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PRISONERS' ATTITUDES TOWARD LAW AND LEGAL INSTITUTIONS

ANASTASSIOS D. MYLONAS AND WALTER C. RECKLESS*

Sociologists and criminologists have suggested that delinquents and criminals have withheld their attribution of legitimacy from certain of the norms maintained by law-abiding groups of the larger society and have given it, instead, to patterns of conduct defined as illegitimate by the official agencies of the society.¹ Moreover, American criminologists agree that the strong tradition of lawlessness, namely, that of the "fix" prevailing in the American society and the fact that people in the United States do not have the respect for law that people have in other countries, are two conditions which contribute to the high delinquency and adult crime rate in America.²

In view of the foregoing, it is reasonable to expect an unfavorable attitude of American prisoners toward law in general and legal institutions in particular, namely, courts, judges, prosecutors, juries, lawyers, and police. All of us, also, are aware that adult offenders have anti-social grudges and hostile attitudes toward society. Many of these attitudes develop early in life, while some develop later as a result of experience with police, courts, and prisons. Certainly a favorable attitude toward law and legal institutions is an indication of conformity as well as good adjustment to society.

There has been a dearth of studies on this important aspect of criminology in the United States. Several studies have attempted to predict success or failure after release from prison or reformatory, according to various characteristics.³ A series of studies has also attempted to gauge the impact of the penal institution on the inmate as

he perceives it.⁴ A study by Watt and Maher is closer to the topic at hand. They concluded that "investigation of 74 adult male criminals serving sentences (in the Indiana State Prison) lends no support to the hypothesis that the attitudes of these subjects toward public law and morality is a function of their acceptance or rejection of parental figures."⁵ An instrument to measure the attitudes of juveniles toward legal authorities was constructed by Ames W. Chapman and administered to 160 boys, ranging in age from 13 to 16 years and in grades from the seventh to the eleventh. Chapman found no statistically significant difference between the attitudes of delinquent and non-delinquent boys.⁶

The purpose of this study is to focus directly on and to get some measure of adult prisoners' attitudes toward law and legal institutions. Unfortunately, it was not possible to compare prisoner and nonprisoner groups. Consequently, the hypotheses were set in terms of expected differences among prisoners in a maximum security prison. In general, the hypotheses have to do with differentially favorable or unfavorable attitudes toward law and legal institutions according to various social categories. However, it is obvious that favorable or unfavorable attitudes toward law and legal institutions also should be related to or associated with other assessments of self such as favorable or unfavorable socialization, high or low morale, and favorable or unfavorable image of interpersonal competence.

In the light of the above considerations two general hypotheses were formulated for study.

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¹ CLOWARD & OHLIN, *DELINQUENCY AND OPPORTUNITY* 19 (1960).

² RECKLESS, *THE CRIME PROBLEM* 1 (3d ed. 1961).

³ See, e.g., BURGESS, *Factors Determining Success or Failure on Parole*, in BRUCE *et al.*, *THE WORKING OF THE INDETERMINATE-SENTENCE LAW AND THE PAROLE SYSTEM IN ILLINOIS 205-49* (1928); S. & E. GLUECK, *AFTER-CONDUCT OF DISCHARGED OFFENDERS* (1945), *CRIMINAL CAREERS IN RETROSPECT* (1943), *FIVE-HUNDRED CRIMINAL CAREERS* (1930); LAUNE, *PREDICTING CRIMINALITY* (1936); HAKEEM, *FORECASTING PAROLE OUTCOME BY PAROLE OFFICERS AND LAYMEN* (1950).

⁴ Galway, "A Measurement of the Effectiveness of a Reformatory Program" (unpublished Ph.D. dissertation, The Ohio State University 1948); Bright, "A Study of Institutional Impact Upon Adult Male Prisoners" (unpublished Ph.D. dissertation, The Ohio State University 1951); Clark, "Blame Acceptance Among Ohio Prisoners" (unpublished Ph.D. dissertation, The Ohio State University 1960); Fradkin, "Criminal Background and Self-Concept as Prognostic Factors in the Lives of Prisoners" (unpublished Ph.D. dissertation, The Ohio State University 1958).

⁵ Watt & Maher, *Prisoners' Attitudes Toward Home and the Judicial System*, 49 *J. CRIM. L., C. & P.S.* 327, 330 (1958).

⁶ Chapman, *Attitudes Toward Legal Authorities by Juveniles*, 31 *PSYCHOLOGICAL ABSTRACTS* 36 (1957).

First, there is a significant difference in the mean scores on a scale which purports to measure attitudes toward law and legal institutions of various subgroups of the study population, namely, according to race, age, residential origin, religion, education, intelligence, marital status, occupation, and amount of criminal history (i.e., arrests, length of time spent in prison, etc.). Second the prisoners' attitudes toward law and legal institutions will be found to be related in expected directions to their socialization, morale, and image of interpersonal competence.

THE SAMPLE

The sample is a group of 300⁷ property offenders admitted consecutively from November 29, 1961, to February 16, 1962, to the Ohio Penitentiary, a maximum security institution located in Columbus, Ohio.⁸ Property offenders alone were included in the sample, since they represent the largest single category of offenders and they are regarded as the group in which criminal careers are concentrated.⁹

RESEARCH PROCEDURE

Data for this study were collected from two sources: the responses of each prisoner to a standard schedule and the information from

⁷ Actually the total sample size is 330, but 30 cases were discarded which consisted of prisoners with education below the fifth grade and with inferior intelligence quotients and of prisoners who left the schedule incomplete or marked most of the statements "undecided."

⁸ The Ohio Penitentiary, the third largest penal institution in the United States, receives all newly admitted adult male offenders, except those sentenced directly to the State Reformatory at Mansfield, Ohio. At the time of this study, the average daily population numbered approximately 4,500 men; the average monthly rate of admissions ranged from 200 to 240 men, including parole violators. The population is about 64 per cent white and 36 per cent Negro.

⁹ The property offenders included in the sample were found to have the following general characteristics: they were over-represented in number of Negroes; the majority of them were under 35 years of age and had a median age of 33.95; more than 80 per cent had normal or better intelligence; almost 90 per cent had attended or graduated from high school; more than two-thirds had previously been married, and of these, more than half were either divorced or separated at the time of incarceration; 74 per cent claimed affiliation with the Protestant faith; nearly 40 per cent reported being reared on a farm or in a small town; more than half were unskilled workers; one-third of the group was sentenced for the crime of burglary; although 56 per cent had no contacts with the police or court authorities as juveniles, the majority of them had been arrested three or more times since adulthood; 12 per cent had never been previously incarcerated, while more than one-third had been for two years and the others from three to 15 years.

individual case records kept on each inmate in the files of the institution. The schedule was administered on a weekly basis to groups of from 12 to 45 newly admitted prisoners in a room located in the Social Services Building.¹⁰ Sufficient space was available so that communication among inmates was minimal. Illiterate inmates were excluded from the sample.

THE SCHEDULE

The main body of the schedule consisted of four parts (196 items) together with a cover sheet explaining the purpose of the study and giving instructions for completing the schedule. The first part is the Socialization Scale (SO), for which items 1 through 53 were taken from the California Psychological Inventory constructed by Gough.¹¹ High scores indicate a veering toward good socialization while low scores indicate poor socialization.

The second part of the schedule (items 54 through 75) is the Morale Scale constructed by Rundquist and Sletto.¹² High scores indicate low morale. The third part consists of 110 statements, items 76 through 185, designed to measure the individual's attitude toward law and legal institutions.¹³ Twenty-two of these items were used by Rundquist and Sletto¹⁴ for the construction of their Law Scale, and 16 items were taken from an

¹⁰ In order to standardize the testing procedure, each item of the schedule was read to each group, and questions of interpretation were answered when necessary. This procedure seemed to be very effective throughout administration of the test. In general, the groups appeared to be cooperative, relaxed, and seriously interested in the project. Although they were asked not to sign their name or number to protect their anonymity, a number of them offered to do so and did. Only five men refused to take the test (they were later identified as Negroes with long records of institutionalization). Slow readers were assisted in the completion of the schedule in special sessions. In order to insure a more relaxed atmosphere, no prison official was present at the time of the administration of the schedule to the prisoners.

¹¹ Gough & Paterson, *The Identification and Measurement of Predispositional Factors in Crime and Delinquency*, 16 J. CONSULTING PSYCHOLOGY 207 (1952). One item of the original 54 of the SO scale was eliminated; namely, "I have never been in trouble with the law."

¹² RUNDQUIST & SLETT, PERSONALITY IN THE DEPRESSION 369 (1936).

¹³ Twenty-eight of these original 110 items covering attitudes toward law and legal institutions were selected for use in interviewing newly admitted property offenders. Fifteen such offenders were interviewed. On the basis of this pretest it became apparent that differences in attitudes toward law and legal institutions rather than a uniform and stereotyped attitude existed among prisoners.

¹⁴ RUNDQUIST & SLETT, *op. cit. supra* note 12, at 25.

older Law Scale prepared by Daniel Katz;¹⁵ the remaining 72 items were developed by the authors. Using the method of summated ratings developed by Likert,¹⁶ 30 items were finally selected to construct the "law scale" for this study, which measure the prisoners' attitudes toward law and legal institutions. The first ten items were designed to measure the offenders' attitudes toward law in general; items 11 through 17 to measure their attitudes toward judges, courts, and juries; items 18 through 20, toward lawyers and prosecutors; and items 21 through 30, toward police. The critical ratio was used as the statistical test for item analysis. All 30 items selected had critical ratios of from 7.80 to 13.72. Weights for item responses were assigned in such a manner that a high score indicates an unfavorable attitude.

The fourth part of the original schedule, items 186 through 196, was designed to measure the prisoners' image of interpersonal competence. These 11 items were taken from the "Self-Image of Interpersonal Competence Scale" constructed by Rothenstein.¹⁷ High scores indicate a favorable self-image of interpersonal competence.

Items designed to elicit background data comprise the last part of the schedule. This section was placed last to avoid fear of possible identification of the inmate by the information requested. Only two offenders did express such a fear after completion of the background data sheet. The prisoner was asked not to sign his name or give his prison number.

STATISTICAL ANALYSIS

The background data and scale scores were coded and punched on data processing cards. The data were then analyzed to discover the relationship between the prisoners' scores on the law scale and their personal background characteristics, as well as their scores on the socialization, morale, and interpersonal competence inventories. An effort has been made to identify those variables which contribute most to the offender's favorable attitude toward law and legal institutions and also the relationship among those contributing variables. Critical ratios and correlation coefficients

¹⁵ KATZ, *ATTITUDE TOWARD THE LAW*, Scale No. 27, Forms A and B (1931).

¹⁶ FURGESON, *PERSONALITY MEASUREMENT* 123-44 (1952).

¹⁷ Rothenstein, "An Analysis of Status Images as Perception Variables Between Delinquent and Non-Delinquent Boys" at 102 (unpublished Ph.D. dissertation, New York University 1961).

appeared to be the most appropriate statistical tests for this analysis.

FINDINGS

An examination of the mean scores on the newly constructed "law scale," according to the various subgroups of prisoners, reveals that significant differences appear only in the subgroups based on race, marital status, and criminal involvement (criminal record and time spent in correctional institutions). (Table I) Further analysis shows that the offenders' socialization is significantly related to age, education, marital status, and criminal involvement; their morale, to education, marital status, and criminal involvement; interpersonal competence, to educational level only.

Finally, the intercorrelations between the scores on the four inventories—the law scale, the socialization scale, the morale scale, and the interpersonal competence items—are found to be low but statistically significant, varying in expected directions from .35 to .55 (with one coefficient at .13). (Table II)

CONCLUSIONS

Although the findings from an initial pilot project such as this study should not be considered conclusive, certain conclusions seem justified.

1. The attitudes of adult male property offenders toward law and legal institutions seem to be moderately associated in expected directions with their socialization and morale. The better socialized prisoner and the prisoner with high personal morale have more favorable attitudes.

2. The attitudes of adult male property offenders vary according to racial subgroups. The Negro property offender's attitude is less favorable than that of the white offender. This finding is consistent with sociological conclusions that the Negro has a "special culture pattern" and that official society discriminates against him.

3. The prisoners' attitudes toward law and legal institutions vary with marital status. The single offenders have a less favorable attitude than the married, separated, or divorced offenders.

4. Attitudes toward law and legal institutions vary somewhat with the criminal record, i.e., the number of felonies committed. First offenders have more favorable attitudes than recidivists. However, the correlations of scores on the law scale with extent of felony record was found to be low but significant.

TABLE I
MEAN LAW SCALE SCORES BY SUBGROUPS OF 300 MALE PROPERTY OFFENDERS^a

Background Characteristics	N	\bar{X}	\bar{X} Dif.	C.R. ^b	p ^c
RACE					
1. White.....	200	94.50			
2. Negro.....	100	101.10	6.60	2.75	.01
AGE					
1. 21-30.....	106	99.13	2.50 (1-2) ^d	.91	ns
2. 31-40.....	125	96.63	6.13 (1-3)	1.03	ns
3. 41 and over.....	69	93.00	3.59 (2-3)	1.22	ns
RESIDENTIAL ORIGIN					
1. On a farm or in the country.....	71	96.11	1.24 (1-2)	.32	ns
2. 2,500-50,000.....	56	94.87	1.40 (1-3)	.49	ns
3. 50,000 and over.....	173	97.51	2.64 (2-3)	.76	ns
RELIGION					
1. Protestant.....	221	95.92			
2. Catholic.....	76	98.25	2.33	.79	ns
EDUCATION					
1. 5th-9th grade.....	148	98.26			
2. 10th-16th grade.....	152	95.16	3.10	1.27	ns
I. Q. (OPCT)					
1. Superior and bright normal.....	103	97.34			
2. Normal and dull normal.....	197	96.35	.99	.39	ns
MARITAL STATUS					
1. Single.....	79	101.00	5.94 (1-2)	1.97	.05
2. Married.....	109	95.06	5.77 (1-3)	2.00	.05
3. Separated, divorced, widowed.....	112	95.23	.17 (2-3)	.06	ns
OCCUPATION					
1. Professional, white-collar, skilled.....	83	96.22			
2. Semi-skilled, unskilled.....	214	96.71	.49	.18	ns
CRIMINAL RECORD					
1. First offenders.....	84	87.53	13.38 (1-2)	5.07	.001
2. 2-3 offenses.....	156	100.91	11.00 (1-3)	3.28	.01
3. 4 offenses and over.....	60	98.53	2.38 (2-3)	.83	ns
TIME SPENT IN JUVENILE INSTITUTION					
1. None.....	222	95.34	3.26 (1-2)	.87	ns
2. 1-12 months.....	38	98.60	7.01 (1-3)	2.08	.05
3. 13-84 months.....	40	102.35	3.75 (2-3)	.81	ns
TIME SPENT IN JAIL AND/OR WORKHOUSE					
1. None.....	135	92.17	7.53 (1-2)	3.09	.01
2. 1-12 months.....	142	99.70	12.44 (1-3)	2.89	.01
3. 13-72 months.....	23	104.61	4.91 (2-3)	1.15	ns
TIME SPENT IN REFORMATORY					
1. None.....	159	93.63	7.59 (1-2)	2.82	.01
2. 12-24 months.....	86	101.22	4.82 (1-3)	1.48	ns
3. 25 months and over.....	55	98.45	2.77 (2-3)	.78	ns

TABLE I—*Concluded*

Background Characteristics	N	\bar{X}	\bar{X} Diff.	C.R. ^b	p ^c
TIME SPENT IN PENITENTIARIES					
1. None.....	139	93.49	4.88 (1-2)	1.77	ns
2. 12-48 months.....	101	98.37	7.81 (1-3)	2.73	.01
3. 49 months and over.....	60	101.30	2.93 (2-3)	.93	ns
PAROLE VIOLATIONS					
1. None.....	249	95.95			
2. One and over.....	51	100.29	4.34	1.38	ns
AGE					
1. 21-30.....	106	99.13			
2. 31 and over.....	194	95.35	3.78	1.48	ns
RESIDENTIAL ORIGIN					
1. On a farm or in a city of 50,000.....	127	95.57			
2. In a city over 50,000.....	173	97.51	1.94	.78	ns
I. Q. (OPCT)					
1. Superior.....	40	100.04			
2. Dull normal.....	55	101.22	1.18	.27	ns
MARITAL STATUS					
1. Single.....	79	101.00			
2. Married, separated, divorced, widowed.....	221	95.14	5.86	2.24	.05
OCCUPATION					
1. Professional.....	5	97.60			
2. Unskilled.....	155	96.48	1.12	.25	ns
1. Professional and white-collar.....	25	97.60			
2. Skilled, semi-skilled, unskilled.....	172	96.71	.89	.18	ns
TIME SPENT IN JUVENILE INSTITUTIONS					
1. None.....	222	95.34			
2. 1-84 months.....	78	100.52	5.18	1.93	ns

^a Admitted to the Ohio Penitentiary, November 29, 1961, to February 16, 1962.

^b Critical ratio.

^c Level of significance.

^d Numbers in parentheses refer to the comparison of the subcategories of prisoners under the main category as listed in the stub, so as to identify the differences in the mean scores (\bar{X} Diff.). For example, the mean (average) score on the Mylonas Law Scale for prisoners 21-30 years of age (1) is 99.13, and the mean scores for prisoners 31-40 (2) is 96.63. The difference (1-2) is 2.50, etc.

5. Prisoners' attitudes toward law and legal institutions vary somewhat with the length of time they have been exposed to correctional and penal institutions. The longer the correctional experience, the less favorable the attitude. This finding gives some support to Sutherland's contention that criminality is a function of duration of contact with offenders.¹⁸

¹⁸ SUTHERLAND, PRINCIPLES OF CRIMINOLOGY 3-9 (1947). In his "differential association" theory of criminal behavior, Sutherland points out the impor-

6. Attitudes toward law and legal institutions apparently represent a separate self-component among prisoners. It is only modestly correlated with direction of socialization and height of personal morale.

IMPLICATIONS OF THE STUDY

There is sufficient evidence to continue the exploration of attitudes toward law and legal tance of the frequency, priority, duration, and intensity of contacts with delinquents and criminals.

TABLE II
INTERCORRELATIONS BETWEEN SCORES ON THE FOUR
INVENTORIES, USING PEARSONIAN CORRELATIONS
(N = 300)

Scale	1	2	3
1. Law (Mylonas)			
2. Socialization (Gough)	-.40		
3. Morale (Rundquist and Sletto)55	.50	
4. Self-image of Interpersonal Competence (Rothstein)	-.13	.43	-.35

Note: The negative correlations herein are a function of the direction in which the responses to questions are scored on any particular inventory or scale.

institutions of various groups of offenders; for example, male versus female offenders, juvenile versus adult offenders, probation versus committed cases, offenders against the person versus offenders against property, short sentence (jail and workhouse) versus long sentence (prison) cases, and so forth. There is a strong suspicion that attitudes toward law and legal institutions would vary by subgroups of civilian workers as compared with prisoner subgroups of similar occupational level.

Further exploration needs to be made as to whether there is any relationship between attitudes toward law and personality traits. It is suspected that the 30 items comprising the law scale (atti-

tudes toward law and legal institutions) are highly correlated with some individual variables, since the scale value differences of these 30 items were very high, having critical ratios of 7.80 and 13.72. This study merely senses that there are personality traits and/or self-components behind the individual variability in attitudes toward law and legal institutions.

The social importance of the present study of prisoners will lie in identifying the particular groups of male offenders in a maximum security prison such as the Ohio Penitentiary which have less favorable attitudes toward law and legal institutions and in discovering whether these groups of prisoners can be re-socialized in terms of better attitudes. If institutional treatment is able to retrain prisoners, then programs of retraining should be directed toward helping the prisoner internalize the values and legal norms of society.

Property offenders seem to be a good risk for experiment in adult social re-education. As Clark points out, "the common property offenders are willing to admit blame for their offenses more often than personal offenders." The fact that in spite of this they still continue their criminal activity "suggests that in their cultural setting such behaviors are interpreted as justifiable or accepted."¹⁹ Group therapy if properly used might affect their values and attitudes.

¹⁹ Clark, *supra* note 4, at 71-72.