel and express disapproval of others who do break the law (and thereby strengthens the social stigma...)” (p. 258).

He openly admits that his alternative approach may come with a price to pay, i.e. to promote compliance even in those kinds of situations when non-compliance would be due even in liberal democracies: unjustified acceptance of unjust laws, refusal of civil disobedience even when justified and needed. But he argues that such trade-offs (critical autonomous learning but more law-breaking versus more non-autonomous learning but more compliance) cannot be fully circumvented. To a certain degree, the potential costs of his approach, which should be applied carefully with these potential drawbacks in mind, would be a price worth paying.

The argument in Part I is based on a certain premise: that the order of liberal democracies is significantly endangered by citizens' (potential) non-compliance with the law, and that the most important cause of this (potential) non-compliance lies within the individuals themselves: their potential for reason and moral self-restraint is allegedly in many cases not sufficient for preventing them from breaking the law, because the lure of self-interest is often too intense to hold them back. This is at least the narrow focus of his argument. According to this premise (focus), within liberal democracies, the cause of crimes has to be looked for (predominantly) within the individuals themselves, but (mostly) not within the social system, because it is liberal and democratic, so we can normally expect that it treats its citizens in a fair manner.

Potential critics could ask on which kind of social-scientific theory in sociology, social psychology or criminology and on what kind of corresponding empirical studies and results about the causes of compliance and non-compliance with the law (in liberal democracies) this premise is based. Is the author's premise (focus) in line with central scientific findings about the causes of crime established by these scientific disciplines? Such a scientific grounding of the argument is important, even indispensable, because Mac Mullen's premise (focus) is not "self-evident" or a "matter of fact", but would instead by many educators and academics be seen as a rather controversial (maybe some would even say ideological) hypothesis about how the social world works. I cannot find any explicit mention of such empirically well-founded theories in the book.

There is at least one empirically well-founded theory in the social sciences about the question why people comply with the law or not, which is not in line with Mac Mullen's premise (focus). This is the comprehensive theory and empirical research of Tom Tyler, Professor of Law and Psychology at Yale University about the question of "Why People Obey the Law" (see especially Tyler, 2006a + b).

According to Tyler, (the huge majority of) people obey the law when they regard institutions, authorities and rules as legitimate: legitimacy leads to compliance. And this perception of legitimacy is dependent on procedural justice: people see laws, institutions, authorities and rules as legitimate when

these act according to fair procedures. So the message of Tyler's research is: if you want more compliance, take care that legal institutions and organizations adhere to lay principles of procedural justice. If you think there is not enough compliance, reform the institutions. Look for the fault not (only or predominantly) in the alleged moral deficits of individuals and their alleged proneness to illegal self-interest and self-deception, but look (equally or mainly) for the unfairness of the institutions. Their fairness, even in contemporary liberal democracies, cannot be taken for granted. According to Tyler, (most) people are able to critical autonomous compliance. They are competent to apply reasonable principles of procedural justice. And this competence is an important incentive for organizations and authorities to act fairly and to make fair laws and fair legal systems.

A civic education based on Tyler's research (with Mac Mullen's goal of stabilizing the liberal democratic order in mind) would try to teach pupils the importance of procedural justice for social order, what acting according to procedural justice means, how exactly to do it, whether today's authorities and institutions in the US and elsewhere actually act according to them, what could be done to improve on that, and so on. Of course, this may also be too narrow an approach, because there may be other scientific theories about why people comply with the law. But Tyler shows at least very important aspects of law compliance which are not taken into account in Mac Mullen's proposal.

Mac Mullen could object that people's conception of procedural justice would be prone to self-serving distortions, i.e. that they would perceive something as "just" if it serves their interests. But nowhere does Tyler write that people's understanding of procedural justice would be distorted in such a manner. Rather, he documents people's understanding of procedural justice as sufficiently reasonable and well-suited for a well-functioning, just social system. If anything, his research overview shows that most people tend to see the procedural justice of their society in a too rosy manner because of conformism. So, according to Tyler, if there is a subjective distortion in people's minds, it more often leads to an overlegitimization of society (law) because of conformism than to an underlegitimization of society (law) because of self-interest, as Mac Mullen asserts.

Hence, Tyler's theory and results is in many ways contrary to Mac Mullen's premise. If Tyler is right, Mac Mullen's pedagogy (if successfully applied) may be a rather problematic approach: people could lose (some of) their competence to critically evaluate the legal system and the law in the light of procedural justice and could more often comply simply out of unreasoned habit, beliefs, and trust. Thus, the incentive for organizations and authorities to act fairly and to make fair laws and fair legal systems may decline (further). The potential for misuse and unfair distortions of the legal system may increase. Perhaps some powerful interest groups with such intentions in

mind might be delighted, but would this serve the long-term stability of the liberal democratic order, which is so strongly emphasized by Mac Mullen?

The role of power of different interest groups to shape the legal systems, the power balance in democratic systems, especially in the political system of the US, where money plays a crucial role for getting elected and making laws (e.g. Gilens, 2013, Bartels 2009), and the consequences of this for teaching about the law is hardly taken into consideration in Mac Mullen's plea for pedagogical methods which promote non-autonomous compliance with the law. What should pupils learn about the role of illegitimate power in the legal system? Is this unimportant, because we can simply trust liberal democracies that power will mainly be used in a legitimate manner? Amongst others, Matsueda & Grigoryeva (2014) are not so sure: "the powerful have more input into the content of criminal law, a point illustrated by the relatively soft penalties for white collar and corporate crimes compared to the harsh penalties for street crimes typically committed by the less powerful." Should teachers downplay that in order not to endanger pupils' compliance with the law and to stabilize the order? Whose interests could this serve? Contrary to this perspective, Mac Mullen explicitly bases his argumentation on the premise that the relevant "rules treat all members with roughly equal concern and respect; (...) and that [these] are made using ... a procedure that affords each adult member of the population an equal opportunity to influence the decision." (p. 46f) I suppose that scientific critics of the discriminatory "carceral state" in the US (e.g. Gottschalk, 2014; Lerman & Weaver, 2014 a + b) would not accept that as an appropriate description of the actual state of affairs.

Mac Mullen might argue that people's competence to procedural justice (as documented by Tyler) would be a result of the fact that the "orthodox view" of civic education does not dominate in the reality of parenting, schools etc. Only if the "orthodox view" would gain the upper hand, anomie would spread. The dominance of non-autonomous methods to teach law compliance in the real world of education would be the reason for Tyler's humane research results. But that objection would not be convincing: Tyler shows people's competence to reason, that is to *autonomously* differentiate between procedural fairness and unfairness. I cannot see how this competence could have been furthered by the rather undifferentiated, *non-autonomous* habit of compliance, beliefs and trust in the just legal system which Mac Mullen advocates.

Mac Mullen might also object that only adults would be competent to evaluate procedural justice, but not young people. For children this may be true, but it would be a bit surprising if the contrast between adults and young people would be so stark. If contemporary adult citizens are competent to evaluate procedural justice, why should young people not be able to learn it? Even if this would be the case, there would be no danger that teaching according the

orthodox view would cause a fall of compliance with the law among adults, as Mac Mullen fears (as long as the procedural justice of institutions remains the same).

It is not my intention to assert that Tyler's theory is definitely right and Mac Mullen's premise (focus) is definitely wrong (though Tyler provides a huge amount of empirical evidence, whereas Mac Mullen does not). Every scientific theory is fallible. Maybe there is another social science theory XY of law compliance which can support Mac Mullen's premise (focus). In this case, Mac Mullen would have to explain why we should believe only in theory XY instead of Tyler's theory or another theory ABC. Thus, my main point is to show by example that it is important to ground pedagogical reasoning of law education in an adequate examination of social science theories about law compliance (sociology, social psychology, criminology), carefully balancing their theoretical perspectives, arguments and empirical research results.

The importance of considering social science theories about law compliance is furthermore shown by other social scientific empirical research into the causes of delinquency. Much of this research shows that the educational style of the family has a very important impact on the probability to become delinquent (Uslucan, 2012). Especially, experiences of violence within the family during childhood and adolescence promote the formation of aggressive, delinquent, violent characters which turn a blind eye to the law (Wetzel, 2009). Central risk factors for antisocial behavior are the negativism of parents towards their child, complications during pregnancy and at birth, "coercive parenting", and the like (Fend 2000, 442ff.). The most important protective factor is having an emotional relationship to at least one person during childhood and youth, who deeply cares about one's wellbeing (Fend, 2000, p. 451). Interventions in early childhood in disadvantaged social backgrounds like the Perry Preschool project, despite being very time-limited, strongly reduced crime rates in comparison to control groups (Berth, 2013). Especially non-compliance with the law in the form of violence is, as neuropsychology shows (Bauer, 2011), usually an emotional reaction to enduring social exclusion, dis-respect, neglect etc.

Tackling these kinds of social factors is possibly much more potent and more important for reducing delinquency (especially in its most severe form, i.e. violence) than instilling a *prima facie* duty to obey the law, inculcating defeasible trust in unseen reasons for a law, and forming a habit of compliance, as Mac Mullen advocates. Do his strategies work against the potent, deep-seated socio-emotional causes of deviance shown in the last paragraph? He provides no empirical evidence for the potential efficacy of his suggestions. Although I do not want to maintain that teaching young people about the causes of delinquency mentioned in the last paragraph would reduce delinquency rates (for example by better parenting), I think it is important that young people

understand these socio-emotional and social causes of crime (which are often neglected in the political discourse of some countries), so that they can call into question simple theories which "explain" crime as a consequence of self-interest and so that they are able to understand how social and societal factors impinge on individual behavior: civic education is about young people understanding their society, not only about making them fit into society, as in Mac Mullen's character education.

If you instead "routinely" use "stories and examples which portray compliance as wise, admirable and which depict illegal acts "almost always" as "deviant" and "morally wrong" in order to "encourage that [educated] person to feel and express disapproval of others who do break the law (and thereby strengthens the social stigma...)", as Mac Mullen (p. 258) advocates, you are at risk to convey a rather different, unintentional message to pupils (especially if they are hardly capable of autonomous critical reasoning, as Mac Mullen thinks). Such a narrow, focused "routine" –at least if not carefully balanced by other "routines"– may promote one-sided individualized theories about crime among children and students, which may develop their lay theories on such "routines" and think: "the cause for delinquency is in the individuals themselves and their unmoral "natural" inclination to pursue self-interest. So what must change in order to reduce the problem? Of course the individuals themselves have to change, what else?" Social stigmas may be targeted at social groups with an above-average crime rate. Students may think: "Why are so many individuals of group XY unmoral law breakers, in contrast to group ABC? I disapprove and stigmatize them. Something must be wrong with this group XY." Dolovich (2011), Professor of Law at UCLA School of Law, argues that an unscientific ideology of "radical individualism" in the public is one important cause of the dysfunctional development of the criminal and penal system in the US in the last decades. According to this popular narrative, crime is purely a product of an individual choice and free will of the actor (Dolovich, 2011, p. 26f). Should "character education" about the law also involve some critical analyses of those ideologies? If so, then Mac Mullen's approach hardly makes a contribution to that; maybe the recommended "routine stories and examples" (p. 258, see above) may unintentionally further strengthen this "radical individualism".

2 Part II: Civic engagement – an individual or social phenomenon?

In part II of the book, Mac Mullen deplores the problem of low political participation and civic engagement (low turnout, low participation in social movements, low willingness to inform about politics, etc.). Again, this is said to be due to citizen's "human nature" (p. 149), i.e. her / his inclination to be self-interested, which causes a free-rider problem: the polity's prospects for realizing moral goods increase when many citizens use their democratic oppor-

tunities, but the individual citizen has little motivation for such actions. For Mac Mullen, this means that a central task of civic education is to increase the level of civic engagement, because "without widespread and vigorous popular participation ..., a society will never come close to realizing the liberal democratic ideals of individual freedom and equality." (p. 143, footnote 6)

According to Mac Mullen, the "orthodox view's" concept of civic education is far from being able to accomplish that, because it relies only on highlighting strong moral reasons for participation, but leaves it to the autonomous reasoning of the student. This reliance would be "naïve in the extreme" (p. 149), because such autonomous moral reasoning would hardly be able to overcome self-interest.

Instead, he believes that cultivating non-autonomous habits of and tastes for political participation and civic engagement (for example via activities like service learning) could be more successful. But even these two ideas would not suffice. Most important of all would be to promote "civic identification" with one's nation's polity, i.e. an individual sense of responsibility for its flourishing, an emotional sense of "my-ness". This is meant not to be the same as "patriotic love", because this feeling would be too uncritical towards the polity. Instead, civic identification means feeling pride when a polity acts in a human, reasonable, just manner and feeling shame when this polity acts in a problematic, bad and unjust way. So, civic education has to cultivate both of these feelings, and pride shall not dominate.

This kind of civic identification is said to enhance political and civic engagement.

To promote feelings of responsibility, pride, shame, and the corresponding civic identification, teachers and other role models should for example model these emotional reactions for students appropriately and use the language of "our country" and "we" as often as possible (p. 255).

In short, the claim is that a "good society" is dependent on *widespread and vigorous* participation of the citizenry, but that this is hampered by individual free-riding. Civic education has to trick these individuals into such participation by promoting civic identification.

Again, one could ask if these suggestions can be backed up by empirically well-founded research in the social sciences.

Indeed, a review of empirical studies by Youniss et al. (1997) has shown at least for the US that students who participated in high school government or community service projects in their youth are more likely to join voluntary associations and are politically more engaged later in life than those students who did not (even if one controls socioeconomic status, etc.). This can be interpreted as evidence for Mac Mullen's claim that habituating participation in youth can overcome low civic engagement. One can regard this as a worthy goal in itself. However, it is a different question whether fostering widespread participation

in voluntary associations and political engagement is a reliable instrument or even the main gateway for preserving / achieving the good society (i.e. "realizing the liberal democratic ideals of individual freedom and equality", p. 143, footnote 6), as Mac Mullen suggests. Cross-national empirical research in political science has identified a central causal factor which is very important for the "good society" (peace, liberty, equality, provision of public goods, high degree of well-being, and the like): social capital / *generalized* social trust. This is also revealed as the decisive factor for overcoming exactly the kind of free-rider problem which Mac Mullen worries about (Rothstein, 2012, 147f.). In the narrow sense, generalized social trust is operationalized as whether citizens think that most people in their country can be trusted or that you can't be too careful in dealing with people (the international range is very wide: from 60% trust in Scandinavia to 10% in Brazil). Beyond that, generalized social trust constitutes according to Rothstein (2012, p. 147) "*a source of social solidarity, creating a system of beliefs asserting that the various groups in society have a shared responsibility to provide public goods*". Moreover, empirical research has shown that social capital / *generalized* social trust brings with it all the good things Mac Mullen strives for: trusting people are more inclined to have a positive view of their democratic institutions, participate more in politics, give more to charity, and are more active in civic organizations. Cities, regions, and countries with a high share of trusting people have better working democratic institutions and less crime and corruption (Rothstein & Uslaner, 2005, 41f.; Rothstein, 2012, 146f.).

Thus, social capital / *generalized* social trust is very similar (if not identical) to what Mac Mullen has in mind when he speaks of civic identification, although he lays weight on the rather vertical, hierarchical identification of the citizen with the state whereas the scientific concept of social trust shows the importance of the horizontal identification of the citizen with his / her compatriots for overcoming free-rider problems (this *horizontal* dimension is crucial for the cause of social trust / civic identification, see below): vertical identification arises mainly out of horizontal identification.

How do we "get" social capital / *generalized* social trust? What is its origin? Mac Mullen's claim that cultivating civic engagement and political participation among citizens (for example promoting habits by for example service learning) is the key has a parallel in social science as there is a theory in the tradition of Robert Putnam which argues that more civic activity in voluntary associations would lead to more social trust/ social capital because of their socializing effects on cooperative values and norms. But this theory is refuted by a host of empirical studies (see references in Rothstein, 2012, p. 149): Trusting people join voluntary associations more often than other people (self-selection effect), but it is not the other way around: more participation does hardly add to

generalized, society-wide social trust (Rothstein, 2012). "Thus the idea that adults' membership in associations creates social capital that can be used in the wider society simply does not hold." (Rothstein, 2012) At least, the forefront of political science researchers in this domain (Bo Rothstein and others in The Quality of Government Institute at the University of Gothenburg) does not see promoting widespread and vigorous participation as a promising strategy to foster social capital / social trust.

Instead, their comprehensive empirical research locates the roots of social trust not in the educable character traits of individuals (the importance of which is stressed by Mac Mullen), but in the A) political and B) social structure of societies: A) political structure means that social trust is cultivated by seeing trustworthy, honest, incorrupt, impartial government institutions exercise power (note the similarity to Tyler's theory of procedural justice outlined above). B) social structure means that social capital / social (dis)trust is—theoretically and empirically—strongly causally related to two types of equality: economic (in)equality and (in)equality of opportunity promoted by (non-)universal social policies. This holds internationally as well as over time and across states in the US (Rothstein & Uslaner, 2005, 48).

"The distribution of resources and opportunities plays a key role in establishing the belief that people share a common destiny and have similar fundamental values. When resources and opportunities are distributed more equally, people are more likely to perceive a common stake with others and to see themselves as part of a larger social order. If there is a strong skew in wealth or in the possibilities for improving one's stake in life, people at each end may feel that they have little in common with others. In highly unequal societies, people are likely to stick with their own kind. Perceptions of injustice will reinforce negative stereotypes of other groups, making social trust and accommodation more difficult."(Rothstein & Uslaner, 2005, p. 52)

Of course, one can try to combine the research results of Rothstein & Co. with Mac Mullen's pedagogical approach by suggesting a) that students should learn to exert political engagement in favor of impartial government institutions and social equality (of opportunity), and b) that the teacher should cultivate feelings of pride and shame depending on the degree to which their society lives up to these ideals or not. However, despite the ample empirical evidence provided by Rothstein & Co., such an approach may be partly regarded as "partisan"; at least some fractions of the political spectrum will reject the egalitarian spirit of such a kind of civic education. Moreover, according to the research of Rothstein & Co., there is no easy solution to deliberately "creating" more social capital (civic identification) by political engagement for better institutions, because reducing inequality by social policies is dependent on citizen's trust in the

competency and impartiality of the bureaucracy, which is present in rather equal societies, but lacking in rather unequal societies. Thoroughly fostering real, socioeconomic (not only formal) equal opportunity in the education system from kindergarten up to universities, which also brings together children and young people from very different groups and backgrounds (instead of tolerating socioeconomic segmentation), is held to be the most meaningful approach to foster social capital in unequal societies which lack it.

So, despite (theoretically) possible combinations (see above), there is again a contrast between Mac Mullen's focus on individual character traits as the central cause of a social problem (here: low civic identification and engagement) and the diagnosis of an empirically well-founded theory in the social sciences, which sees political and social structures as the main cause of this problem. From the viewpoint of this scientific theory, trying to change character traits alone is far from being able to tackle the problem, because it does not change the social structure, which is the pivotal factor. For civic identification to emerge, people of group A must perceive a common fate, a common lived-in world with groups B, C, D etc. In a highly unequal society (for example like the US), this is unlikely (Rothstein & Uslaner, 2005). Thus, trying to "manufacture" civic identification by talking about "our country", "we" (Mac Mullen, p. 255) and the like may be experienced by students (in unequal societies) as something artificial, as "empty talk", which lacks a solid socioeconomic foundation: it is being talked about a common destiny which is hardly experienced in the real world. To use a rather extreme example: how would young French Muslims, who are on average heavily discriminated against in France (Adida et al., 2016) and who on average hardly have real equal economic opportunity, respond to such teacher talk of "our country", "we", "identification", and the like? In many French schools with a high share of Muslim pupils, the atmosphere is very tense (Wiegel, 2015).

In the worst case, trying to change character traits (if successful) in such a social situation by manufacturing feelings of responsibility via education may amount to (unintentionally) legitimizing a possibly unjust, unequal socioeconomic structure which violates the reasonable interests of many disadvantaged people (those structures exist not only in autocracies, but in liberal democracies, too).

Again, I do not want to suggest that the empirically well-founded scientific theory of Uslaner, Rothstein, the Quality of Government Institute in Gothenburg and many other political scientists (see references in Rothstein, 2012 and Uslaner & Rothstein, 2005) is definitely right and that Mac Mullen's ideas are definitely wrong. Rather, the contrast is meant to show that civic education proposals need a solid basis in social science research. Science is fallible, and there may be another scientific theory XY which may be able to support Mac Mullen's ideas. But then we also

would have to answer the question why we can be so sure to believe only in theory XY and not at all in the theory of Rothstein (2012) and others.

At least, I think that all students should know about theories like the one of Rothstein, in order to understand that a flourishing society is *not only* a question of "inner" individual morals, but that it may *also* be strongly dependent on genuinely social phenomena like generalized trust which in turn may be dependent on a certain degree of economic equality (of opportunity) and the procedural justice of the state and its bureaucracy.

3 Part III: Political institutions – accumulated wisdom of the ages or subject to political decay?

Mac Mullen states that civic education is often (unintentionally) biased in favor of the status quo, i.e. in support of the existing laws and national institutions of one's own country, even when fully informed, completely reasonable and neutral people would agree that a different, negative opinion could be scientifically as legitimate as a positive one. As reasons for this status quo bias he points to cognitive phenomena like adaptive preferences of citizens (teachers, parents), their better knowledge of their society's institutions and of arguments in favor of these, confirmation bias (non-rationally sticking to one's belief despite empirical counterevidence), and so on.

The "orthodox view" rejects such status quo biases and argues that one should try to minimize these as far as possible, because they detract from pupils' autonomous, critical reasoning. From this viewpoint, status quo biases are appropriate only with regard to very basic institutions: civil rights, democracy, right to a subsistence minimum, and the like. Insofar as these principles are not violated, open discussion is advocated.

In contrast, Mac Mullen sees status quo biases in favor of "fundamental political institutions" (p. 2, p. 39, p. 42) which go somewhat *beyond* the core of liberal democracy (like f.e. favoring a *particular*, national form of democracy, like parliamentarism in Germany and presidentialism in the US) in a much more positive light and defends educational status quo biases in favor of these *particularistic forms* (though he does not completely endorse them). Educators should use these status quo biases consciously. So they should cultivate a "low but non-negligible degree" (p. 189) of general trust in the status quo ("Burkean trust") and supplement this with "particular trust", i.e. a bias favoring selected institutions.

Concerning "Burkean trust", he raises the question "Should educators encourage children to be impressed by the longevity of law?" and answers it with "a heavily qualified yes" (if democratic standards are met). To "teach Burkean trust", Mac Mullen considers that one could praise the polity's founder for their wisdom, assert the principle of "collective wisdom", tell children that what was a good solution in the past can be expected to be a good solution today, and teach them that lots of particular existing laws are

good and to avoid teaching them that (m)any existing laws are bad (p. 193). However, he admits that cultivating "general trust" has also drawbacks (supporting all features of one's polity despite the possibility that a few of them may be very problematic). Therefore, he advocates a rather "low degree" of general trust.

Concerning particular trust, i.e. favoring particular, selected laws and institutions, he concludes that "the best civic education will typically include significant elements of such bias" (p. 211).

However, he admits two important objections against status quo biases: fallibility and legitimacy. Fallibility means that the favored particular laws and institutions are unjust or turn out to be disadvantageous, problematic etc. in the future, so that such an education may act as a barrier against social progress. Legitimacy means that a polity should not be allowed to "manufacture" the societal consent on which it depends, but should be based on the autonomous approval of the governed. But for Mac Mullen, these two objections do not nullify the justification of status quo biases, they only limit their justified range.

To separate justified status quo biases from those who are not justified, he presents five indications, which warrant status quo bias in a particular, specific case:

- longevity of a particular law / institution ("at least a generation")
- support of an "overwhelming" majority of adult citizens for a particular law / institution
- these adult citizens must not have been educated in a biased fashion
- opposition against the law / institution is permitted
- a majority of those citizens who are disadvantaged by the law / institution believe in its justification

One could critically ask why the assessment of a particular institution / law in science, especially in the social sciences (political science, economics, sociology, and others) is not mentioned at all as a topic to be considered in this list. At least, these are the experts for those issues which civic education deals with. Surely they are not infallible, but normally more competent than the population. If for example I ponder whether I should teach my class that the reform of economic institutions – abolishing the institutional status quo of tax-free CO₂-pollution, thereby restricting the institution of economic freedom – for combating climate change is definitely necessary for preventing dangerous climate change although it may place a substantial financial burden on the population, do I look to the opinion of the huge majority of scientists or do I look to the majority opinion of the (American) population, which is swayed by the "merchants of doubt" in the fossil fuel industry? (see for example Maibach et al., 2013 for the stunning contrast between popular doubts and scientific reason at least in the US). If a political institution is endorsed by an overwhelming majority of

the population, but most political scientists view it as outdated and detrimental, should we nevertheless apply status quo bias instead of debating it controversially with students? What is more, populations may not only err sometimes, as Mac Mullen admits, they may moreover have *systematically biased* beliefs (e.g. Caplan, 2007).

It is also noteworthy that Mac Mullen immediately qualifies that not all the five conditions enlisted above (which he terms "content-dependent reasons") must be met in order to allow a status quo bias (p. 220). He does not specify whether four, three or two of these specific reasons and which (combination) of these are sufficient and to what degree they must be fulfilled, because an algorithm could not be specified. Less than five may be acceptable, because status quo bias can, according to him, additionally be justified by four further, general, so-called "content-independent reasons":

These "content-independent reasons" for justifying status quo biases in education are: political stability, contentment, compliance, and civic identification. Political stability means that adhering to the status quo is a good thing in itself as it strengthens law compliance because of trust in old laws and out of habit. Moreover, continual political and legal change discourages private investments and exerts transaction costs. Contentment means that approval of the status quo is a good thing in itself because people's subjective well-being is lower when they are opposed to institutions under which they must live – some critics might regard that argument as a bit ideological and cynical: beware of becoming a critic, because it makes you feel so bad! Compliance means that those who support the status quo are likelier to comply with its laws, thereby stabilizing the social order and social peace (see Part I). Civic identification means that people who support a polity are likelier to identify with it, thereby promoting political engagement (see Part II).

Mac Mullen does not precisely articulate when the advantages of political stability outweigh the possibility of social progress and the intensity of societal disagreement. But he gives an exemplary impression of what he has in mind: in Germany, civic education should encourage support for its system of proportional representation, in the US, the election system should be taught with a bias favoring its majoritarian system, but in Britain, the matter should be openly debated because in this country the question is very controversial in its political discourse. The main intention of Mac Mullen is to reject the "orthodox view": open, evenhanded, critical pro-con-discussions about fundamental, long-lasting political institutions (even if they only constitute a possible form of liberal democracy and not a core part of liberal democracy itself) without status quo bias education are said to give rise to the danger that future citizens will support "radical proposals for change" (p. 253), overturn and abandon good existing institutions and supplant them with bad ones. It would

threaten people's support for established institutions that served their parents and ancestors well in the past. Thus, a (partially) status quo biased education (beyond the core of liberal democracy) acts as a very important "bulwark against regression" (p. 225). So again, he is deeply skeptical about the probability that enough (young) people will arrive at sound conclusions by openly, autonomously weighing the pros and cons of "time proven" laws and institutions. They are insufficiently able to appreciate the "wisdom of ancestors", the "wisdom of ages" (p. 223). For him, even teaching young people the value of social stability directly (as an argument in a controversial debate) is far from being an adequate substitute for status quo bias because he thinks that young people are not able to appreciate the value of stability sufficiently, as the costs of political change seem too abstract and remote for young people (p. 231). But if this would be true, does this argument of intangibility not also hold as severe (or even more) for the difficult imagination of alternatives to the status quo, of possible future positive consequences of political reforms? Common biases in human perception and thinking such as the availability heuristic, loss aversion, etc. might further strengthen an (rational or irrational) hold-on to the status quo, so that it at least should perhaps not be further intensified through biased education.

Mac Mullen's theory of civic education can be seen in light of the analytical distinction between "allegiant citizenship" and "assertive citizenship" made by Welzel & Dalton (2014). Allegiant citizenship is defined very similarly to what Mac Mullen favors for liberal democracies: confidence in institutions that constitute the pillars of state order, law abidance, norm compliance, and the like. Assertive citizenship is defined very similar to the ideal of the "orthodox view", which Mac Mullen views skeptically: a posture that encourages people to be critical in general, stressing individual liberties and assertively claiming reforms for equal opportunities, and the like. Mac Mullen contends that (too) assertive citizenship is likely to lead to predominantly negative consequences, whereas allegiant citizenship is likely to lead to predominantly positive consequences. He does not provide empirical evidence for this claim in his book. But Welzel & Dalton (2014) have examined this question empirically in a profound cross-country study. Their empirical results are not in line with Mac Mullen's claims: assertive citizenship has outright positive consequences for effective governance (allegiant citizenship has none), and this effect is not limited to non-democracies. Of course, there may be other scientific studies, but again, one should not construct civic education proposals without considering scientific evidence.

It is not easy to evaluate Mac Mullen's deliberations in Part III, because the text is, in the aggregate, rather ambiguous. On the one hand, there are many passages in favor of heavy status quo biases (see above). On the other hand, there are also some

passages where this stance is markedly qualified: so he declares dissent, protest, and civil disobedience as "vital" (p. 248) and argues that status quo educational bias could be sometimes "worth combating" (p. 250). Even in those cases where he sees status quo bias as strongly justified, he rejects not only indoctrination, but also explicitly rejects the idea of omitting counterarguments and –evidence or presenting them too unfavorably (p. 249). Older students should even possess familiarity with the strongest argument against their polity's institutions and in favor of alternatives (p. 256, footnote 3). So, what clever, subtle instructions should we then use to apply status quo bias in a controlled manner? In a footnote on page 209, he writes that the most defensible forms of status quo educational bias will "rarely" involve concealment of alternative political arrangements, because contrasts are instructive. Instead, status quo bias should be put into practice through the "manner in which alternatives are presented". But if this "manner" should not include omitting or skewing arguments against the status quo (see above), then how should this "manner" exactly look like? Where is the line drawn? Of course, an "algorithm" may be impossible to specify, as Mac Mullen says – but everybody knows that the devil is almost always in the details.

Despite the ambiguity, overall the emphasis of the book seems to be rather on promoting the status quo, fostering political stability and conserving the political heritage of wise ancestors. One can question if such a strong emphasis on conservation is appropriate. Mac Mullen's focus – as in Part I – is again on the probably misguided, inept individual who tends to cause social trouble and endangers the social order. I can find no scientific empirical evidence for this premise in the book, but I do not exclude that it may be found somewhere in the social sciences. More important is that there is a different, scientifically well-founded perspective based on empirical evidence which diagnoses *exactly the contrary* problem, which Mac Mullen hardly gives the equal weight which it deserves, namely the problem of politically self-detrimental social conformism and system justification:

"A number of studies in recent years document the pervasiveness and importance of the human desire to make sense of existing social arrangement by endowing those arrangements with the assessment that they are appropriate and reasonable. This motivation is found among those who benefit from and, more paradoxically, those who are disadvantaged by those arrangements. (...) People are found to be motivated to believe that (1) existing social arrangements are just; (2) they have not personally suffered from discrimination; and (3) harboring emotions such as resentment is socially inappropriate. These cognitive and motivational factors generally encourage deference to existing social conditions. Why are people motivated to

engage in system justification? Studies suggest that system-justifying ideologies decrease anxiety, uncertainty, guilt, frustration, and dissonance, and increase satisfaction with one's situation in life. Interestingly, this is true for both the disadvantaged and the advantaged." (Tyler, 2006a, 394, 388)

Should educators reinforce this deference, this propensity to system justification as would be likely under Mac Mullen's approach? Which social groups could profit from that? As an alternative, a more balanced approach to civic education might at least *not only* ask what pupils have to do for their country in order to safeguard social order (Mac Mullen's focus), *but would also* have to ask what the country has to do for each individual (but does not do at the moment) and what each individual can rightly claim from the system (but often does not do because of emotional pain). Thus, a more balanced approach might *also* ask how we can strengthen individuals to realize, defend and pursue their interests against systems, *fundamental rules, fundamental institutions, powerful interest groups, fundamental "carceral states"* (as some scholars denote the US, see Lerman & Weaver 2014a, 2014b and Gottschalk, 2014 among others), and the like, that disadvantage them. As the quote from Tyler makes clear, this would have to include irritating a sizeable amount of status quo justifying biases of individual citizens. You do not read very much about this in Mac Mullen's book. Of course, Mac Mullen may object that he does not definitively exclude irritating a few status quo biases. However, at least in civic education in schools, teaching time is scarce. I wonder for what that scarce time would be disproportionately spent in practice if a teacher puts so much emphasis on the benefits of the status quo as Mac Mullen advocates.

A further problem with regarding an overwhelming majority opinion in favor of the status quo as a probable justification for status quo bias is what especially (but not only) Elisabeth Noelle-Neumann (1980), a renowned scientific expert for public opinion and communication, has termed the "spiral of silence": people are social beings who strive for social approval as an end in itself and fear social depreciation and isolation. People have a "natural tendency to conformism" (Fukuyama, 2014b). Because of the spiral of silence and the tendency of conformism, most people back off from uttering or even exploring, thinking earnestly about unconventional opinions which they think are socially non-accepted, for example which are widely held to be "un-american" or the like. Probably such tendencies may be reinforced by pedagogical approaches like Mac Mullen's. Is such reinforcement necessary? Should it be welcomed? The spiral of silence (Noelle-Neumann), system justification (Tyler) and the natural tendency to conformism (Fukuyama) means that informal civic education in places out of school is already in many instances tilted in favor of the status quo. Thus, one could argue, at least the school should try to be the

one exception, the singular place in which all citizens once in a lifetime encounter and *controversially debate* rather unconventional, little-known *scientific* viewpoints which challenge some status quo ideas, instead of – once again – hammering the status quo into their heads. Then, the school could be the one, singular single place which can irritate status quo bias as much as possible to provide at least a little bit of a counterweight to society's status quo bias.

But Mac Mullen declines this. Contrary to the empirical evidence provided by Tyler and others, Mac Mullen (p. 257) just "doubt(s) that this [a strong status quo bias in informal civic education out of schools] is often the case". He does not let the reader know on which empirically well-founded scientific theories his personal "doubt" is based. His fear of a politically inept youth forming problematic beliefs, rejecting and abolishing supposedly good old institutions, which were built by our (allegedly) wise ancestors, is too strong. But how realistic is it to expect that a few hours of civic education taught according to the "orthodox view" per week in schools may spark so much trouble? Empirical evidence shows that (mostly status quo biased) parents have by far much more influence on pupil's political beliefs than has formal civic education in schools (Fend, 2000). Furthermore, fundamental political institutions are very sticky (Fukuyama, 2014b, see below) and very resistant to change.

Despite this, one can argue that teaching students the possible pitfalls of revolutionary change, which Mac Mullen fears, is indeed a meaningful goal. But his status quo biased education is not the only way to do this, and it may even not be the most effective, impressive one to do it. An alternative way could be to critically dissect revolutionary ideologies directly and to investigate selected detrimental revolutionary changes in human history directly (for example the disappointing and cruel consequences of socialist revolutions in Russia, Cuba, Latin America and elsewhere, the derailment of the French Revolution under the Jacobins in 1793/94, and the like). By this, students could *directly* see the possible difference between good intentions ("equality") versus bad outcomes (poverty, violence) and could understand how easily humane ideas and good intentions can fundamentally err, can go awry, can be misused and perverted.

However, fears of the pitfalls of social change must not blind us to the possibly severe malfunctioning of our current institutions. An important implicit premise of Mac Mullen's book and his plea for (many) status quo biases is the assumption that current liberal democracies in the West, including the US, are all in all trustworthy political systems which may have some notable, but clearly limited single deficiencies here and there, but overall they function quite well, so that a deeply critical, controversial examination of their fundamental political institutions and an exploration of profound, democratizing reforms of them is neither advisable nor necessary (so that educational status

quo bias is justified with regard to fundamental national political institutions even beyond the core of liberal democracy). However, this is a quite uncertain, contested assumption, because some comprehensive empirical studies in political science provide ample and detailed evidence for the conclusion that (at least) the US today is in a very important sense in fact mainly a democracy for rich people, but hardly so for other people:

"Can a country be a democracy if its government only responds to the preferences of the rich? In an ideal democracy, all citizens should have equal influence on government policy – but as this book demonstrates, America's policymakers respond almost exclusively to the preferences of the economically advantaged. (...) With sharp analysis and an impressive range of data, Martin Gilens looks at thousands of proposed policy changes, and the degree of support for each among poor, middle-class, and affluent Americans. His findings are staggering: when preferences of low- or middle-income Americans diverge from those of the affluent, there is virtually no relationship between policy outcomes and the desires of less advantaged groups. In contrast, affluent Americans' preferences exhibit a substantial relationship with policy outcomes whether their preferences are shared by lower-income groups or not. Gilens shows that representational inequality is spread widely across different policy domains and time periods." (Gilens 2013: <http://press.princeton.edu/titles/9836.html>)

"Using a vast swath of data spanning the past six decades, Unequal Democracy debunks many myths about politics in contemporary America, using the widening gap between the rich and the poor to shed disturbing light on the workings of American democracy. (...) Bartels demonstrates that elected officials respond to the views of affluent constituents but ignore the views of poor people. (...) Unequal Democracy is social science at its very best. It provides a deep and searching analysis of the political causes and consequences of America's growing income gap, and a sobering assessment of the capacity of the American political system to live up to its democratic ideals." (Bartels 2009: <http://press.princeton.edu/titles/8664.html>)

Of course, again, there may be other scientific theories which disagree with these studies. However, it is noteworthy that both books were widely appraised in the scientific community: f.e., Bartels' book was the winner of the 2009 Gladys M. Kammerer Award of the American Political Science Association, and Gilens' book was the winner of the 2013 Woodrow Wilson Foundation Award of the American Political Science Association. There are also other books of renowned political scientists which arrive at similar conclusions (Hacker & Pierson 2010). Therefore, and because of their serious implications, which concern a central

pillar of liberal democracy, it is reasonable for civic education to take these findings into account.

"Taking into account" does neither mean that the basic decision between liberal democracy and a socialist dictatorship of the proletariat should be taught in a controversial way. (History has shown which is better to protect human rights and foster prosperity). Nor does it mean that civic education should teach that Gilens and Bartels have "revealed the truth" and other authors, who disagree with their argument, are wrong. Instead, "taking into account" means a) to refuse gullibility, i.e. to scrutinize Mac Mullen's assumption of a quite well-functioning liberal democracy and b) to assemble material and data from divergent scientific sources and then examine and debate controversially in class whether a "democratic deficit" (in the sense above) exists in the US (and elsewhere) or not and if so, whether *democratic* reforms even of fundamental national political institutions in the US (and elsewhere) are advisable and manageable to cure these (possible) democratic deficits.

Or should we instead heavily bias such debates in class in favor of the status quo – if we dare to hold them at all – just because a) non-biased debates could possibly stir up a destabilizing socialist revolution by today's young people in the future, because b) we should trust the wisdom of the founders of our polity that all will surely be fine as in the past, because c) exposing the possibly strongly biased influence of rich people on the law-making process could reduce compliance with the law, and because of d) contentment ("beware of becoming a critic of our system, because it will make you feel bad")?

Would Mac Mullen choose this thorny topic raised by Gilens, Bartels and others in the US as a part of his preferred civic education curriculum and would he teach it without status quo bias and without exuding "Burkean trust"? One cannot know for sure because he does not address this topic. But given his socio-evolutionary optimistic assumptions about the accumulated "wisdom of ages", this would be a bit surprising.

A further problem of Mac Mullen's argumentation is his balancing of the costs and benefits of political stability and political change. He admits that clinging to the political status quo has the potential cost of foregoing the opportunity of further improvement, but that reforming the status quo has the potential cost of regression, which he thinks is in many cases much higher – a bird in the hand is worth two in the bush. And the "orthodox view" would risk promoting regression. This balancing leaves a further important potential cost of clinging to the status quo out of consideration: political decay (Fukuyama 2014a, 2014b). Firstly, fundamental (political) institutions do not exist in a social vacuum, but are subject to an ever rapidly changing social environment, so that needs, challenges and requirements on the institutional system change. Secondly, even if there is no deliberate, radical change of a fundamental (political)

institution from the outside, it develops in a path-dependent manner subject to its own internal logic and interests, so that there is incremental change over the times. One or both of these facts taken together can lead to political decay, which means that an existing (political) institution (or a system of it) fails to adapt to the demands of changing circumstances and instead becomes increasingly rigid, petrified and snarled in its own logic and vested interests.

This is exactly the critical diagnosis of the political system of the US today made by some political scientists like Francis Fukuyama (he thinks the EU is on a similar way, see also Majone, 2014, for an analysis of the decay of the EU):

"The very stability of institutions, however, is also the source of political decay. Institutions are created to meet the demands of specific circumstances, but then circumstances change and institutions fail to adapt. One reason is cognitive: people develop mental models of how the world works and tend to stick to them, even in the face of contradictory evidence. Another reason is group interest: institutions create favored classes of insiders who develop a stake in the status quo and resist pressures to reform. (...)

Political decay thus occurs when institutions fail to adapt to changing external circumstances, either out of intellectual rigidities or because of the power of incumbent elites to protect their positions and block change. Decay can afflict any type of political system, authoritarian or democratic. And while democratic political systems theoretically have self-correcting mechanisms that allow them to reform, they also open themselves up to decay by legitimating the activities of powerful interest groups that can block needed change. This is precisely what has been happening in the United States in recent decades, as many of its political institutions have become increasingly dysfunctional. A combination of intellectual rigidity and the power of entrenched political actors is preventing those institutions from being reformed.

The U.S. political system has decayed over time because its traditional system of checks and balances has deepened and become increasingly rigid. In an environment of sharp political polarization, this decentralized system is less and less able to represent majority interests and gives excessive representation to the views of interest groups and activist organizations that collectively do not add up to a sovereign American people." (Fukuyama, 2014b)

The provocative title of Fukuyama's article in Foreign Affairs is "America in Decay". In contrast, Mac Mullen (p. 223) often leans on Burke and rather tells a story of continuous "incremental improvement" of people's political beliefs and institutions, resulting in the "wisdom of ages" (endangered mainly by the "orthodox view" of civic education). Political decay plays hardly any role in this model of political

evolution and the importance of asymmetric power distribution for the development of a political system is also hardly considered appropriately.

It is interesting to see how strongly Fukuyama accentuates sticky, dubious mental models and intellectual rigidities as causes of political decay. So, should civic education strengthen and deepen these mental rigidities even further? Should civic education instill even more "Burkean trust", as Mac Mullen advocates? Should we really consider teaching that "a good solution in the past can be expected to be a good solution today" (p. 193)?

Again, I strongly emphasize that this is not to say that civic education should side with Fukuyama's position in anyway, because there may be other, different, equally well founded scientific opinions. But why should civic education (subtly) disadvantage or even ignore Fukuyama's argument (or similar scientific contributions)? Why should we not openly debate the challenging, well argued position of Fukuyama in class, who has comprehensively studied and written about the historic development of political systems, political order, and political evolution around the world since the beginnings of humanity (Fukuyama, 2011 + 2014a)? My intention is not to reject the possible value of political stability – it is in every case a serious argument to be considered, but not more. Mac Mullen may significantly underestimate the potential costs of institutional stability, which Fukuyama lays bare.

4 Conclusion

Proposals for civic education should not be designed *solely* based on political philosophy and civic education philosophy. It is important to check whether such proposals can be backed up by well-founded empirical research in the social sciences (political science, economics, social psychology, sociology, and the like). Moreover, character education should not overly concentrate on fostering (minor) individual virtues, but should also promote the capability to scrutinize fundamental (conformist) popular ideologies and myths as well as fundamental political institutions (not in an arbitrary subjective way, but based on respected scientific theories). Students should understand that many social ills can have their origin at least as much in social structures as in character traits. And if character traits are held to be very important for civic education, then one should try to curb bad character traits *not only* of ordinary people (incompliance with the law, low political engagement, missing appreciation of fundamental national institutions), *but should also include* possible bad character traits of future elites (procedurally unjust leadership and governance, indifference against poverty and social inequality, succumbing to the temptation of interest group capture and corruption, intellectual rigidity, and the like), which also endanger the social order (as argued by the social science theories presented above).

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