



The Journal of Sociology & Social Welfare

Volume 6
Issue 2 *March*

Article 7

March 1979

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David A. Fabianic
Montana State University

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Recommended Citation

Fabianic, David A. (1979) "Social Work and Criminal Justice Student Support of Civil Liberties," *The Journal of Sociology & Social Welfare*: Vol. 6 : Iss. 2 , Article 7.

Available at: <https://scholarworks.wmich.edu/jssw/vol6/iss2/7>

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SOCIAL WORK AND CRIMINAL JUSTICE STUDENT SUPPORT OF CIVIL LIBERTIES

by

David A. Fabianic
Associate Professor of Sociology
Montana State University

ABSTRACT

Varying levels of support for civil liberties have been imputed to social work and criminal justice personnel. Assuming students planning to pursue these professional roles reflect attitudes in accordance with anticipated demands of the positions and the effects of preparatory educational experiences, this paper examines the levels of support for selected provisions of the Bill of Rights among social work and criminal justice undergraduate students.

Support of the Bill of Rights to the United States Constitution is considered essential by some for the maintenance of a democratic society.¹ It is argued that public consensus concerning the principles embodied in the Bill of Rights is required if individual and collective freedoms are to be preserved, and without this consensus democracy will disintegrate and traditional institutions will collapse, including the legal structure.

A contrasting point of view is that a broad, general consensus is unnecessary. It is pointed out that in spite of the fact that research reports indicate several provisions of the Bill of Rights do not receive the majority of public acceptance or approval, American society continues to function. One explanation for the continuation of democratic forms under these circumstances may be that public consensus on civil liberties is not a necessary condition, but that consensus among economic, social, and political elites, and others who occupy important social positions, is essential. Among those who play significant roles in the perpetuation of democratic institutions are the occupants of positions within the criminal justice system, whether it is law enforcement, corrections, or the judiciary.

There are at least two ways in which criminal justice personnel, including those providing law enforcement, casework, counseling and correctional services, affect the perpetuation of democracy. One is the actual behavior of individuals working in criminal justice agencies. Behavior consistent with the law and the Bill of Rights is required if respect for the principle of the law and those administering justice is to be established and maintained. It is basic and fundamental that those enforcing and administering the law uphold the Constitution by overtly obeying it.

A second way criminal justice personnel influence democratic institutions involves their attitudinal posture preceding behavior. Because attitudes are frequently important indications of future behavior, if not determinants of it, they represent a significant area of concern. If attitudes of criminal justice personnel are inconsistent with the principles expressed in the Bill of Rights, the incompatibility can become translated into policies and practices which encourage the abuse of discretionary power, denial of equal protection of the law and due process. Lack of support for civil liberties can easily lead to the neglect of basic tenets of law, thus undermining the individual and collective rights of segments of the population. An attitude which supports the Bill of Rights can enhance respect for the law, serve as a predisposition to guide one's behavior in a manner consistent with it, and create a uniformity among personnel regarding criminal justice administration. Thus, independent of overt behavior, the absence of attitudinal support can contribute to denigration of civil liberties, encouragement for behavior inconsistent with the law, and the growth of general contempt for the law as well as those enforcing and administering it.

To the extent that criminal justice personnel play an important role in the preservation of democracy through their support for civil liberties, it becomes important to examine the attitudes of those planning careers in criminal justice in order to discern something of the political and civil climate of the next few years. In terms of the preceding arguments, social work and criminal justice students at the very least represent a segment of the general consensus which purportedly is required, and on the other hand are among those who play critical roles in American society without whose support continued democracy would be very doubtful. Thus, an examination of student attitudes representing contrasting occupational goals is in order.

Education and Support for Civil Liberties

Among the consequences of post-secondary education is an apparent "liberalizing" effect on students. The longer students remain in school, the more likely they are to be tolerant of non-conformity and supportive of the Bill of Rights.² There are several explanations which have been offered to account for this. One is that as a student progresses through an undergraduate career, there is more exposure to courses which provide information and create a familiarity with the principles upon which the country was founded. This exposure to substance, accompanied by discussion and deliberation, serves to enhance a student's appreciation for an acceptance of different points of view and the principles protecting those who express them. Another explanation for the impact of education is that students will encounter a variety of different life styles and a wide range of opinions among other students in the course of their educational careers. These incongruent experiences will serve to increase tolerance of nonconformity and respect for provisions of the Bill of Rights which protect these interests.³ Consequently, higher education not only serves to "liberalize" students by acquainting them with the substance of principles, intellectual thought, and history, but also by making them susceptible to experiences of contrast, contradiction, and disagreement.

Among the various majors available to college and university students and subject to this influence are those of criminal justice and social work. These majors serve as educational preparation for entrance into the professions after graduation, as well as the arena in which much anticipatory socialization takes place. The professions have been stereotyped in a manner which suggests conflict between them involving a difference in attitudes toward civil liberties. Criminal justice personnel, particularly those in law enforcement, are portrayed as possessing authoritarian personalities, rigid values, and fixed attitudes and opinions concerning the rights of others.⁴ Charged with upholding the law, criminal justice personnel are often seen as guardians of the existing arrangements and present order in society. Changes in the law or interpretations of the Constitution which are perceived as a threat to this order are considered unpopular by this group. On the other hand, social workers are seen as "do-gooders," who challenge the laws and practices which limit the civil liberties of certain minority groups, some of which have been the focus of intensive criminal justice activity. Under such circumstances, it is considered appropriate for social workers to focus on uniqueness and individuality, and promote social change adopting a degree of flexibility concerning the existing arrangements in society. As Trojanowicz states:

Even though some of the observations and accompanying adjectives leveled at the Police and Social Work professions are without scientific substantiation, it does appear that certain behavior patterns and attitudes of social workers as compared to policemen are in many cases different. . . . because different kinds of work and work situations demand different types of orientations and behavioral styles of persons who operate them there should be different and distinguishable behavior styles when policemen and social workers are compared.⁵

It is reasonable that as a consequence of intentional instruction and anticipatory socialization those intending to enter professions become familiar with many aspects of their intended careers including the supportive attitudes and norms which accompany the work situation. One area of difference between criminal justice and social work students is likely to be in the level of attitudinal support for civil liberties. Many court rulings in the last twenty-five years have been heavily criticized by criminal justice organizations and personnel on the grounds these decisions and interpretations have made the administration of justice more difficult. On the other hand, those actively pursuing social change have generally applauded many of these decisions and consider them to be in the best interests of individuals and groups. It is hypothesized here that social work students will be more supportive of provisions contained in the Bill of Rights than criminal justice students.

Data

The data for this research were obtained from a questionnaire consisting of a large number of questions

including fifteen items which have been previously used to measure support for civil liberties in other research efforts.⁶ The questionnaire was administered to students at Montana State University, a medium sized institution which has undergraduate Criminal Justice (Social Justice) and Social Work Programs that have been established for over six years. Virtually all the students enrolled in both programs are preservice students from the State of Montana, a sparsely populated state lacking significant metropolitan areas. The number of students included from each program was sufficient to consider each group representative of all majors in each program, and within the limitations of available data, the samples were found to correspond closely to the total enrollment for both groups in terms of the distribution of sex, year in school, and age.

The items employed to measure support for civil liberties were drawn from previous studies and consisted of paraphrased statements to which each respondent was asked to indicate a degree of agreement or disagreement. Responses indicating support for selected provisions of the Bill of Rights were regarded as "libertarian" responses. The neutral choice of "no opinion" was scored as "nonlibertarian." Although these items do not represent all the principles or applications of the Bill of Rights, they provide a limited indication of attitudinal support for civil liberties.

Results

A libertarianism score was created for each statement by tabulating the percentage of respondents who indicated support for the principle contained in each item. The libertarian scores for both groups are found in Table 1.

Contrary to expectations, the mean libertarian score for criminal justice (72.5%) and social work students (71.3%) were approximately equal indicating essentially the same general level of support for civil liberties. Examining each item separately, the range of difference between the two groups was greatest for items #2 (12.5%) and #13 (12.1%), and least for items #1 (2.0%) and #8 (2.0%). The differences observed for items #2 and #13 are suggestive but not substantial enough to permit any meaningful conclusions. It is noted, however, that among the items with the largest and smallest differences between the two groups, the same principle, the first amendment right to free speech and press, is involved. Considering all fifteen items, twelve of the statements received majority support in the criminal justice group and eleven were supported by a majority of the social work students.

Table 1

Support For Civil Liberties Among Criminal Justice
and Social Work Students

| Item | Percent Libertarian Response | |
|---|------------------------------|-------------|
| | Criminal Justice | Social Work |
| 1. The circulation of Russian or Chinese newspapers in this country should be restricted to scholars. | 88.4% | 90.4% |
| 2. The Government should have the right to prohibit any group of persons who disagree with our form of government from holding public meetings. | 83.7 | 96.2 |
| 3. State governments should have the power to pass laws making it illegal to speak against racial or religious groups. | 82.6 | 86.5 |
| 4. It unduly hampers the police in their efforts to apprehend criminals when they have to have a warrant to search a house. | 76.7 | 88.5 |
| 5. The police are justified in holding a man with a long criminal record until they have enough evidence to indict him. | 84.9 | 82.7 |
| 6. It is reasonable to suspect the loyalty of a lawyer who represents accused Communists before a Congressional Committee. | 77.9 | 69.2 |
| 7. A high school teacher who 'pleads the fifth amendment' while being questioned by a Congressional Committee should be fired at once. | 91.9 | 88.5 |
| 8. The government is acting properly in refusing a passport to a Socialist. | 44.2 | 46.2 |

Table 1 (continued)

| Item | Criminal Justice | Social Work |
|---|------------------|-------------|
| 9. Large-scale police roundups of 'undesirables' are proper as long as they are restricted to people with known criminal records. | 88.4 | 82.7 |
| 10. Legislative committees should not investigate the political beliefs of University faculty members. | 83.7 | 73.1 |
| 11. A former member of the Communist party who refuses to reveal the names of party members he had known should not be allowed to teach in a private University. | 67.4 | 71.2 |
| 12. It is wrong for government investigators to take pictures of people listening to a streetcorner speech. | 53.5 | 44.2 |
| 13. 'Crime' comic books should be screened by some government agency before publication. | 75.6 | 63.5 |
| 14. If a person accused of a major crime is acquitted, and if new evidence is then found that the prosecution claims indicates that he was guilty, he should be retried. | 48.8 | 38.5 |
| 15. The government should have the right to withhold relevant FBI files from defendants in criminal cases, when opening them might reveal the names of confidential informants. | 39.5 | 48.1 |
| X Item Score | 72.5% | 71.3% |
| N | 86 | 52 |

Similar to other research reports in this area, a libertarian index was constructed for each respondent by scoring one point for each item for which the respondent indicated support of civil liberties, providing a range of scores from zero to fifteen when the items were summed. Total scores ranging from zero to seven were classified as low libertarians, eight through eleven were grouped into the moderate libertarian category, and twelve to fifteen were considered high libertarians. Comparing the distribution of libertarianism within both programs revealed very little difference (Table 2). A small proportion of students in both groups possess attitudes reflecting a low level of support for civil liberties, and substantial proportions of both groups are found moderately or highly supportive of those principles. These data indicate there is very little difference in level of support for civil liberties among criminal justice and social work students.

Table 2

Libertarianism in Academic Majors

| Major | Libertarianism | | | | Mean Libertarian Score |
|---------------------|----------------|----------|-------|-------|------------------------|
| | Low | Moderate | High | N | |
| Social Work | 9.6% | 46.2% | 44.2% | (52) | 71.3% |
| Criminal Justice | 11.6 | 40.7 | 47.7 | (86) | 72.5 |
| Humanities | 14.3 | 52.4 | 33.3 | (42) | 67.8 |
| Social Science | 20.5 | 43.6 | 35.9 | (39) | 67.9 |
| Nursing & Education | 48.1 | 36.7 | 15.2 | (79) | 53.1 |
| General Studies | 44.9 | 44.9 | 10.1 | (69) | 52.1 |
| Physical Sciences | 27.3 | 40.9 | 31.8 | (110) | 64.3 |
| Business | 24.7 | 50.6 | 24.7 | (77) | 62.5 |
| Other | 39.1 | 37.0 | 23.9 | (46) | 57.4 |

Insight into the meaning of the absolute level of support of these groups was obtained by comparing them to other majors within the University. Utilizing the remainder of the general sample, the distribution and libertarianism mean scores for several academic majors were calculated (Table 2). Although the sample number is small in some instances, the data are included here only for general comparative purposes.

In contrast to other academic majors at the University, criminal justice and social work students have the largest proportion of high libertarians and smallest proportion of low libertarians. One possible explanation for this is that these majors are particularly sensitive to civil liberties issues, and the curricula and instructional style are

designed to instill favorable attitudes. On the other hand, these programs may tend to disproportionately attract students who are predisposed to support these principles. The difference is also seen in the mean libertarian score for each respective major. Criminal justice and social work students have the highest average libertarianism score among the academic majors, indicating the greatest level of attitudinal support for selected principles of the Bill of Rights. The lowest level of support is found among general studies, nursing and education majors, with those in the humanities, social sciences, physical sciences and business falling in between.

Discussion and Conclusions

Attitudes are related to work and the work situation, and those intending to assume particular careers frequently are socialized into an existing framework of occupational attitudes. While the relationship between attitudes and behavior is not completely clear, there generally is a direct association between them and it is reasonable to anticipate a tendency toward consistency. The criminal justice and social work professions represent important social positions for the maintenance and perpetuation of democracy, and the attitudes of the occupants of these roles, as well as those who are preparing for them, are a significant consideration in this process. On the basis of public comment, theoretical functions, and tradition it was suggested that criminal justice students would be less supportive of civil liberties than social work students. Using fifteen statements paraphrasing selected sections of the Bill of Rights and creating a crude index of libertarianism, criminal justice and social work students were found to exhibit essentially the same general level of attitudinal support for civil liberties. Furthermore, students preparing for these professions were found to be more libertarian than those from other academic majors.

There are several alternative interpretations of this finding. It is possible that among those students majoring in criminal justice there is a variation in attitude depending on what facet of criminal justice the individual intends to pursue. Students seeking careers in law enforcement might be less supportive of civil liberties than those with correctional careers in mind. For the present study, data on specific careers plans were not available, although in the past an approximately equal proportion of criminal justice students had indicated a preference for law enforcement as opposed to correctional careers, with a small percentage interested in the judiciary. Wide variation in attitudes may be present among these various subdivisions, having the overall effect of cancelling each other out when the total group is considered. An enlarged sample would provide data sufficient to examine this possibility as well as control for other variables such as age, sex, year in school, etc., all of which might have an impact on attitude.

Another interpretation of the results of this study is that the courses and instructors in the curriculum of each major are having an impact which results in approximately the same level of support. Emphasis on civil liberties in required courses may sensitize and educate students

in both types of programs and produce roughly equivalent levels of approval. On the other hand, students seeking both majors may be those interested in issues which concern civil liberties and they may be selecting academic majors compatible with their interests. Consequently, both criminal justice and social work majors may represent the same interests as far as civil liberties are concerned, but from different perspectives. In all probability, the situation is one of mutual exchange in that interest has an impact on major selection, and the major influences attitudes and values.

Assuming a favorable attitude toward civil liberties is an important element in the preservation of democracy, those preparing at the undergraduate level for roles in the professions of criminal justice and social work compare favorably with students in other majors. It would appear that if a substantial number of those with favorable attitudes toward civil liberties actually go on to enter the criminal justice and social work professions, these positions will be staffed by those most qualified to assume them as far as attitudes supportive of civil liberties is concerned.

One important aspect of this situation which remains to be clarified is the status of the attitudinal disposition of those currently working in these professions. If there are differences in level of support between them, the data of the present study are consistent with the notion that the variation is created after the undergraduate education is complete, and that other factors, including the character of the work situation itself, alter the degree of acceptance and approval of civil liberties. Such a finding would suggest that criminal justice and social work programs are limited in the degree to which they can affect attitudes, and it also raises the question of the attitudinal importance for behavior of individuals working in either field.

Notes and References

¹For a discussion of the relationship between public consensus and democracy, see Ernest S. Griffith, John Plamenatz and J. Roland Pennock, "Cultural Prerequisites To A Successfully Functioning Democracy: A Symposium," American Political Science Review, 50 (1956); Herbert McClosky, "Consensus and Ideology in American Politics," American Political Science Review, 58 (1964); and James W. Prothro and Charles M. Grigg, "Fundamental Principles of Democracy: Bases of Agreement and Disagreement," Journal of Politics, 22 (1960).

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³J. T. Borhek, "A Theory of Incongruent Experiences," Pacific Sociological Review, 8 (1965); also see footnote 2.

⁴For a more complete discussion of these differences, see Robert Balch, "The Police Personality: Fact or Fiction?" Journal of Criminal Law, Criminology and Police Science, 63 (1972); Robert Culbertson, "Occupational Choice, Corrections or Law Enforcement: A Comparison on the Basis of Dogmatism," Journal of Police Science and Administration, 3 (1975); G. Glockel, Silk Stockings and Blue Collar, National Opinion Research Center, (1966); Robert M. Regoli and Jeffrey Schrink, "Dogmatism Among Law Enforcement-Oriented, Corrections-Oriented, and Noncriminology Students: An Evaluation," Journal of Police Science and Administration, 5 (1977); A. B. Smith, B. Locke and W. F. Walker, "Authoritarianism in College and Non-College Oriented Police," Journal of Criminal Law, Criminology and Police Science, 58 (1967); A. B. Smith, B. Locke and W. F. Walker, "Authoritarianism in Police College Students and Non-Police College Students," Journal of Criminal Law, Criminology and Police Science, 59, (1968); A. B. Smith, B. Locke and A. Fenster, "Authoritarianism in Policemen Who Are College Graduates and Non-College Police," Journal of Criminal Law, Criminology and Police Science, 61 (1970); Larry L. Tifft, "The 'Cop Personality' Reconsidered," Journal of Police Science and Administration, 3 (1974); and Robert C. Trojanowicz, "The Policeman's Personality," Journal of Criminal Law, Criminology and Police Science, 62 (1971).

⁵Trojanowicz, 552.

⁶Except for one slightly modified item, the statements used to represent libertarianism for this study are the same as those used by Selvin and Hagstrom, Crotty, and Nunn.