

THE UNIVERSITY OF CHICAGO LAW REVIEW

VOLUME 24

AUTUMN 1956

NUMBER 1

THE ART OF OPINION RESEARCH: A LAWYER'S APPRAISAL OF AN EMERGING SCIENCE

OBSERVATIONS ON "COMMUNISM, CONFORMITY, AND CIVIL LIBERTIES"

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IN A democratic society law generally is responsive to public opinion. Whatever is in fact the day-to-day operation of the political process, however complex the ways in which opinion is communicated and whatever may be the merits of literal majority rule, in the long run the sense and sentiment of the community are indisputably relevant to law and government. The legislator has always, as a principal feature of his job, kept closely in touch with the views of his constituents. A traditional function of the jury has been its role in bringing community feelings and values into the formal legal system. The judge, although more restricted, frequently has been called upon to gauge public opinion in deciding great constitutional issues, in gradually altering common-law rules and in applying laws which explicitly incorporate community sentiment as a standard.

In recent years the social sciences have made substantial advances in the techniques for exploring and analyzing the opinions of the public at any given moment. There are signs that this new opportunity for greater accuracy and

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The authors are indebted to their colleagues at the University, Allen H. Barton, Mark Benney, Peter Blau, Brainerd Currie, Wilber G. Katz, Donald Meiklejohn, David Riesman, Shirley A. Star and Fred J. Strodbeck, and to Samuel A. Stouffer and Paul Lazarsfeld for their generosity in reading and commenting on the manuscript. The authors owe a very special debt of gratitude to Hans Zeisel.

detail in assessing the views of the public is beginning to make itself felt in law.¹ The purpose of this essay is to take public opinion in an area which in recent years has been much the concern of law and to review closely what a survey of such opinion can add.

The perplexities of handling the problem of American Communism in the past decade with rigor and with decency have produced a formidable body of case and statutory law and a considerable volume of critical commentary. Professor Samuel A. Stouffer's study, *Communism, Conformity, and Civil Lib-*

¹ Perhaps the most celebrated instance of this is the recent debate between Judge Learned Hand and Judge Jerome Frank in *Repuille v. United States*, 165 F. 2d 152 (C.A. 2d, 1947). The issue in a naturalization proceeding turned on whether Repuille was, within the terms of the statute, a person of "good moral character," even though he had, after thirteen years of patient care, mercifully put to death his horribly deformed son, and was quixotically convicted of second degree manslaughter by a jury and placed on probation. Judge Hand, speaking for the majority which reluctantly reversed the order of naturalization, observed of the statutory formula: "In the absence of some national inquisition, like a Gallup poll, that is indeed a difficult test to apply; often questions will arise to which the answer is not ascertainable, and where the petitioner must fail only because he has the affirmative. . . . Left at large as we are, without means of verifying our conclusion, and without authority to substitute our individual beliefs, the outcome must needs be tentative. . . . We can say no more than that . . . [we] feel reasonably secure in holding that only a minority of virtuous persons would deem the practice morally justifiable, while it remains in private hands." *Ibid.*, at 153. Judge Frank, dissenting, thought the case ought to be remanded to the trial judge to give both parties an opportunity to bring in "reliable information on the subject," in order to avoid "sheer guessing which alone is now available to us." For an analysis of what a public-opinion survey here would have told the court, consult *Judicial Determination of Moral Conduct in Citizenship Hearings*, 16 U. of Chi. L. Rev. 138 (1948).

In *RKO Radio Pictures, Inc. v. Jarrico*, 128 Cal. App. 2d 172, 274 P. 2d 928 (1954), a screen writer was held to have broken a "morals" clause in his contract by invoking the Fifth Amendment before a congressional committee concerned with Communism. The trial court relied in part on a public-opinion poll which showed that a majority thought that claiming the amendment was an admission of guilt and would feel ill will toward one who claimed it. Consult review of *Griswold, The Fifth Amendment Today*, 68 Harv. L. Rev. 1302, 1304 (1955).

The most familiar area in which public-opinion polls are used in litigation is that of testing consumer brand-name identification in trade-mark and unfair-competition cases. Caughey, *The Use of Public Polls, Surveys and Sampling as Evidence in Litigation, and Particularly Trademark and Unfair Competition Cases*, 44 Calif. L. Rev. 539 (1956). Other examples of efforts to use polls in connection with litigation include the unsuccessful attempt by the NAACP to put a poll in evidence in support of a motion for change of venue in a Florida rape case, and the introduction before a public utilities commission in *Public Utilities Commission v. Pollak*, 343 U.S. 451 (1952), of poll results on public attitudes towards the broadcasting of music in public conveyances. Consult *Public Opinion Surveys as Evidence: The Pollsters go to Court*, 66 Harv. L. Rev. 498 (1953). David Riesman suggested some years back that polls might appropriately be used in defamation cases to test how a given statement was understood by the relevant public. *Riesman, Democracy and Defamation*, 42 Col. L. Rev. 1282, 1300-1308 (1942).

Two current research projects being conducted by law schools involve the use of public opinion surveys. The Jury Project at the University of Chicago Law School is, among other things, surveying public attitudes towards jury service. A group at the University of Nebraska Law School is surveying community attitudes towards a series of problems which involve laws affecting relationships between parent and child. Consult *Cohen, Robson and Bates, Ascertaining the Moral Sense of the Community*, 8 J. Legal Ed. 137 (1955).

erties: A Cross-section of the Nation Speaks Its Mind,² is devoted to exploring a major dimension of the problem—the attitudes and sentiments of the American public concerning Communism and civil liberties. The Stouffer study, although perhaps not a pioneering effort, is an excellent example of techniques of reaching public opinion and deals with issues of genuine political and legal importance.³ It offers a remarkably convenient occasion to consider at length the potentialities of the public-opinion survey.⁴

The study, which has now been widely reviewed,⁵ is based upon interviews with approximately 5,000 members of the general public and an additional 1,500 community leaders. It is thus part of the basic architecture of the study that it sought to explore the opinions of the general public as well as of the elite. The instrument of inquiry was a questionnaire consisting of eighty-five separate questions and many subquestions. The actual interviewing was conducted by over 500 professional interviewers during the months of May, June and July of 1954—a period which covers the celebrated Army-McCarthy hearings.

The study is reported in a notably simple and unpretentious style.⁶ This is

² New York: Doubleday & Co., Inc., 1955.

³ "There has never been a more careful, more reliable, or more costly survey made of a cross section of American opinion on an issue of deep ideological significance. Every known safeguard in the interest of accuracy was employed. . . ." Allport, *Saturday Review* 14 (May 14, 1955).

⁴ It is illuminating to set the rigorously quantified Stouffer study against another recent report on opinion on an issue of political and legal importance—Robert Penn Warren's slender volume, *Segregation: The Inner Conflict in the South* (1956). Warren's report, in sharp contrast, is highly literary, subjective, and non-systematic or statistical.

⁵ The following reviews and comments are among the most thoughtful: Horn, 15 *Pub. Admin. Rev.* 40 (1956); Schwartz, 65 *Yale L.J.* 572 (1956); Wrong, 61 *Am. J. Sociol.* 377 (January, 1956); Glazer, *Civil Liberties and the American People*, Commentary 169 (August, 1955); Glazer and Lipset, *The Polls on Communism and Conformity*, *The New American Right* 141 (Bell, ed., 1955); Smith, 20 *Am. Sociol. Rev.* 750 (1955).

The above reviews are generally favorable; among the unfavorable are: Rogers, "The Mind of America"—To the Fourth Decimal Place, *The Reporter* 43 (June, 1955); Griffin, 41 *A.B. A.J.* 633 (1955); Lunden, 46 *J. Crim. L. & Criminology* 383 (1955).

Other reviews include: Lane, 50 *Am. Pol. Science Rev.* 223 (1956); Withey, 51 *J. Am. Stat. Ass'n* 194 (1956); Roper, *The Saturday Review* 24 (October 1, 1955); Campbell, *Annals* 228 (September, 1955); Cogley, No, No, A Thousand Times No, *The Commonweal* 350 (July 8, 1955); Rorty, What Americans Don't Worry About, *The New Leader* 24 (June 13, 1955); Fellman, Freedom under Fire, *The Progressive* 36 (June, 1955); Goldman, Tolerance and Fear in a Spy-chasing Era, *New Republic* 18 (May 30, 1955); Allport, *The Saturday Review* 14 (May 14, 1955); Lubell, *N.Y. Herald Tribune Book Section* 4 (May 1, 1955); Johnson, *The Superficial Aspect*, *New Republic* 16 (April 25, 1955); Morris, 16 *Am. Catholic Sociological Rev.* 222 (1955).

John Lord O'Brian, in the 1955 Godkin Lectures, makes repeated use of the Stouffer study in his distinguished discussion of the problems of security and freedom occasioned by the current Communist issue. O'Brian, *National Security and Individual Freedom* 43, 52-55, 69-71, 77-79 (1955).

⁶ The book, which accommodates a large number of statistical charts and tables with considerable ease, is closely organized. After an initial chapter giving the design of the study, the next seven chapters report the findings in detail. A final chapter considers some implications

at once a strength and a weakness. The book is accessible to a wide audience and obviously was aimed at the general literate public rather than the social scientists. But the simplicity of presentation makes the book appear to have less depth than in fact it has and conceals a large part of the analysis and effort which must have gone into it. In more pretentious hands the book might well have appeared to be "monumental."

The book is full of specific findings which are fascinating in themselves. For example, 30 per cent of the general public were not able to name a single senator or congressman who was active in investigating Communism—not even Senator McCarthy (p. 85). Among community leaders, J. Edgar Hoover far outdistanced both Senator McCarthy and President Eisenhower as the person whose views on dealing with Communists attracted the greatest respect (p. 230). Lawyers were more severe than the public generally on persons who decline to testify about their friends (pp. 233–34). Only 5 per cent of the general public thought that Communists were especially likely to be Jewish, as compared with 11 per cent of the community leaders (p. 174). More than 80 per cent of the general population would not allow an atheist to teach in a college or university (p. 32). There are many such specific bits of color; but, by the time Stouffer has analyzed the material, some conclusions of considerable scope emerge.⁷ These findings will occupy a large part of the subsequent discussion.

The general tone of the book is optimistic. Two of the grounds for Stouffer's over-all optimism are that the community leaders are more tolerant than the public as a whole, and tolerance improves with education. In addition, Stouffer states that he was influenced in this respect by his reading of many of the

which the analysis might have for an action program directed at increasing tolerance. This chapter makes explicit an emphasis which can be detected throughout the book—Stouffer's interest in action. Thus the attention paid to the views of community leaders and of the more interested members of the general public is in part dictated by the consideration that these are the more important segments of the population when it comes to action. "The question is: *How can the sober second thought of the people be maintained in a state of readiness to resist external and internal threats to our heritage of liberties?* To contribute towards answers to this question, this book offers a body of data." (p. 14).

⁷ Undoubtedly, the most striking finding is that even at the peak of the Army-McCarthy incident, Americans were notably unconcerned and unworried about either Communism or civil liberties. Another main finding is that the community leaders, systematically and virtually at all levels and on almost all questions, were more tolerant than the public generally. Closely related to this is a finding that both the public generally and the community leaders were more tolerant of a man whose loyalties have been questioned but who denies under oath that he is a Communist than they are of socialists; they were in turn considerably more tolerant of socialists than of atheists; and they were only slightly more tolerant of atheists than of admitted Communists. Another broad finding is that tolerance varies directly with education and inversely with age and is related to geographical region and type of community. As to perception of the Communist danger, both the public generally and the community leaders felt that the prime danger is that Communist propaganda will corrupt, subvert and even convert some Americans. There thus seemed to be much less concern with Communist actions than with Communist ideas. It is also found, as might be expected, that there is some correlation between the perception of the Communist threat and the degree of tolerance. On the whole, those who perceive the threat to be more serious were likely to be less tolerant than others.

individual questionnaires from beginning to end. "Nobody," he insists, "could sit down and read through the filled out questionnaires in this study without coming to the conclusion that most of the seemingly intolerant people are good, wholesome Americans" (p. 223).⁸

I

Public-opinion surveys are now a commonplace in our society, and the term "pollster" tends to carry a slight note of derision. The average American has become aware of public opinion polls either through the voting polls, which have made names like Gallup and Roper household words, through syndicated newspaper columns reporting broad breakdowns of public opinion on transient issues in the news or through being interviewed in market research operations. Fundamentally, the method of the Stouffer study is the method of the market-research or voting poll. The significance of the study for the social sciences is that it exemplifies current efforts to move the method out of these restricted areas and to apply it to a more comprehensive exploration of public thought. In Stouffer's phrase, the study seeks to "open a window into the mind of America" (p. 25). It is this very ambitiousness which lends dignity to the study and makes its method and its content worthy of close examination.

Can a survey today tell us with reasonable accuracy what the public thinks and feels on a complex public issue? The professional student of surveys has become increasingly confident that the answer is clearly yes. We sense that there has been a steady advance in rigor and precision under the pressure of a very considerable amount of self-criticism and attention to the problems of method. The expert is no longer uneasy over the obvious issues of method but rather is concerned with its refinements. It nevertheless will be useful to turn to these obvious issues of method, with no aspirations to originality, and review them in the general context of the Stouffer study.⁹ For it is these issues which are most likely to trouble the interested amateur.

Put simply, the issues are: (1) How can the interviewing of at best a sample of a few thousand persons tell us much about the rest of the population? (2) How can interviewing, which is an artificial form of conversation, avoid reporting opinions and attitudes in a distorted manner? (3) How can we know how strongly the respondents hold their positions? (4) What assurance is there that responses given today will be the same as responses given by the same people tomorrow? All of these issues relate to the difference between the survey interview, which is a kind of forced conversation, and the normal conversation of everyday life on public questions. For in a sense the survey is an effort to

⁸ One reviewer, however, thought he heard Stouffer sounding "the death knell of the Republic." Lunden, 46 *J. Crim. L. & Criminology* 382, 383 (1955).

⁹ Many of the problems of method are discussed in Doob, *Public Opinion and Propaganda* (1948); Kendall and Lazarsfeld, *Problems of Survey Analysis, Continuities in Social Research* 132 (1950). For a lively and highly critical account of polling, consult Rogers, *The Pollsters* (1949).

collect many conversations, but between strangers, and in a form which is sufficiently directed to permit quantification of the contents.

The sampling problem may be disposed of readily. The function of sampling is to make it possible to project onto the whole population the percentages found for the sample.¹⁰ The issue in sampling thus always is: How accurately does the sample mirror the whole population?¹¹ It generally is agreed today by experts that the problem of getting a correct sample for our whole national population has been pretty well solved; and the theory, although there remain difficulties in practice, for sampling more special populations has been generally worked out. A notable feature of the Stouffer study is that the questionnaire was administered independently by two national survey agencies. Each agency dealt with a sample of over 2,400 members of the general public and with about 750 selected community leaders.¹² The degree of similarity in the results reported by the two agencies provides a stunning confirmation for the layman that techniques for selecting a sample for the whole national population are now virtually perfected.¹³

This is not to say that a sample ever reflects the population perfectly. All sampling remains a matter of probabilities and, short of literally counting the entire population, we can never eliminate altogether the possibility of error inherent in moving from the sample to the whole population. But if the sample has been chosen properly, the extent of this error is ascertainable through standard statistical procedures. It is therefore possible to know with what likelihood an apparent finding may have arisen because of the inescapable sampling error.¹⁴

¹⁰ There is no doubt that the public generally still has a considerable distrust of the pollster's art. This is based largely on such fiascos as the Literary Digest Poll and the predictions on the 1948 Presidential election. For example, "[S]pecialists who survived the survey of the late Literary Digest and the presidential polls of 1948 will find this book [Stouffer's] interesting in detail and analysis." Griffin, *Review of Stouffer, Communism, Conformity, and Civil Liberties*, 41 A.B.A.J. 633 (1955).

¹¹ Where the Literary Digest Poll went wrong was in selecting the sample. On the other hand, the poor predictions on the 1948 Truman-Dewey election were occasioned not by an error in selecting a sample but by reliance on the assumption that the "undecided" voters would distribute in the same ratio as the "decided" voters.

¹² The sample of the national population was a so-called probability sample. The book provides a concise summary of this method of sampling, and also an explanation of the method used to obtain the sample of community leaders (pp. 15-19, 237-249; Appendix A).

Even in the case of a perfectly selected sample, there is the problem of those in the sample who refuse to cooperate in the survey or who break off the interview. In the Stouffer study the interviewers were able to complete 84 per cent of the interviews called for by the national sample. The book includes an analysis of the "fish which were not caught" (pp. 241-44; Appendix A).

¹³ The closeness in the results reported by the two national agencies indicates that sampling is good enough so that the national sample can be reproduced with a high degree of similarity. It does not show, however, that the sample is fully representative of the national population. Both agencies use highly comparable techniques in drawing their samples, and it remains at least possible that they were making a common error.

¹⁴ "Some of our percentages calculated on the entire national cross-section, would fluctu-

II

Whatever anxieties social scientists have today regarding surveys arise not from this issue of sampling, but rather from those difficulties which would be just as troublesome if everyone in the population, and not just a sample, were to be polled. These difficulties stem from what might roughly be called the problems of seriousness, candor, ambiguity and bias.

For a survey to be at all meaningful it obviously is necessary for the respondents to participate with some minimum degree of seriousness. There is a crude suspicion that people answer survey questions merely for the sake of answering. Many doubtless have been tempted to respond to a straw poll because an answer—any answer—is the easiest method of getting rid of the interviewer. But this strategy is not likely to be employed in the case of more substantial interviews on public issues. Here it surely is easier to refuse an interview or break it off early than to keep up a pretense for an hour or more. A reasonably skilled interviewer should be able to detect persons who are repeatedly making totally glib responses, particularly where the interview calls for having respondent state some of his answers in his own terms. While a highly skilled practical joker could avoid giving glaringly inconsistent answers, the wholly uncommitted respondent is unlikely to do so. As to practical jokers, the survey method can rest content with the assumption that they are too few in number to count.

The candor problem as a source of distortion is a product of the necessary artificiality of the interview. No matter how skillful, responsive and relaxed the interviewer is—and much attention is now paid to developing those qualities—the situation is one of a stranger breaking into the normal life routine of the respondent. On the face of it, it might seem doubtful that many people will talk as openly and candidly to a stranger as they will to friends.¹⁵ This reserve may vary, of course, not only with the art and personality of the interviewer, but with the subject matter of the interview and with the degree to which the respondent normally comes into close contact with strangers. The more subtle and touchy the topic of the survey—the more the survey seeks to explore “the mind of America”—the greater the likelihood of lack of candor.

One might well have expected that the use of strangers as interviewers would have been particularly embarrassing for the Stouffer study. Was not the topic itself so charged with emotion and anxiety as to make candid disclosure impossible? Would not people hesitate to express concern over the loss of civil liberties or to rate low the domestic Communist danger? Would not they tend to be

ate by chance only slightly. Others, based on sub-samples with much fewer cases, could have a theoretical variation of as much as 15 to 20 percentage points 5 per cent of the time” (p. 23). Appendix D of the book provides a brief statement of how to make allowance for the sampling error (pp. 270–273).

Consult note 30 *infra* for another aspect of the sampling problem.

¹⁵ But many observers have noted that Americans frequently will confide more completely in interviewers than in their friends. It is also a common observation that Americans in casual contacts, such as on trains, will talk very freely about themselves with strangers.

overly severe regarding sanctions to be imposed upon domestic Communists? And would people who feel some loss of their own freedom of speech and association be willing to acknowledge this to a stranger? The fact is that the study reports that most people did express little concern over the loss of civil liberties, did rate high the domestic Communist danger and were, in general, severe in the sanctions they would impose on domestic Communists. Stouffer nevertheless is convinced that little distortion from lack of candor occurred and cites three lines of evidence. The interviewers, although alerted to watch for it, reported virtually no signs of uneasiness in the respondents (p. 46). Reading questionnaires from beginning to end, as he did for several days, satisfied Stouffer intuitively that the responses were genuine (p. 24), especially in view of the intimate details of personal life that were often disclosed. And most important, there was the substantive finding that the prominence of the domestic Communist danger in people's minds was almost negligible. This simply is not what one would expect from people being very cautious and conservative before strangers.¹⁶

A third source of distortion in the survey method comes from ambiguity in communication between the interviewer and the respondent. All communication is ambiguous, and one must not be a perfectionist here in the desire to duplicate the purity of the physical sciences. Interview communication, however, is likely to be a good deal more ambiguous than ordinary conversation among friends who are accustomed to each other's use of language. Such ambiguity also is almost certain to be more troublesome since it corrupts quantification of the data. Moreover, there is no practical way, after the survey has been run, of locating who was answering which version of an ambiguous question.

A major dilemma in questionnaire building is to keep the questions short enough and sufficiently in the idiom of the ordinary man to make communication effective and yet to retain some precision in the wording. The result may be that the interviewer and the respondent are forced to carry on a conversation in a vocabulary that is not wholly congenial to either of them. If the interviewer is permitted to rephrase the question for the benefit of the particular respondent, he may basically have altered it. If the interviewer is restricted to the exact wording of the question, he may have to remain silent while recording data he suspects are ambiguous, or stand by helplessly while the respondent, perhaps because the question is out of his idiom, declines to answer.

But this trouble must not be overstated. The professionals have become remarkably adept at detecting ambiguity and in phrasing questions which are

¹⁶ But note the strong dissent by Lindsay Rogers: "A man may tell an interviewer the name of the candidate for whom he intends to vote. But does he disclose his 'opinions' when he gives answers to the questions that strange interviewers ask him? Each of us holds views that remain private: views that we disclose to a wife or close friends but that we may becloud a trifle when talking with a stranger. The beclouding increases when the questions concern the danger that Communists may succeed in scuttling the ark of the Republic, because many respondents are then tempted to pose as being more stern and righteous than they really are." Rogers, "The Mind of America"—To the Fourth Decimal Place, Reporter, 43-44 (June 30, 1955).

accessible and yet precise. Much of the problem here is the same as in any writing except that more care is required in advance to weed out ambiguity. Surveys usually are pre-tested generously and revised in terms of the difficulties which become apparent on the dry run; and the pre-test can be fuller than the final interview, permitting the interviewers to shake down the questions by probing intensively for the pre-test respondents' understanding of them.¹⁷

Even the Stouffer questionnaire, however, was not altogether successful in eliminating rather obvious ambiguity. For instance, an important question for the study is: "Should an admitted Communist be put in jail or not?" In all probability what was intended here was this question: Would you favor Congress passing a law under which all persons who are clearly proved to be members of the Communist Party are thereby, and without proof of any conduct beyond the act of membership itself, guilty of a crime punishable by a jail sentence? The actual question can certainly be so read. But this is not the only way it can reasonably be read. Might it not mean, for example, that admitted Communists should be put in jail whether Congress has passed a new law or not? Might it not ask whether under existing laws a Communist is already guilty of a crime and therefore should be put in jail? Might it not mean that at least admitted Communists should be put in jail without deciding what is to be done about those whose Communist affiliation must be proved? Furthermore, does the phrase "admitted Communist" evoke the image of the man who, like Whittaker Chambers, cooperatively has admitted his Communism before a congressional committee; or does it evoke the image of the sinister conspiratorial Communist? And, since few have as yet admitted that they are *today* Communists, will the question be read as referring to those admitted Communists we have experienced most, namely the ex-Communists? Or does it mean some combination of these versions? All this is not to insist that the question should have been phrased so as to eliminate every trace of ambiguity since, as our rephrasing of the question well shows, it would quickly become complex and awkward. But these various plausible readings of the question illustrate how much ambiguity can still lurk in a simple question even after it has been exposed to a high degree of professional scrutiny and pre-testing.¹⁸

One related fear that haunts the professionals is that however well the question is worded, the respondent may leap to some central phrase in it, ignoring everything else. The more discriminating the wording of the question, perhaps the more likely it is that the respondent will attempt to "simplify" it by reduc-

¹⁷ "Question wording is something of an art in itself, but the most ingenious deviser of questions seldom can be sure of their clarity until they have been field-tested. For the present survey, five successive drafts of questionnaires were prepared. . . . Each form was tried out in the field and brought back for revision. The semi-final pre-test involved interviews with 250 people at all educational levels in different parts of the United States, and the final dress rehearsal was done on fifty persons also at different levels. Perhaps twice as many questions were tried out and discarded as appeared in the final questionnaire" (p. 22).

¹⁸ For other samples of ambiguity consult 24, 36-37, 51 infra.

ing it to a much cruder inquiry. This appears to be the most awkward source of ambiguity. There may well be no way of detecting it in advance since the ambiguity does not reside in the question.

The problems of communication are heightened by the fact that basically there are only two methods of interviewing, each having its special disadvantages as well as advantages. One type is the completely open-ended or unstructured question which is so worded as to give the respondent a free hand in answering. At the other extreme is the closed question, in which the respondent is asked only to select from a list of predetermined responses. The Stouffer study reflects the now widely held view that some combination of the two types of questions is desirable.

The closed question tends to decrease ambiguity because the permissible range of answers gives additional indications to the respondent of the intended meaning of the question. More important, it eliminates the ambiguity of the freely worded answer since presumably the alternative answers have been as carefully worked out as the question and pruned of ambiguities. Despite care in drafting, however, the answers may in fact be ambiguous, and then there is no way of determining from his choice of answer how the respondent interpreted either the question or the prefabricated answers. Another source of ambiguity arises because there is an increase in rigidity. The respondent is forced to a limited number of choices, none of which may catch the quality of his thought. It is a repeated complaint of respondents that the closed questionnaire tends to strait-jacket them, to omit alternatives and hence to misrepresent their own pattern of thinking.

The shortcomings of the open-ended question are complementary. It tends to reduce ambiguity insofar as the respondent, by using his own words, may give a clear indication of whether or not he understood the question; and, since he can dictate the terms of his answer, there is not the distortion which might be occasioned by limiting his choice of answers. But, as an offsetting factor, there is the possibility that the respondent's own phrasing of his answer may be highly ambiguous. The failure by the respondent to mention an item is itself ambiguous, since a point not mentioned may well be one about which the respondent has views but one which has, for the moment, slipped his mind. If the interviewer seeks clarification of an omission or an ambiguous answer, he may very well subtly change the tenor of the question. The open-ended question, moreover, puts a greater demand on interviewing skill and creates the new risk that the interviewer may influence the "free answer," misunderstand it or record it improperly.¹⁹

A shorthand way of stating the choice between the two forms of questions is to say that it is a choice between the flavor and authenticity of the open-ended response as against the clarity and ease of quantification of the prefabricated response. To some extent the two methods may be blended in a single question-

¹⁹ For problems arising from variations in the skill of interviewers consult 13-14 *infra*.

naire or even in a single question so as to maximize the advantages of each. The question may be so sharply worded that it focuses attention on certain possible answers even though it is left open-ended in form; or the limited answers of a closed question may explicitly permit the addition of any other answer the respondent wishes to make; or the interviewer may be permitted to probe an open-ended response with increasing degrees of specificity; and in any event deliberate redundancy in questions can be used as a safeguard against ambiguity.

There are, then, special ambiguities that enter into the communication between interviewer and respondent. But a variety of control devices can mitigate them, and questionnaire building has become so alerted to the communication problem that it is rapidly becoming the eighth liberal art.

The fourth possibility of substantial distortion in the survey method is that instead of communication being ineffective, it may be overly effective and hence bias the results. To put this another way, the problem is to communicate the question clearly without thereby influencing the direction of the answer. There is the obvious risk that the mere wording of the question (or of the answer choices) will in itself tend to dictate or suggest the answer. What is involved here is basically the familiar difficulty of leading questions put to a witness. There is a considerable amount of disquieting evidence that slight changes in the wording of a question in a public opinion survey can produce drastic changes in the results.²⁰ This is most easily understood where the survey deals with issues on which opinions are likely to be only lightly held or where there are emotional overtones which might be called into play by the use of particular words or phrases. The danger again is one that has long been recognized, and experience has shown that care in drafting questions can reduce the incidence of such bias greatly.²¹

Bias in the questions may also occur in a way which is harder to eradicate. The respondent might be influenced not by the wording of any particular question but by the order in which the questions are put to him. If the respondent is first asked the question which is easiest to answer from his point of view, and then is asked more discriminating questions on the same general issue, he may develop a kind of momentum or illusion of consistency which will affect his answers to the later questions. He thus may not be as discriminating about the later questions as he would otherwise have been. The Stouffer study affords a

²⁰ "[E]ven a slight variation in the wording of a question can produce variations in response" (p. 23).

²¹ Even in so skillfully drafted a questionnaire as Stouffer's, however, a potentially biasing question occasionally slips by. For example, he asks: "How great a danger do you feel that American Communists are to this country at the present time—a very great danger, a great danger, some danger, hardly any danger, or no danger?" Questioned in this form, it seems likely that at least some respondents will be tempted to upgrade the danger more than had they been first asked: "Do you feel that American Communists are a danger to this country at the present time?"

useful illustration of this difficulty. Ten consecutive questions were asked about how an admitted Communist should be treated, such as, should he be permitted to work in a defense plant, teach in a high school, teach in a college, make a speech, work as a radio singer, work as a clerk and so on. If the questions had been asked in the order of the decreasing sensitivity of the activity involved, a respondent might well have been harsher on the Communist as a clerk than if the clerk question had been asked first. Presumably, it was to avoid this effect that the Stouffer questionnaire refrained from putting this set of questions in any obvious order.²²

Sequence may also bias answers by beginning with a question which is difficult for the respondent to answer and on which he may commit himself prematurely—that is, before he sees some of the implications of the response. Later, when he is asked related questions, he may feel somewhat trapped because of his earlier position, and in some instances it is not unlikely that he will force his later answers in order to compensate for, or maintain consistency with, his earlier position.²³

Underlying these potentialities for distortion through overcommunication is the haunting suspicion that a complex questionnaire to some extent must educate while it inquires. The educating function of the questionnaire is most apparent where some of the questions (or the answer choices) state facts that the respondent has not previously known. Sometimes this effect takes the less apparent form of suggesting possible replies which otherwise might have never occurred to the respondent. The most familiar instance of this is the standard check-list type of question.²⁴ A less obvious educational influence, and one that frequently is more difficult to locate, may arise because the very process of reflecting on questions might cause the respondent to put together relationships which he previously had not seen. This is the very essence of the Socratic method. The celebrated slave-boy passage in the *Meno* is an exciting example of how one can be brought from ignorance to knowledge simply by being asked the right questions in the right sequence. The potential degree of education of

²² If, however, the questions are placed in a completely random sequence, the artificiality of the sequence imposes an additional burden on the respondent, since he is required to follow an illogical order in thinking about the problem.

It might be noted that in asking the series of questions about the admitted Communist, Stouffer first asked about the worker in a defense plant and immediately thereafter asked about the clerk in a store. Thus the first two questions in the series in effect put the respondent on notice as to the whole range of things covered by the series.

²³ These difficulties of sequence suggest another problem. It might seem possible to cure the difficulties by allowing the respondent to go back and change any of his answers after going through the whole questionnaire or some more or less discrete segment of it. Needless to say, this procedure would be highly time-consuming and administratively difficult. But more important, perhaps, is the probability that not all respondents would react to the invitation with the same readiness. Such a differential might itself constitute a self-selecting factor which would distort the results substantially.

²⁴ Consult note 34 *infra*.

this sort from a questionnaire will vary with the subject matter of the inquiry. In this respect the Stouffer study may not be too vulnerable, for the various facets of the problem of domestic Communism are by now so obvious that it is unlikely that very many respondents were alerted by the questioning to see relationships not hitherto perceived.

But an interview may educate merely because of its length, if for no other reason. The respondent has been forced to turn his attention steadily to a single topic for what may be for him an unusually long period of time, and the interview may educate in the sense that it has started him thinking about the subject more intensely than he otherwise ever would have done. In the end, no polling device can simply eavesdrop on the public. The quick street-corner poll does not educate, but it is too casual to be useful on serious questions. As a survey takes on scope and depth, it gives greater assurance that the respondent is searching his mind, but at the price of changing him while questioning him. Certainly during their interviews a substantial number of Stouffer's respondents must have explored the perplexities of the Communist issue systematically for the first times in their lives. To the extent that the respondents in a survey are so changed, they no longer are a true sample of the population at large. Instead, they are a special group of uniquely educated people.²⁵

Throughout we have observed that the possibilities of distortion may lie in the instrument of inquiry itself or may arise because of the interviewer.²⁶ The Stouffer study made use of over 500 interviewers, and one cannot but suspect that the results would have differed somewhat had Stouffer been able somehow to conduct all the interviews himself. Even among a group of interviewers so relatively skilled there must have been considerable range in background, ability and personality.²⁷ Insofar as the interviewer is an integral part of the mechanism of inquiry, the inquiry itself could not have been wholly standardized. The human factor of the interviewer, as we have seen, may operate in various ways to affect the results. On the side of skill—apart from the obvious risk of error in recording and reporting responses, especially in the case of open-ended questions—the interviewers may depart more or less from the standard instructions for asking questions; or they may have differing degrees of insight into symptoms of distrust on the part of respondents or varying talents in

²⁵ While at all levels of opinion a survey runs the risk of stimulating the formation of opinions, the educating effect is likely to be greatest among persons who have the least structured and least formed opinions.

²⁶ The problem of distortion attributable to the interviewer is examined in detail in Hyman, *Interviewing in Social Research* (1954).

²⁷ One reason why two agencies were used in conducting the interviews was to avoid recruiting inexperienced interviewers.

Nevertheless, the interviewers varied in capabilities: "Some interviewers were more skillful than others in this difficult art of non-directive interviewing. Some tended to accept the first answer and dispense with probing. Others, to an extent we do not know, may have been too explicit in further probing" (p. 66).

properly pacing the interview.²⁸ The personality of the interviewer may be harder to keep under control. His rapport with the respondent may affect the candor of the interview, his personality may generate hostility or his personal bias may be contagious or he may foster a desire on the part of respondents to give answers which they believe will be pleasing to him.²⁹

However, it is not certain that the personality of the interviewer is in the end so significant a factor. There are some professionals who believe that while the personality of the interviewer is important in getting the interview under way, once it has started the respondent proceeds largely as though the interviewer were an inanimate object. These experts take the position that the respondent is motivated not by a desire to please the interviewer or talk with him but by the fact that they are interested in developing and articulating their own views on issues which they find interesting.

In thus isolating the several sources³⁰ of inaccuracy from lack of candor, ambiguity and bias, it is important not to create a misleading impression of the magnitude of the distortion they may produce. We have reviewed them at length because they have loomed so large in skepticism about the survey method. There is, of course, no way of generalizing from study to study about the size of the error from these difficulties of method. But it is evident that the disciplined survey has available to it many resources for management of errors of this sort.

²⁸ The pacing of the interview may well be a subtle but important source of interviewer distortion. The "proper" pace of an interview is likely to vary enormously from respondent to respondent. If the interview is paced too fast, the respondent may not be able to have his own opinion reflected accurately. It of course is not the purpose of a public opinion survey to measure intelligence.

The problem of pacing the interview complicates the setting of a limit to the length of the questionnaire, inasmuch as an instrument which is suitable in length for interviewing one part of the population may prove intolerably long for another part.

²⁹ Nor is it clear that such problems would disappear entirely if all the interviews were conducted by a single person. It is quite possible that his personality would not be equally appropriate for all respondents and that more accurate results would be obtained either by randomizing the assignment of many different interviewers or by tailoring the assignment of interviewers to the particular respondents. Would, for example, the same interviewers have been equally appropriate for the community leaders, for housewives and for day-laborers?

³⁰ There is one additional point to note. Since the survey deals with a sample, there is always the possibility, however carefully the sample was chosen, that a difference found within the sample will not hold true for the whole population. Statistical convention provides certain standard allowances which enable one as a practical matter to judge whether a given difference in responses is so likely to have resulted from the sampling error that it should not be taken seriously. Some of the most interesting findings in the Stouffer study rest on relatively small percentage differences which, although significant, do not exceed the allowance by much. There is, therefore, the additional threat that inaccuracies arising from lack of candor, ambiguity or bias may work so as to impair the margin of significance. In effect there may be two margins of error which may have to be treated cumulatively. But the point calls for only a modest caveat since it may well be that the distortions from lack of candor, ambiguity and bias distribute randomly and thus do not affect the differentials, or that these distortions operate so as to make a difference appear to be less than it actually is.

One such resource is especially pertinent to the management of ambiguity. The materiality of ambiguity in a question will vary with the purpose for which the question is used in the analysis of the survey data. Consider again the ambiguities in the question about putting a Communist in jail. If we are interested in learning how many people are willing to put a Communist in jail or are willing to go beyond the existing legal norms, it is not satisfactory to ask: "Should an admitted Communist be put in jail or not?" But these are not the only uses of this question. It can also be used as a basis for comparing people in terms of their punitiveness toward Communists. Whatever way the question is understood, it is highly probable that those willing to put a Communist in jail are more punitive in attitude than those who are not willing. The ambiguity of the response is, of course, still present and is still capable of undermining the finding. When, however, this question is used as one of several designed to provide a comparison of attitudes toward Communists, the ambiguity is less likely to make a difference. If one man consistently selects the punitive alternative and another consistently selects the permissive alternative, we can conclude with considerable confidence that there is a difference in their attitudes toward Communists. This conclusion is much less subject to the vagaries of ambiguity and bias than the answer to any particular question in the series. The chance that the two respondents in fact have the same attitude but that this is masked by ambiguity or bias decreases rapidly as more questions are used to test their attitudes. Thus there is a kind of safety in numbers. "In this book," Stouffer says, "we have tried to pin a finding not upon one question alone but upon a variety of questions" (p. 23).

On the whole, then, it can be concluded that there is today no case for skepticism of the survey method on the grounds of distortion from lack of candor, ambiguity and bias alone.

III

Assume for purposes of analysis that no distortion due to method occurs and that the survey is able to capture correctly and without bias what the respondents in fact had on their minds. We now confront the root problem: What is the *quality* of the opinion which the public has on the issue being investigated?

The challenging aspect of this is not the simple question whether or not the public has any opinions at all on the issue. That question, of course, presents a highly practical problem when a survey is being planned. Surveys are expensive, and to conserve resources one does not want to go to the public fruitlessly. On many issues it is reasonably clear that the public is either so generally indifferent or so totally uninformed that there would be virtually nothing to survey except the fact that the public has no opinion. The results of such a survey, were it actually attempted, would only confirm this prospect, since people either would refuse to participate, would say that they did not have opinions or would respond with palpable nonsense. But our expectation is that at least some

issues of importance are in the public domain. Where such an issue is the subject of a survey, and where the public is willing to participate, does not invariably deny having opinions³¹ and does not speak palpable nonsense, we are ready to conclude that the survey has located an area on which there is public opinion. This is a crucial matter for the public-opinion survey. To say that there is some public opinion is to say that some substantial segments of the public do have opinions which predated the asking of the survey questions and which thus exist independently of the questionnaire.³²

If, as has now been shown, we can know the views of people on public issues with a reasonable degree of assurance, what difficulty remains? Common experience tells us that people hold opinions with widely differing degrees of intensity, knowledgeability, clarity, persistence and so forth. There is a spectrum which runs from the expert who has completely thought through and articulated his views, to the man who has roughly formed and insecurely held judgments based upon scattered knowledge and impressions. And the spectrum itself is complicated because it is not on a single dimension: partial views may be intensely held, and knowledgeable views may be held tentatively. The central problem of the survey method is that, for the most part, it has been unable to avoid counting each view as one.³³

Consider, for example, Stouffer's finding that 60 per cent of the population would not allow an atheist to make a speech in their community, while 34 per cent would allow him to do so and 6 per cent expressed no view on the matter. This finding does tell us that virtually everyone had some view on the question and that a sizable majority of people would not favor permitting the atheist to talk. But the finding does not tell us whether those who would let him talk had stronger convictions than the others or had thought out their position more carefully. Obviously the finding has one significance if the minority hold their view with great intensity while the majority do not and quite another significance if the majority is strongly moved while the minority is not.

³¹ The incidence of "don't know" or "no opinion" responses may be an important clue. If there is a total absence of such responses it invites suspicion of the accuracy of the survey. If the number is very high it suggests that the survey is exploring an issue on which there is no general public opinion. The "don't know" and "no opinion" responses in the Stouffer study averaged less than 10 per cent.

³² On most public issues there will undoubtedly be a twilight zone for some part of the population in which the opinions elicited by the survey have had little existence prior to the stimulus of the interview. Presumably some people will give answers even though they have not previously discussed or even thought through the point. While the survey may precipitate such opinions it does not create them insofar as they are formed in accordance with the underlying values and assumptions of the respondents. However, opinion at this level is clearly most vulnerable to bias in the interview situation or in the instrument of inquiry.

³³ "But there is a sixty-four dollar question that [Stouffer] finds unanswered: How passionate or indifferent were the respondents when they gave the answers that were used to calculate 'tolerance' and 'intolerance'? Studies like Mr. Stouffer's throw no light here." Rogers, *op. cit.* supra note 16.

Several devices are available to get evidence as to the quality of the thought behind the bare percentages. The most direct is to ask the respondent to rate his own opinion in terms of intensity or the degree to which he has thought about the matter previously. This yardstick, however, is ambiguous because each respondent is measuring himself by his own scale, and there is no common denominator. The procedure, moreover, is cumbersome and therefore can be used only in connection with a few of the questions on a questionnaire. Another device is to give each respondent an opportunity to indicate what types of things concern him most or what issues he regards as important. From the responses it is then possible to state whether a given issue was or was not salient for particular respondents. But while respondents might be differentiated on the basis of this threshold test of saliency, the differentiation can do no more than classify respondents into those for whom the issue is salient and all others. Further, this test of saliency usually can be employed only with regard to the general subject matter of the survey and not in connection with specific questions. The Stouffer study once again is illuminating. Respondents were first asked: "What kinds of things do you worry about most?" As a probe they were next asked: "Are there other problems that you worry or are concerned about, especially political or world problems?" A little later, they were given a check list of political problems and asked to rate them in terms of their importance. From the responses, there developed a major finding of the study: Less than 1 per cent of the people indicated concern about Communism or about civil liberties in replying to the first question; less than 10 per cent showed concern in responding to the probe; and only 12 per cent expressed concern about each of these topics after considering the prepared list.³⁴

Still another device for differentiating quality is to make the interview open-ended to some extent. Undirected responses usually reveal something about the quality of the thought behind the answers, but there remains the basic difficulty that responses to open-ended interviews are hard to score. At best one might be able to classify the quality of the thought (as distinguished from the responses themselves) in rough categories, and even then this process would have to rest largely on the subjective estimates of the interviewer or others who work over the data. One further possibility is that the quality of the thought may sometimes be inferred from other findings. If it could be shown, for example, that the 34 per cent minority who would allow the atheist to talk were better educated or more knowledgeable than the others, it might seem reasonable to assume that their views had been better thought out. Again the Stouffer study is instructive. One device by which an attempt was made to assess the

³⁴ Stouffer is very cautious about results gained from the probes used here. As to the first probe about concern with political or world problems, he notes: "There is presumably 'a prestige effect' in saying that one is concerned about world affairs. . . ." As to the further probe by means of a check list, he observes that it is the "least defensible of all as a serious research inquiry." Stouffer emphasizes that he used the check list only to provide an "upper boundary" of concern (pp. 70-71).

degree of personal involvement in the problem of domestic Communism was to ask people to rate themselves on how closely they followed the news about "Communists in the United States and what is being done about them."³⁵ The people who rated themselves relatively high on this score (who Stouffer labels the "more interested" in public issues) are likely to be more informed about and more involved in the questions asked in the study, even granting that the ignorant sometimes cling to their views with frightening tenacity.³⁶

These various measures of the quality of opinion are obviously fragmentary, and there remain many findings the significance of which would substantially be affected by further information about quality. One possible defense here is that it is fair to assume *prima facie* that the gradations of opinion are the same on both sides of any given question. Thus, to take up again the atheist illustration, it is reasonable to suppose that the majority who would not consent to the atheist's speech is made up of people who hold this view with varying completeness and emotional intensity. The richness of the finding would greatly be increased if it could be assumed that the minority is likewise made up of people holding to their view in the same proportions of intensity and knowledgeability.

How plausible is this assumption generally? Surely in many situations it will fall since the positions taken will correlate with certain characteristics of the respondents, such as education or age, which our common sense tells us also are likely to have a bearing upon the quality of the opinion. Suppose, however, no such correlations appear. Can it then be assumed that the quality of opinion is distributed comparably on both sides? The assumption now is certainly more tolerable; but even here it is highly questionable since we can never be sure whether we have located all existing correlations which might furnish clues as to quality. Moreover, it is possible that there may be something about the particular position taken on some questions which itself suggests a difference in intensity.

The sensitive nature of the subject matter of the Stouffer study makes discussion of the quality of the opinions obtained especially pertinent. Despite the author's efforts to get at the problem, the findings of the study have a kind of blandness.³⁷ Although we learn a great deal about who holds what opinions, every response still counts as one for the most part, and this difficulty cuts deep. Inevitably we are given pause when we see how enormously it would have complicated an already complex study to have attempted further assessments of the quality of the opinions it was reporting.

³⁵ Such self-ratings, of course, share some of the difficulties of the more direct questions concerning the intensity of opinion. Consult discussion at 36 *infra*.

³⁶ The distinction between the community leaders and the national sample is another device in the Stouffer study which serves to give a clue as to the quality of the opinions.

³⁷ Blandness is perhaps too strong a word. The point, however, is not that the survey falls short of exquisite accuracy in measuring the quality of opinion, but rather that it tells us so little about it.

The most serious limitation of public-opinion surveys, then, arises not so much from the method as from the subject matter. Public opinion is held on a multi-dimensional continuum of intensity, knowledgeability and persistence. In a democracy, it is emphatically not true that the only public opinion worth knowing about is that which is fully articulated and long held. Nor need it be true that the limitation appears only because the survey is premature and seeks to probe the opinion before the issue has come to a head. A chief challenge to the survey method in the future lies not in problems of sampling nor in the ambiguities, candor and bias of communication, but in overcoming this problem of blandness—this tendency to reduce all opinion to a colorless common denominator.

One is tempted to suggest that as the quality of the opinion becomes important the efficiency of the survey as a method of inquiry decreases. And it is on the important issues that the quality of the opinion is likely to matter most.

IV

What has been said thus far makes it relatively easy to deal with the last challenge to the method of the public-opinion survey. Will the responses given today be the same as those given by the same people tomorrow?

It is of course true that opinions change as times change, and we should not expect that the Stouffer inquiry in 1956 would yield the same answers it did in 1954. The question put more precisely thus is: How stable are survey responses, assuming that nothing overt has happened in the interim which would reasonably cause a change of opinion? Systematic study of the reliability of survey responses is now underway and certain points emerge pretty clearly.³⁸ Even when there is no obvious external cause of change, respondents in appreciable numbers will answer the same question differently on two different occasions. It appears, for example, that there may be a close relationship between such instability of response and variations in the mood of the respondent, and that questions which involve a sharp conflict of values for the respondent are more likely than other questions to produce unstable answers. While at first blush such evidence seems to point up another weakness of the survey method, on reflection it is more likely that it indicates something about the opinions themselves. For what it tells us is that there are some opinions which are held so marginally and insecurely as to be highly unstable. There are, however, at least two reasons why such instability is not a formidable threat to the survey. Even though an opinion is likely to change tomorrow, nevertheless it is still true that it is the opinion held at the moment of the survey. In addition, preliminary studies indicate that the opinions which are most unstable are also the ones most likely to change equally in both directions so that the over-all findings remain the same. This is further evidence that some opinions are so unstable as to change virtually at random. It would, of course, be good to be

³⁸ Consult Kendall, *Conflict and Mood* (1954).

able to identify the most unstable responses in a survey. But this is simply to say once more that additional insight into the quality of opinions is a pressing need in advancing the survey method.

The analysis here requires one further step. Is there something in the survey method itself which elicits responses which are more unstable than the opinions reflected in ordinary conversation? To some degree the answer must be yes. To the extent that the survey inquiry has produced a lack of candor in respondents, contains ambiguities or is biased, it is to be expected that the responses will be somewhat less stable. Thus these difficulties of method not only tend to distort the facts of public opinion as of the moment but also to produce a special bonus of instability in the opinions reported. But these factors apart, there would seem to be no reason to believe that the opinions elicited by a survey are any less stable than opinions in the world outside the survey.

V

A simple-minded expectation would be that the report of the findings of a study such as Stouffer's would consist of the answers to each of the many questions on the questionnaire with perhaps a little running comment about each set of answers, much in the familiar format of the Gallup Poll column in the newspapers. The distance between Stouffer's book and this image is very great indeed, and it is high proof of the subtlety, versatility and sophistication which the social scientist can add to the presentation of raw survey data.

The distance is most readily measured by trying to trace the questionnaire through the book or to trace the book back to the questionnaire. This is not easy to do. In part, the difficulty results because the items in the questionnaire were arranged in an artificial sequence in order to reduce bias; and in part, it results from the fact that Stouffer has by no means attempted to use in the book all the data the questionnaire must have yielded.³⁹ But to a significant degree it is the result of the complex and flexible analysis to which survey data is today subjected. One sees that if a questionnaire is constructed properly, it will capture a myriad of relationships which analysis of the data can then exploit. And, while it remains true that one can get out of a questionnaire only what is put into it, the striking thing is how much can be premeditatedly planted in it.

From the beginning it is apparent that the responses in flat percentage terms are themselves of little interest to Stouffer, and it is not hard to understand why this is so. We expect in advance that there will be a split of opinion

³⁹ It has been said that Stouffer used in the book something less than half of the data he collected or had available from cross-tabulations. Among the more obvious items not fully reported are the answers to the questions dealing with estimates as to the number of Communists in defense plants, in government, etc.; and with various background factors such as religion, membership in labor unions, occupation and income.

There appear to be two schools of thought about such omissions. One view is that there is always the chance that they would impeach or alter some of the reported findings; the other is that by thus being selective Stouffer was able to choose for presentation only the most secure findings.

on the questions, and, generally speaking, the resulting split is within the range of our expectations. The additional precision of the findings usually adds little. Thus, the finding that 31 per cent of the population would not allow a socialist to speak, while 58 per cent would, is not greatly exciting standing alone, since we already knew that a sizable percentage would be hostile to socialists. On the other hand, the finding that less than 1 per cent of the population volunteered a concern with either Communism of civil liberties, and this at the very moment of the Army-McCarthy hearings, has considerable impact. The clue to our reaction is clear. If the flat percentages deviate much from our prior expectations, as they do on the matter of saliency, the percentages themselves may be of major importance. But in most opinion surveys the flat percentages will not surprise, and when they do not, they will have little punch in themselves despite their precision.⁴⁰

The individual percentages, however, may take on considerable richness as soon as they are placed in the context of the total inquiry. It is only when compared to some other set of percentages or when subjected to a further breakdown that the responses to a particular question grow in meaning. For example, the answers about the socialists become immediately more interesting when compared to the responses of the community leaders to the same question, or when the majority and minority percentages of the responses are distributed by region, age or education. It is this process of refinement of the data by elaborate internal comparisons that yields new relationships and new insights and gives the final results of a survey surprising depth and range. The vitality of a survey thus is likely to be in its cross tabulations.

It is obvious that a questionnaire of any length will permit a virtual infinity of cross tabulations. The Stouffer inquiry, for example, has some twenty-six questions dealing directly with the treatment to be accorded atheists, socialists and alleged and admitted Communists. Each of these questions could be tabulated against each of the others, and each in turn could be tabulated against answers to a variety of other questions, including those inquiring about personal background data and perception of the Communist danger. The result would be thousands of new percentages, each containing some additional information. But the result would be totally unmanageable and intellectually indigestible, and would assuredly be a prime instance of losing sight of the forest.

What would be welcome, therefore, is a way of summing a respondent's "tolerance" of atheists, socialists and alleged and admitted Communists so as to be able to describe and refer to his position by a single "tolerance" score. Such a score is basically a way of generalizing from the answers to a series of questions. If there were a single good question one could ask to test for degrees

⁴⁰ Stouffer would emphasize the additional point that the percentages on individual questions standing alone are unreliable.

As an example of a discussion of the study which takes the flat percentages seriously, consult Roper, *Minorities in Confusion*, *The Saturday Review* 24 (October 1, 1955).

of "tolerance," the answers to it alone would provide an adequate basis for scoring.⁴¹ But for a concept as complex as "tolerance," it is necessary to pool several questions to arrive at a score. Such an overall score furthers the analysis in at least three respects. It immediately establishes a higher level of generalization of the data; it permits ranking people in terms of their scores as being more or less "tolerant"; and it makes economical and intelligible the process of comparing other factors with "tolerance."

The scoring problem can be approached in different ways. A very simple system would be to give a plus-one for each permissive answer to questions in the series and a minus-one for each non-permissive response. A somewhat more refined way of combining the questions would be to decide in advance on differential weights to be given to the answers to particular questions and then to score the respondents accordingly.⁴² Either approach is arbitrary. It is wholly arbitrary to count each answer as having the same weight, while the assigning of differential weights would involve a highly subjective judgment. Perhaps one might advance beyond this by having a group of experts prepare the weights. But the experts are not likely to agree completely, and if they do agree, the suspicion of partiality would be invited.

These difficulties in assigning differential weights or using an unweighted average in arriving at a composite score are admittedly troublesome, but they are overshadowed by a further difficulty. It is here that the analogy to simple measurement in the physical world is illuminating, although the point seems almost childishly simple. The greater quantity always fully encompasses the lesser quantity: In comparing length, the longer line always has at least all of the units of length of the shorter line and more such units besides. In other words, length is a single characteristic and the longer item is unambiguously "more long" than the shorter item. It is precisely the absence of this obvious unidimensionality which haunts measurement in the social sciences. There is no way of knowing in advance that permissiveness towards various activities of socialists, atheists and accused and admitted Communists is dictated by single attitude. And if it is not, there are serious consequences for generalizing about the data through getting a combined score for "tolerance."

Assume for purposes of illustration that A gets a higher tolerance score than B. On closer inspection of the answers it turns out that A was more tolerant than B of atheists and Communists but that B was more tolerant than A of socialists. What does it mean in this situation to say that A is more tolerant than B? The failure of the physical analogy to carry over here makes the state-

⁴¹ But there would still be the "safety in numbers" to be gained from asking a series of similar questions. Consult p. 15 *supra*.

⁴² Thus, in the case of the Stouffer questions, it might have been decided, for example, that the maximum weight in intolerance should be given to those who would not permit the socialist's book to remain in the library, while the maximum weight in tolerance should be given to those who would permit admitted Communists to work in defense plants, and intermediate weights given to answers to questions dealing with conduct in-between these extremes.

ment meaningless. A is both more and less tolerant than B. The important point is that before one can measure degrees of tolerance it is necessary to establish that tolerance is something which moves along a single axis. This brings us squarely to the contribution made by the Stouffer scale of tolerance.

The Stouffer tolerance scale is both a discovery and a highly useful tool of analysis. In essence his finding is that over the range of activities covered by the study tolerance does scale. What is meant by this is that tolerance becomes a single dimension like length; the more tolerant within the range of his questions are never less permissive than the less tolerant. The scale thus provides the needed vehicle for generalizing about the data relating to permissiveness. And Stouffer is able to explore with some confidence and great economy of exposition the relationships between tolerance and other factors.

The derivation of the scale is interesting in itself. The first step was to take as ranking highest on the side of tolerance those questions to which the smallest minority answered permissively—that is, in favor of allowing the activity to go on without interference; and conversely, to take as ranking lowest on the side of tolerance those questions to which the smallest minority answered in favor of restraint—that is, in favor of imposing some sanction against the activity. After thus ranking the “tolerance” of the questions the second step was to select fifteen of the original twenty-six questions for use in the scale and to arrange these in descending order of tolerance into five groups of three questions each. As a third step the individual respondent’s answers were scored, and he was placed in the appropriate tolerance group, with the important proviso that to qualify for a more tolerant group it was necessary also to qualify for all the groups below it in tolerance. Finally, for actual use, Stouffer reduced the scale to three ultimate groups: the “more tolerant,” the “less tolerant,” and the “in-between.”⁴³

⁴³ For the non-expert reader, as for ourselves, the engineering of the tolerance scale undoubtedly is the least accessible part of the analysis.

If our own reactions are any guide, the non-expert reader is apt to have one of two initial reactions upon being told that the attitudes of virtually everyone towards the specified non-conformists do scale. He may wonder why, if this is true, it was not perfectly obvious in advance since all respondents seem to be following the same “logic.” Or he may feel that it is the result of some sort of trick by which almost any series of responses could be made to scale. The importance of the scale lies in the fact that the sequence was not obvious in advance and that it does not depend on a trick with numbers.

An example might give further insight into the matter. Suppose we were testing public attitudes towards the seriousness of three crimes: embezzlement, exhibitionism and income tax fraud. We could not predict in advance how people would rank these crimes or that all people would rank them in some invariant order. Now it is found by a survey that every respondent regards embezzlement as more serious than exhibitionism and regards exhibitionism as more serious than cheating on income taxes. It then could be said that attitudes towards the severity of crimes within this limited area scale. This finding does not result from a trick. It would be easy to assume combinations of responses which could not be scaled no matter how much they are manipulated. This would be the case, for example, if some respondents were to rate income tax fraud as most serious and embezzlement as least serious, while others were to rank embezzlement most serious and exhibitionism as least serious, and while still others were to rate exhibitionism most serious and income tax fraud as least serious. It can thus be

This scale is used extensively throughout the book; in fact, the largest part of the book consists in breaking down and analyzing the "more tolerant" and "less tolerant" categories by age, education, other background factors and perception of the domestic Communist danger. The meaningfulness of the book therefore to a considerable degree depends on the meaningfulness of the tolerance scale.

If the scale of tolerance is the most important component of the study, it is the part most likely to mislead and possibly also the most vulnerable. To begin with, there is once again the matter of the ambiguity of particular questions. We have already touched on the ambiguity in one of the questions used in the scale—the question about putting admitted Communists in jail. A degree of ambiguity seems to us to infect many of the other questions used for the scale because of the failure to specify adequately the circumstances under which action is proposed. Four questions used in the scale, for example, deal with allowing an atheist, socialist, alleged Communist or admitted Communist to speak in the community. Does this ask whether the respondent would invite the speaker? Or does it ask whether the respondent would take active steps to prevent the speech if other people want to hear it? Or does it ask whether the respondent would favor preventing the speech whether such interference was legal or not?

But as Stouffer repeatedly emphasizes, the ambiguity of particular questions is much less troublesome when the questions are ingredients of a scale. However plausible it might appear that ambiguity in the individual questions must infect their summation by scale, this need not be true. For here we have a situation in which the whole—the scale—is not the sum of its parts. The individual questions inquire about the imposition of specific sanctions on particular minority groups. The scale has no such specific content; its purpose rather is to rank people in terms of a general attitude. The scale therefore can give an unam-

seen that if the responses could be arranged in our hypothetical scale, that, in itself, would constitute a real discovery about the way people view the three crimes.

The Stouffer tolerance scale is essentially of this nature, but the responses do not scale as tightly as in the example. As indicated later in the text, not all the relevant data was used in constructing it. Moreover, even apart from the eccentric responses, a respondent in a less tolerant category might be permissive on a particular question as to which a respondent in a more tolerant category would be non-permissive. This is because on the Stouffer scale, in order to qualify for being in a more tolerant category, it was only necessary to answer permissively on two out of three questions (not on all three) in each of the lower categories of permissiveness. However, one could not answer *two* out of three permissively in a higher category and answer less than two out of three permissively in a lower category without some of the responses being treated as eccentric.

Finally it should be noted that division of the scale into the three groups of "more tolerant," "less tolerant" and "in-between" was admittedly wholly arbitrary. Stouffer remarks that, "[W]e decided on a score on our tolerance scale high enough so that 31 per cent of the national cross-section got that score or a higher one" (p. 50).

Stouffer is anxious to have the reader understand how the scale was derived and not to have it accepted as a matter of scientific fiat. He discusses the engineering of the scale in the text (at p. 49, et seq.) and sets out the details of the construction in Appendix B.

biguous answer to its question of rank order even though the individual questions about imposition of specific sanctions are ambiguous. Two factors combine to make this possible. The scale deals only in terms of relative magnitudes since it is concerned only with comparisons, and for this purpose an individual question generally will be clear enough if it serves as a rough discriminator. Further, the scale is predicated on consistency in response over many questions so that it has built-in safety in numbers. A single question which is seriously ambiguous for the ranking sought by the scale is likely to produce eccentric responses which do not scale. Therefore, as Stouffer says, "The procedure of scaling . . . provides an objective statistical test which enables us to reject questions which are misunderstood by too many people" (p. 47).⁴⁴

Another difficulty goes to the fact that in deriving the scale not all the relevant data were used. To begin with, only about half the questions dealing with attitudes towards nonconformists are in the scale. On first glance this might appear to be a sizable omission, but on close analysis of the data it appears that the questions which were left out either were repetitious or produced such one-sided responses that they did not discriminate sufficiently among respondents. Thus it appears that the scale does speak adequately for all the questions, and that the findings would not have been materially changed by using all the questions in constructing it. Another incompleteness in the use of the data proves to be more interesting. Not quite all of the responses fit perfectly into the same scaling pattern. Stouffer dealt with the eccentric responses by assuming that there had been a misunderstanding of some of the questions and allocating these respondents to the categories most consistent with their answers viewed as a whole. Fortunately these eccentrics proved to be very small in number, and undoubtedly in most instances Stouffer's adjustment resulted in classifying them correctly. However, it nonetheless is likely that some of the eccentricities were the product of a position that was flavorsome in the extreme and that had its own logic. For example, Stouffer would have had to adjust the responses of a man who would permit Communists to teach in a university but bar them from working in a shoe store. Conceivably this position might have been supported by the interesting logic that the Communist might effectively propagandize employees and customers in the store without any challenge, whereas he would be neutralized by the critical atmosphere of a university.

The scale is also narrow in a more important way in that it includes only a limited part of the area with which tolerance is usually associated. Stouffer's scale of tolerance reflects only attitudes towards Communists, atheists and

⁴⁴If a question does produce too many eccentric responses, there is a problem whether the question was misunderstood by too many persons or whether it has tapped another dimension of attitude which is not on the scale. For example, suppose that responses to the question about putting admitted Communists in jail had not scaled with responses to the other questions relating to permissiveness. This probably would mean that the jail question was misunderstood by many respondents. But it might mean that there is something about using direct criminal sanctions in the context of the Communist question which tapped a different dimension of attitude than the other questions.

socialists; it thus omits many other indices of over-all tolerance such as attitudes toward race, sex, religion, personal idiosyncracies and perhaps money. This in itself is not a criticism. Stouffer had a unified topic of inquiry arising from the then current concern with Communism. He could not explore all these other facets of tolerance in a single study. And our guess is that he chose not to add some one of them, such as race, because of the expectation that it would not scale with the other attitudes which were his principal interest. What we learn, therefore, is only that tolerance is along a single dimension when the questions are as closely related as those of the study.⁴⁵ What we do not learn is how this tolerance correlates with tolerance on these other important matters.

A final, and clearly the most far reaching, difficulty of the tolerance scale lies in relating "tolerance" as defined by the scale to other usages of tolerance with which we are familiar. "Tolerance," as Stouffer uses it in connection with the scale, is necessarily a term of art. Its precise meaning, and it has one, is given only by a full statement of how the scale was constructed. This, however, makes the precise meaning of the term so artificial and complex that it is virtually impossible to keep it in mind as we read.⁴⁶ Stouffer constantly and candidly warns the reader about his special usage, but the warnings do not make the meaning of the term any easier to remember. The root of the difficulty is the impossibility of finding a shorthand way of talking accurately about a very complicated construct.

The difficulty here is considerably aggravated by the selection of a term from common speech to name the concept which is the subject of the scale. Although people will differ as to precise shades of meaning for tolerance and intolerance, in our society it is well-nigh universal usage that tolerance is an honorific term and intolerance a derogatory one. Even the most careful reader of the Stouffer book will find it constantly troublesome to detect whether the terms are being used as neutral terms of art or in the emotionally toned popular sense. The special nature of Stouffer's term is perhaps best shown by reminding ourselves that the "more tolerant" group includes people who would favor firing a radio singer because he is an admitted Communist or who would favor not allowing a book by an atheist to remain in the public library. Such a usage is by no means

⁴⁵ "For purposes of this study, the tolerance of nonconformity or suspected nonconformity is *solely* within the broad context of the communist threat" (p. 54).

Even within the terms of the communist threat, Stouffer does not test for tolerance of those who oppose Communists, socialists and atheists by violent means. Similarly, the study does not cover tolerance of Fascists. Consult Cogley, No, No, a Thousand Times No, 62 *Commonweal* 350 (July 8, 1955).

⁴⁶ It may be somewhat easier to keep in mind the content of the category "less tolerant." As Nathan Glazer has pointed out, "the less tolerant are those who would favor sanctions against someone who had only been accused of being a Communist." Glazer, *Civil Liberties and the American People*, 20 *Commentary* 169, 171n (Aug., 1955). More precisely, to qualify as "less tolerant" a respondent would have to be non-permissive towards the accused Communist in at least one-half of the six situations covered by the questions used in constructing the scale.

absurd, but it does indicate how different his special meaning of "tolerance" is from that to which we have been accustomed.

This moves the discussion to a useful question: Is there any sense in which Stouffer's term of art corresponds to more popular common-sense notions? Except to warn that his meaning is special, Stouffer never deals directly with this question. But if we look again at the construction of the scale, what it measures can be translated roughly into an accessible term. The term is permissiveness. On the scale, the more permissive are always the more "tolerant" and the less permissive are always the less "tolerant." Permissiveness is obviously related to traditional tolerance, and undoubtedly Stouffer's practical assumption was that in the area of his inquiry it is highly related. Further, on our view as well as Stouffer's, the more tolerant person would in general be more permissive.

But there is more to tolerance than permissiveness, and here it is instructive to consider how the domestic Communist would score on Stouffer's scale. Since presumably he would be totally permissive regarding Communist, socialist and atheist conduct in our country today, he would occupy the extreme permissive position and therefore would receive the top ranking for tolerance.⁴⁷ This illustration is sufficient to indicate that something fairly important is missing from Stouffer's framework.

The first point suggested by our extreme case is that tolerance is not measured by permissiveness toward positions of which you approve and with which you agree. In the famous phrase of Justice Holmes, tolerance is "freedom for the thought that we hate."⁴⁸ Stouffer apparently is assuming that there is so small a minority of Communists, atheists and socialists in the United States today that those respondents who were permissive in these areas could safely be taken to be permissive toward positions with which they did not agree. This is undoubtedly a safe assumption about the Communist issue, but it is open to challenge as to the atheist issue and very questionable as to the socialist issue. If allowance were made for those who are sympathetic with or attracted by the position of an atheist or socialist, it might turn out that there would be so little permissiveness among those left that it would not be possible to find significant differences in attitudes towards atheists, socialists and Communists. The Stouffer scale of tolerance would then itself collapse.

The high tolerance score which a Communist would receive in the scale suggests a second point. Whatever precise meaning people attach to tolerance as the term is usually employed, it has an honorific connotation in the sense that one cannot be said to be too tolerant. On the other hand, one certainly can be said to be too permissive. The explanation of this difference is that permissiveness usually refers simply to the absence of restraint, whereas tolerance usually involves a weighing of the advantages and the disadvantages of restraint. There

⁴⁷ Glazer suggests that Senator McCarthy would also fall in the "more tolerant" group on the Stouffer scale. *Ibid.*

⁴⁸ *United States v. Schwimmer*, 279 U.S. 644, 655 (1929).

is thus no top limit on permissiveness, and at some level permissiveness crosses over into sheer foolhardiness. To be sure, for many of the Stouffer questions, and perhaps for almost all of them, the tolerant answer would be a permissive answer. But what is important is that this is not necessarily the case.

A third characteristic that differentiates tolerance from mere permissiveness is what might be called the procedural aspect of tolerance. We have already noted that tolerance calls for a weighing of the advantages and the disadvantages of permitting or restraining action. But over and above this it demands that the problem be approached with an open mind and a willingness to consider all evidence which might have a bearing on the problem. It requires, therefore, that the matter not be pre-judged. In this respect, the key to a person's tolerance may well be what he would want to know before he makes up his mind. Permissiveness, as in the case of the hypothetical Communist respondent, may well result from a totally doctrinaire position.

The procedural due process value is one to which Stouffer obviously is alerted: he speaks repeatedly of those Americans who take a "sober second thought." Moreover he appears to assume that by and large the more permissive people are those who have taken a sober second thought. But there is nothing in the data which goes to this matter.

In whatever way one puts these considerations, there is a real gap between tolerance, which is one of the richer words in our language, and the permissiveness which Stouffer has found to scale. We should repeat that Stouffer does not claim to be dealing with tolerance in its fullest sense. But the similarity between the two terms makes his usage of "tolerance" particularly troublesome. Even Stouffer at times seems to slip from one usage to the other.⁴⁹ This undoubtedly is the result of the twin motivation underlying the book. On the one hand, Stouffer is interested in a rigorous exploration of permissiveness. On the other hand, he is fired by the hope that this exploration will uncover ways of making Americans more tolerant. But he neither keeps the scientific and political aspects completely separate nor joins them in an explicit manner.

These comments are not to suggest that Stouffer was insensitive to tolerance as a value, nor are they to suggest that he would have been better advised to attempt to study tolerance in its broadest scope. We sense that Stouffer pushed the method of surveying public opinion as deeply as even he could, and that in his effort to get at tolerance, he was forced to rest with its somewhat faint image—permissiveness.

VI

The confusion of tolerance and permissiveness in the Stouffer discussion of the scale should not obscure the leverage that the scale affords in analyzing the

⁴⁹ As an example note the following passage: "But if I am tolerant, there are rights which I will grant, within the law, even to those whom I most condemn. . . . [T]his scale does not measure such tolerance in general. It deals only with attitudes towards certain types of non-conformists or deviants" (p. 53).

components of permissiveness in some depth. The exploitation of the scale is, as we have said, at the heart of the study, and it is instructive to look a little more fully at what Stouffer does with his scale.⁵⁰

It will be recalled that Stouffer was little interested in the simple percentages of response to individual questions standing alone because the figures take on meaning when compared with some other percentages. The most obvious way of getting additional meaning from the responses to the permissiveness questions is to compare the shifts in the permissive/non-permissive percentages of response as we move from question to question. For example, we can thus see that people as a whole are markedly more permissive toward the suspected Communist than toward the atheist, and are only slightly more permissive toward the atheist than toward the admitted Communist. When organized in this fashion, the various percentages can disclose a good deal about the public's attitude. Stouffer, however, is again not greatly interested in this process; he makes the data available but pretty much leaves it to the reader to extract such comparisons.

What Stouffer is interested in is accounting for the differences in people's overall permissiveness. Why, in brief, are some people more permissive than others? It is here that the scale, as already noted, makes its decisive contribution by making it possible to treat permissiveness as a quality of people which can be measured along a single axis. The logic of accounting for permissiveness is basically as follows:

To show that a given factor affects permissiveness, it must be shown that there is a difference in permissiveness depending on whether this particular factor is absent or is present. As in all scientific investigations, it is necessary to bring to the data some hypothesis as to possible factors which correlate with permissiveness. In dealing with a sample the correlations must also be screened against statistical conventions so as to eliminate chance as an explanation of the correlations. Any correlation which survives must then be tested to determine whether it discloses an independent relationship or whether it is spurious and merely masks another factor which is the operative one in producing the correlation. Even an apparent absence of a correlation may be spurious and require comparable testing to see whether or not there may actually be a true correlation which is hidden by the operation of some other factor. It is this step of testing for the independence of the factor which is the crux of the logic.

An example from the study will quickly illustrate how simple yet powerful this logic is. Stouffer explores whether age and education are related to permissiveness and finds a relationship in both cases: As age goes from the twenties bracket to the sixty-and-over bracket, the percentage of the more permissive steadily declines and the percentage of the less permissive steadily increases.

⁵⁰ For helpful discussions of the matters considered in this section of the essay consult Zeisel, *Say It with Figures* (1956); Kendall and Lazarsfeld, *Problems of Survey Analysis, Continuities in Social Research* 132 (1950).

(Further, it is apparent also that age is not the only factor involved, since in each age bracket there are both more-permissive and less-permissive persons.) Similarly, as education moves from the college-graduate level to the grade-school level, the percentage of the more permissive steadily declines and the percentage of the less permissive steadily increases. (Again it is apparent that education is not the only factor involved.) Stouffer's next step is to compare education with age; and he finds, of course, that education varies inversely with age, which is readily understood since the opportunities for education have increased greatly within the last generation. At this stage, however, he does not know whether the correlation of education and permissiveness is not simply accounted for by age; or conversely whether the correlation between age and permissiveness is not simply accounted for by education. The further step is to hold age constant and vary education. Doing this, he finds that in each age bracket there is a greater percentage of more-permissive people the higher the level of education. It can therefore be concluded that education is a factor making for permissiveness independently of age. He then holds education constant and varies age. At each level of education, he finds that the younger are more permissive than the older. It can therefore also be concluded that age is a factor making for permissiveness which is independent of education.⁵¹

There is a final step in the logic which goes to the question of the degree of confidence with which these conclusions can be held. The persuasiveness of the conclusions rests upon at least two considerations. One is that at the extremes, the differences in the percentage responses—and hence the correlations with the hypothesis—are very marked. For example, as to the hypothesis that age is an operative factor, 77 per cent of the college graduates in the twenty to twenty-nine age group are more permissive, while only 31 per cent of the college graduates in the sixty and over age group are more permissive. The other consideration is that the pattern of responses is highly uniform throughout. For the five age groups at the college-graduate level, the percentages of the more tolerant move in the same direction as age increases: 77%, 75%, 64%, 57%, 31%. It is this consistency of pattern over almost all of twenty-five separate comparisons that Stouffer relies upon most for his conclusions that age and education each correlate with permissiveness.⁵²

Since both age and education independently correlate with permissiveness, it follows that the youngest college graduates will be the most permissive group while the oldest of those with a grade school education or less will be the least permissive. The question then arises whether the two factors together exhaust

⁵¹ The data is tabulated in the chart on p. 93. The summary of the Stouffer analysis here assumes that education itself is constant in nature and that it has not changed over the years in such a way as to affect the results of the cross-tabulation. Compare 42 *infra*.

⁵² "When we report that one class of persons has different attitudes from another class of persons . . . our best test is the *consistency* with which we find this result. . . . Consistency of a repeated finding is not a sure guarantee, because of some possible systematic error, but it adds considerably to our confidence (pp. 23-24).

tively account for differences in permissiveness among the population. The answer to this likewise emerges clearly from the data. While the dispersion of permissiveness is tied in impressively with age and education, particularly at the extremes, we do not find, even at the extremes, all young college graduates in the more permissive group; nor do we find an absence of oldsters with little education in the more permissive category.

In similar fashion, Stouffer isolates sex, geographical region (South, East, West or Middle West) and type of community (urban or rural) as three other factors which also independently correlate with permissiveness. Thus he has located five factors which at least in part account for the distribution of permissiveness in the American public. Parenthetically, it might be noted that his stopping with these five presents something of a puzzle; one would have expected some report on how ethnicity and religion correlate with permissiveness.⁵³ But in any event, there is no doubt that a sub-population consisting of people whose backgrounds contain all five "plus" factors will be radically different in permissiveness from a sub-population in which each of these "plus" factors is absent.⁵⁴ Stouffer, however, does not rest his analysis here. He is interested in exploring whether there are deeper factors which account for why educated people, young people or people who live in cities are more permissive.

An illustration of the exploration for "some interesting psychological variables" is furnished by his use of the question: "Do you agree or disagree that people can be divided into two classes—the weak and the strong?" (p. 95). This question was intended to measure what Stouffer apologetically calls "rigidity of classification." That is, those who agree with the proposition presumably will tend to see things as either black or white, while those who disagree presumably will tend to see more shades of difference. The data shows that among the people "more interested" in public issues, there is a fairly strong correlation between those who are permissive and those who disagree with the proposition; and there is likewise a fairly strong correlation between education at any age level and disagreement with the statement.

While Stouffer offers this material as being suggestive only, and devotes little space to it, it is clear that he presents it on the thesis that education makes people generally less rigid as categorizers and hence more permissive

⁵³ Consult notes 67 and 84 *infra*.

⁵⁴ On first impression it might be thought that with five independent factors, each of which correlates with permissiveness, Stouffer has virtually exhausted the explanation of permissiveness. This perhaps would be true if the factors cumulated in a simple fashion. However they do not, as is evident in the example already given about age and education. Being in the 21 to 29 bracket provides a 47 per cent chance of being more tolerant; and being a college graduate provides a 66 per cent chance. If these two factors were wholly cumulative, a young college graduate would have an 84 per cent chance of being more tolerant (66 per cent plus 47 per cent of 34 per cent). However, the actual results show that he has only a 77 per cent chance of being more tolerant. The explanation for this is that although the factors are independent they are not uniformly distributed among all sectors of the population. There are, for example, a larger percentage of college graduates among the young people.

politically. In his own words, "[O]ne of the necessary conditions of tolerance of nonconformists would seem to be the ability to make distinctions—between the menace of a Communist in a key defense plant, let us say, and the risk to the community of a socialist making a speech in a local hall" (p. 95). He is, in brief, suggesting the interesting hypothesis that training, even in mathematics and physics, will tend to make one more permissive in the political sphere.

The use of this data is indicative of the method available to the survey for getting behind a specific background factor such as education. But it also points up possible limitations in such endeavors. The test of rigidity is admittedly crude, and the devising of a more precise instrument would be quite an enterprise in itself, mirroring many of the problems confronted in building a scale to measure tolerance. Moreover, there seems to be a step missing from the analysis, perhaps because the sub-sample involved was too small for significant utilization. We are not told whether among the less educated (of the more interested persons) there continues to be a correlation between permissiveness and non-rigidity. If there is no such correlation, it would appear that something other than non-rigidity makes for permissiveness and in turn causes the educated to be more permissive. That something might not be hard to find since common observation tells us that most higher education includes indoctrination as to the values of political tolerance. Stouffer himself notes that "[i]n school people are taught about great dissenters of history, including the founding fathers of this nation" (p. 99). But even if it is assumed that lack of rigidity does make for political permissiveness, there is the further problem of whether education trains in making distinctions or whether those who can make distinctions are by and large the persons who get trained. The fact that there is a high correlation between education and flexibility does not dispose of this ambiguity.

What deserves emphasis here is not the content of this particular illustration of a psychological variable but a more general point. Stouffer does enough with depth soundings of this sort to indicate that, although there are major limitations and difficulties, a more basic level of findings is not necessarily beyond the reach of a public opinion survey.

Both the strength and the weakness of the logic of survey analysis can perhaps be illuminated in another way by comparing the method here with the method of scientific experiment. The strength is that it is surprisingly like the scientific experiment; its weakness is that it is not quite enough like it. In simplest terms, an experiment starts with the hypothesis that a precisely defined treatment will have a measurable effect on the subject matter; then the treatment is applied to one part of the subject matter while the remainder is kept unchanged as a control. If the effect appears in the experimental group but not in the control group, the logic is that it is the treatment which has produced the difference. The more rigorous the experiment, the more likely it is that the treatment alone produced the difference, since in the perfect experiment the

only difference between the control group and the experimental group is the treatment.

In essence, the logic of survey analysis is the same. To recur to our prior illustration, the hypothesis is that education is a variable accounting for political permissiveness. The respondents are divided into groups according to education. The better educated are found to be more permissive than the less educated. It therefore follows that education affects permissiveness. Survey analysis is thus a kind of retrospective experiment. However there remains one important difference between the two methods. In an experiment, the assurance that the experimental and control groups are identical but for the presence or absence of the particular variable under study can be of a high order. This is true because the two groups can be selected at random from a given sample so that the randomness insures that other selective factors are not operating. Survey analysis, in contrast, cannot have this degree of control. There can never be complete assurance that the groups which are divided *after* the fact in terms of some particular factor, such as education, are otherwise highly similar. It is because of this absence of control that in survey analysis it is necessary to test repeatedly whether the results are accounted for by other variables. Such a process is in effect a way of isolating particular factors so as to be able to compare groups which are thus shown to be increasingly alike in all other respects.⁵⁵

There always remains, therefore, doubt in the survey method as to whether the operative variables have been isolated. And there are always two practical limitations to the quest for such variables. The analyst can only work with the variables which have been built into the survey, and, since the survey is likely to be a "one-time" operation, these variables will be circumscribed by the maximum feasible length and complexity of interviews as well as by the success in anticipating relationships in advance. Further, the testing for variables requires an ever increasing subdivision of the respondents, and at some point the numbers in the subdivisions become too small to have statistical significance. And so it was that when Stouffer compared permissiveness among those "more interested" in issues on the basis of holding education and region constant but varying the type of community, the total in the subgroup of college graduates from western farm communities, out of the original whole sample of 5,000, was exactly one.⁵⁶

VII

After thoroughly exploring background factors which may be relevant to political permissiveness, Stouffer is at this point in the analysis at best only half-way home. From the perspective of someone interested in the substantive problem of political permissiveness, it is important to realize that the judgments which people make about permitting or not permitting a given activity are

⁵⁵ Compare Kendall and Lazarsfeld, *op. cit.* supra note 50 at 132, 136 et seq.

⁵⁶ Table on 123.

complex ones. Such judgments must rest on some assumptions or premises. Obviously one such assumption central to permissiveness, at least in the area of Communist activity, is the degree of danger people see in domestic Communism. The ready hypothesis is that people will tend to be less permissive the greater the danger they perceive. It could well be, therefore, that what differentiates people today in their permissiveness toward Communists is not so much that they hold different values as that they have different assumptions as to what the facts about Communism in America are. Another significant aspect of the Stouffer study lies in his efforts to add this dimension to it.

Stouffer has broken the estimate of the danger from domestic Communism into two major facets: (1) What is a Communist? and (2) How dangerous is he?

In ascertaining how the American public sees the American Communist today, the study relies heavily on qualitative responses. Stouffer was concerned in this area to avoid suggesting the pattern of responses and accordingly elected to make his inquiry largely open-ended. The questions used are typified by these: "How great a danger do you feel that American Communists are to this country at the present time?" "Why do you think so?" "What kind of people in America are most likely to be Communists?" These questions yield answers in the idiom of the individual respondent. The answers thus have considerable flavor and color. Stouffer devotes several pages to quoting sample responses as a way of communicating the nature of the material to the reader. A housewife in Pennsylvania gives as her explanation of why Communists are dangerous: "All the plane wrecks we have—there couldn't be that many without a reason. They want to scare people so we won't trust our government" (p. 159). An auto salesman in Missouri says: "They have a terrific spy set up and now's a good time to move in on us with all of us fighting among ourselves" (p. 160). And a housewife in Michigan observes: "So many young persons believe in Communism, there must be some persons teaching it" (p. 161).

But the ever present problem of the qualitative answer is how to do something with it quantitatively. It is true that one of the major findings of the study is derived from qualitative responses—namely, that substantially more people (28 per cent) expressed a concern about the danger from "conversion or spreading ideas" than from sabotage (8 per cent) or espionage (8 per cent) (p. 158). In order to reach this conclusion, however, Stouffer had to classify answers as varied as the ones we have quoted. And although 81 per cent of the sample thought Communists were of some danger, only 44 per cent gave responses which mentioned any danger specifically enough to permit classification.

The popular image of American Communism was also obtained from a slightly different perspective by asking: "What kinds of things do American Communists believe in?" After struggling with classifying these responses, Stouffer reports some interesting figures.⁵⁷ Of the total national sample, 24 per cent could not give any answer, and another 24 per cent gave responses so

⁵⁷ Table on 166.

varied that he did not try to label them other than as "miscellaneous." He ends up with seven specific categories of response, no one of which attracts more than 24 per cent of the sample. While it is true that 24 per cent did say Communists were against religion, only 18 per cent spoke of them as favoring a political dictatorship, and only 18 per cent said they promoted domination of the world by Russia. What is perhaps most striking about this is that a majority of the respondents did not speak of the Communists as favoring either world domination by Russia or political dictatorship. And apparently so few associated advocacy of violent overthrow of government with Communism that Stouffer lumped this response in the "miscellaneous" category.

The importance of such material to the study is in providing strong evidence of how widely varied the factual assumptions about Communism are and how tenuously they must, in many cases, relate to any realistic appraisal of the facts. And it is on these popular versions of the facts that Stouffer superimposed the popular ratings of the danger from domestic Communism.

The assessment of the public's perception of the Communist danger is handled by the introduction of a second scale.⁵⁸ The construction of this scale is simpler than that of the tolerance scale, since here Stouffer can and does ask a single question: "How great a danger do you feel that American Communists are to this country at the present time—a very great danger, a great danger, some danger, hardly any danger, or no danger?" He thus is in a position to discriminate between respondents to a considerable degree simply in terms of the answers to this one general question. The scale is introduced not so much as a higher order of generalization, as is his use of "tolerance," but as a device to "check . . . findings by substituting more specific questions for the single general question" (p. 196). While more could be said about the particular composition of this scale, the important point is that this kind of scale serves as a check by using several questions rather than only one. Since the perception of danger scale did confirm the results obtained from the single question, it made little difference to Stouffer's analysis whether he was using the "scale" derived from the single question or the scale proper.

The result reported is that some 19 per cent rate the danger as "very great," some 24 per cent as "great"; as against these 43 per cent who rate the danger as high, only 11 per cent find "hardly any" or "no danger." In view of the imprecise images which people have of what it is that the domestic Communist believes in and does, it surely would be important to know about the relationship between these two sets of data. It is to be remembered that 81 per cent of the sample thought that domestic Communists were at least "some" danger, and yet at best not more than 44 per cent of the sample enumerated as the danger either espionage, sabotage or subversion of ideas. Nevertheless, we are not told how those mentioning subversive ideas rated the danger of the Communist threat as compared to other respondents, and we are left with the

⁵⁸ The scale is given in full in Appendix C, at 266-69.

puzzling additional fact that at least 37 per cent of the sample saw at least "some" danger but apparently could not or did not specify either subversive ideas or sabotage or espionage as the source of the danger. Consequently, we have no way of knowing whether those who thought the danger to be "great" thought so because they viewed the danger as espionage or sabotage, because they viewed the danger as subversion of ideas or because they could not specify what the danger from domestic Communism was.⁵⁹

Moreover, there is an immediate difficulty with the instrument for measuring the degree of danger perceived. We cannot know whether all the respondents use terms of intensity, such as "great," "some" and "hardly any," in comparable ways. Two persons may well have the same impression about the likelihood of occasional espionage from domestic Communists; yet one of them would describe this as a "great" danger while the other would call it only "some" danger. To a degree the scale reduces the range of error from this source, but the possibility of error remains inasmuch as many of the questions used for the scale require the respondent to evaluate a more specific danger in such terms as "great" or "small."⁶⁰ But even though there is no common denominator for comparing accurately perceptions of danger, it seems likely that Stouffer's method does give us a rough basis for differentiating people on this score. And for his purposes the important question is not whether what they perceived constituted a small or great danger, but only whether they regard it as small or great.

Another and a more serious ambiguity concerns the single question which underlies the measurement of the perception of danger. When the respondent gives his views about the severity of the domestic threat, is he reading the question as referring to the danger which would exist if the government were to stay its hand completely, or is he reading it as referring to the danger which exists despite all the steps the government already has taken to guard against it? There is no way of telling from the answers how the respondents in fact interpreted the question, and it is obvious that the significance of the answers rests heavily on how the question was understood. This ambiguity might border on the trivial if one were inquiring about the public sense of danger today regarding murder or rape in the community, since almost all respondents could be presumed to be measuring the danger in terms of the existing state of law

⁵⁹ However, Stouffer does indicate that many of those who did not specifically mention sabotage, espionage or subversive ideas as a danger from Communism nevertheless gave answers such as: "The Communists are out to take over America." "They want a Revolution." "They're working for Russia"; "They are awful people" (p. 157). These answers are not wholly without content. Perhaps more probing would have placed many of them in more precise categories.

⁶⁰ Stouffer attempted to minimize the danger of error from this source by "scoring" the responses to the various questions in the perception of danger scale somewhat differently. For example, for some questions the cut-off point for qualifying for the group that sees the greater danger is the response of "great" danger, while for other questions in order to qualify it is sufficient for the response to be "some" danger (pp. 266-68).

enforcement activity. However, in the case of the danger from domestic Communism, the frame of reference for most people is far less certain. Much of the political debate indicates that both sides frequently seem to be talking about the problem absent all specific anti-Communist controls imposed by the government. It is therefore highly likely that large parts of the public likewise sometimes think about the problem in this way. On the other hand, it is pretty clear that Stouffer himself understood his key question to refer to the danger remaining despite the operation of the current law. Thus he tells us: "Most of the 11 per cent who felt that there was hardly any danger or no danger from American Communists at the present time said that the FBI or other police agencies had the problem well under control" (p. 157). We are also told that, at the other extreme, 19 per cent found the danger "very great." Since Stouffer is taking these extremes seriously, he must be assuming that the 19 per cent also were interpreting the question in the same way and were saying that the danger is very great despite the existing controls. We know that some people in the community may well hold this view, but there is nothing in the study which tackles directly this basic ambiguity. Our own guess is that many of the 19 per cent who saw a very great danger did not have the existing government controls in mind when they rated the danger.

This confusion is tied closely to a further ambiguity about the rating of danger from Communism which received explicit discussion by the courts in the test of the constitutionality of the Smith Act in the *Dennis* case.⁶¹ Judge Hand's famous gloss on the clear and present danger test involved pointing out that both the likelihood of the danger and the gravity of the danger must be taken into account.⁶² The Stouffer study does not distinguish between these two components; it is thus possible that some people who rated the Communist danger high and some who rated it low are in agreement on the facts. The former may have been answering with reference primarily to the gravity of the danger, while the latter were concerned primarily with the likelihood of Communist success in America.

The subsequent analysis based on the perception of danger, although somewhat affected by these ambiguities in the measurement, is nevertheless of considerable interest and importance for the study. Stouffer had almost a single objective in mind in developing the perception of danger data: to see how it correlates with permissiveness. While this adds to the understanding of permissiveness, Stouffer's concern with the correlation is considerably tinged with his action orientation generally. If it can be shown that there is a sufficiently high correlation between permissiveness and perception of danger, then it might appear that a case has been made for a short-run program designed to present a better perspective on the domestic Communist threat.

⁶¹ *Dennis v. United States*, 341 U.S. 494 (1951).

⁶² "In each case they must ask whether the gravity of the 'evil,' discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger." *United States v. Dennis*, 183 F. 2d 201, 212 (C.A. 2d, 1950).

On the whole, Stouffer does find that perception of danger is inversely related to permissiveness. He tests for this by holding constant, in sequence, education, age, region, type of community, sex and church attendance. In each case, he finds in general that the greater the perception of danger the less the degree of permissiveness. But while the perception of danger thus emerges as an independent variable, its correlation with permissiveness is a good deal less than perfect. In Stouffer's own words:

To sum up, these tabulations converge to demonstrate two facts: 1. Within various categories of the American population, which cross cut one another, there is consistency in the relationship between perception of the internal Communist threat and tolerance [permissiveness] of non-conformists. . . . 2. The relationship between perception of threat and tolerance [permissiveness], though consistent in almost all subgroups studied, is far from a 1-to-1 relationship [p. 208].⁶³

We have no reason to doubt these conclusions as a matter of common sense. Nevertheless, we have some hesitancy in accepting Stouffer's effort to corroborate them. The relationship between perception of danger and permissiveness has been viewed too simply.

First, there is the unexamined assumption that if permissiveness and perception of danger correlate, it is the perception which affects the permissiveness. On this particular issue, and especially at the extremes, it seems equally likely that it is the permissiveness that controls the perception. We know there are considerable differences in the readiness of people to believe public pronouncements about the Communist danger. Those with a built-in anxiety and thus low permissiveness would be likely to score high on the Stouffer perception of danger scale, a point understood by those whose demagogic anti-Communist appeals have been directed to emotions of distrust and hatred. Some people must have believed even the most extreme statements because they wanted in advance to believe the worst. And the same point can be made at the other extreme; there is at least some merit in the familiar complaint that the soft-headed liberal would not see a Communist under his bed if there actually were one.

Second, there is a serious truncating of the inquiry once Stouffer turns to the perception of danger. Up to this point, he has been exploring a concept of political permissiveness which is broad enough to cover at least socialists and atheists as well as Communists. On the perception of danger side, however, the inquiry is confined to the danger from Communists. It is true that Stouffer is careful to confine his generalizations here to the relationship between the perception of the Communist threat and permissiveness. Nonetheless, there is a lingering suspi-

⁶³ One review has charged that Stouffer has "inadvertently fallen into" the kind of thinking that would accept or even promote deception of the public about the degree of danger from Communism in order to increase tolerance. Glazer, *op. cit. supra* note 46 at 169, 174. It is true that the Stouffer figures show that if for any reason the public's perception of the Communist danger were to decline we could expect some increase in permissiveness. However, Stouffer is extremely careful to call for nothing more than informing the public accurately about the Communist threat.

cion that the correlation between permissiveness and perception of danger would be entirely different at the level of the socialist or atheist. It is at least plausible that many of those who were relatively non-permissive of atheists saw little danger from them. This speculation might suggest a deep-seated difficulty with the whole analysis of the relationship between the two factors since almost as many persons were non-permissive of atheists as of Communists. And in any event, a clarification here would have further served to locate a highly interesting group in the population—those who are non-permissive even when the danger they perceive is small.

A third respect in which there is an incompleteness about the Stouffer relationship between perception of danger and permissiveness is that it fails to consider whether permissiveness is due to *underestimation* of the danger from Communists or whether non-permissiveness is due to *overestimation* of the danger. As political debate in the last decade has made abundantly clear, each of these two contentions has staunch supporters. Stouffer has chosen not to try to assess the realism with which his respondents viewed the danger. Admittedly such an assessment would have been most difficult, but a rough lower limit of realism could have been set. The estimates the respondents made as to the number of Communists in this country could have provided one such test.⁶⁴ Short of doing this, it would have been possible to group respondents on the basis of the degree to which they discriminated between the danger from, say, Communists in defense plants and Communists in shoe stores. Along the same lines, it might have been quite illuminating to ask them what other preventive measures they thought the government should take.

The addition of such a measurement of realism in perceiving the danger might have been especially helpful in gaining further insight into how education makes people more permissive. It is to be recalled that Stouffer conjectured that education made people more permissive by making them more discriminating. A most welcome finding would have been that the educated by and large are more permissive because they assessed the facts more realistically. But as the study stands, one cannot put aside the competing and troublesome anti-intellectual hypothesis that education makes people more permissive by causing them to be stubbornly inattentive to the harsh facts of domestic Communism.

A final reason why the Stouffer analysis of the relationship between permissiveness and perception of danger seems unsatisfactory arises because he does not pay more attention to what else is involved in judgments as to permissiveness. He stresses that the correlation is far from 1-to-1; and from many points

⁶⁴ "The guesses varied wildly—all the way from over a million to under a thousand. The percentage classified as 'more tolerant' on the scale of tolerance of non-conformists was highest among those guessing numbers somewhere between 50,000 and 250,000. Those who guessed still larger numbers were less likely to have relatively tolerant attitudes—as also were those who guessed very small numbers. In the more interested cross section, there were 156 who guessed less than a thousand—and these tended to have the least proportion of more tolerant people of any category of respondents" (p. 196).

of view, this absence of complete correlation is more exciting than the existence of any correlation between the two items. But while he is fully aware that there must be at least another component in judgments about permissiveness, he attempts neither to name it nor to probe for it directly.⁶⁵ This missing factor can be put in various ways: It might be described as the differing values which people assign to protecting non-conformity, or perhaps more concretely, it might be described as the dangers which result from government or community interference with the individual. In this sense, what is missing from the Stouffer analysis is a measurement of the "other danger":⁶⁶ for what divides people on the Communist control-civil liberties axis is not only their differing perceptions of the internal Communist danger but equally their differing perceptions of the dangers to liberty from government intervention. This omission is particularly noticeable in view of the formula used for a generation in law and political science to discuss issues of free speech. The doctrine is not that permissiveness is to vary directly with the danger of the speech; but rather that the permissiveness is to remain constant whatever the magnitude of the threat until the danger reaches the threshold of being "clear and present." While the doctrine is not to be taken too literally, it is a useful symbol of what is missing in the Stouffer framework. Without the perception of this "other danger" the picture remains incomplete. Adding it would not change the correlation between permissiveness and perception of danger, but the significance of the correlation might be materially affected. It could turn out, for example, that the perception of the "other danger" correlates much more closely with permissiveness, and that therefore it would be the more important target for an action program. And it could also turn out that the dominant impact of education is to sensitize to the importance of leaving people alone.

By ignoring this "other danger" factor, Stouffer has tended to underplay the two groups who keep his correlation of permissiveness and perception of danger from being perfect—those on the one hand who see little danger but are nevertheless not permissive, and those on the other hand who see considerable danger but despite this fact are permissive. From many points of view, these are the two really interesting segments of the population: the one because they are the truly and durably intolerant; the other because they are the representatives of tolerance in its best sense.

VIII

It is convenient at this juncture to look back over the Stouffer study and attempt to integrate the various aspects of the analysis which we have dealt with

⁶⁵ With respect to age Stouffer finds, for example, that when perception of danger is held constant, permissiveness still varies with age; and similarly for the other factors "there is something about the younger generation, *whatever their estimate of threat*, that makes more of them tolerant than the older generation" (p. 203).

⁶⁶ The book does contain some interesting qualitative data on the perception of threats to free speech and civil liberties generally (pp. 78-83).

separately. If we now put all questions of methodology aside, what is the profile of political permissiveness which emerges? No matter what discounts one would make for the ambiguities and shortcomings seen in the study, certain findings stand out quite solidly.

The American public has markedly differing attitudes towards issues of political permissiveness in the areas of Communism, socialism and atheism. These attitudes by and large can be measured along a single dimension so that in these areas we are able to talk about one person being more or less permissive than another. The degree of this permissiveness correlates independently with several factors: age, sex, region, type of community, education, certain psychological qualities and the degree of danger perceived from domestic Communism. These findings are in effect the stones for erecting the foundation of a theory of what makes for permissiveness.

The conceptualizing of such a theory is at once a fascination and a frustration of the book. Stouffer is not content merely to report that he has found independent variables; yet, something keeps him from doing more than dropping scattered suggestions as to how the variables fit together. There is enough, however, in the study to invite further reflection.

It is apparent that the variables, although independent, must affect permissiveness in quite different ways. A fully matured theory of permissiveness would have to account for all these variables and also structure their relationship to each other. At least four levels of variables would then be seen to be involved in the analysis. The ones which appear to be most remote from the phenomenon of permissiveness, with which they correlate, are the routine background factors such as age, sex, region and type of community.⁶⁷ At the other extreme is a factor such as perception of the danger from Communism, which is an immediate component or premise in any reasoning on issues of permissiveness. In between there seem to be two other kinds of factors—the psychological variables which link with personality characteristics, and finally education, which clearly is in a class by itself. The mere grouping of the variables in this fashion strongly suggests that permissiveness must be a complex product and makes even sharper the puzzle of how such diverse factors combine.

The passing speculations of Stouffer are worth collecting in this connection. The question in each case is: What is there about this variable, which independ-

⁶⁷ There is some effort to explore other background factors, such as habits of church attendance and political party preference. Consult 140 et seq., 207 and 210 et seq.

Group affiliations such as party preference or church membership present another type of variable in that the opinions of the individual may be affected by changes in the official position of the group or groups to which he is committed. The extreme example of this is the "official Communist line" as a determinant of positions of the members. It has been pointed out that: "While the polls can tell us in considerable detail the nuances of attitude difference among a wide variety of stratified groups, these results are often misleading if interpreted without reference to the specific organizational commitments which in action may modify or even counteract the abstract attitude." Glazer and Lipset, *The Polls on Communism and Conformity*, *The New American Right* (Bell, ed., 1955). Also consult note 84 *infra*.

ently of all other variables, relates it to permissiveness? We start with the background factors.

Stouffer notes at the outset a basic ambiguity in the findings about age. Are the young today more permissive simply because they are young, or are they more permissive because the culture has changed and affects them differently than it did their parents? That is, will the 30 year olds of today be as little permissive when they are 60 as are the 60 year olds of today? Questions such as these, Stouffer tells us, "are unanswerable" (p. 90). If the culture has changed the explanation for the relationship which exists today between age and permissiveness may well be found in the cultural shift and not in the aging process itself. Stouffer does, however, make three interesting stabs at locating the explanation in the aging process itself. These are in terms of three psychological variables—optimism, authoritarianism and rigidity (pp. 94–103). He finds that each of these variables correlates with permissiveness and with age. In addition he notes that it may well be that education has relevantly changed over the past generation and that thus the college graduate who is now 60 has not had the same education as the college graduate who is now 30 (p. 99).

In what is certainly the most engaging chapter in the book, Stouffer attempts heroically, but altogether unsuccessfully, to find out why women are on the average less permissive politically than men (C. VI). He finds several marked differences between men and women: Men are more interested in issues; women go to church more often, and churchgoers are less permissive than non-churchgoers; more men work and are thus brought into contact with a greater variety of people; women on the whole show somewhat greater anxieties than men. These are certainly promising differences, but each turns out to be a blind alley. In each case, on further refinement of the data, sex still shows up as an independent variable.

Stouffer finds that metropolitan areas are more permissive than small towns, and small towns are more permissive than farms (p. 113). The chief hypothesis for accounting for this relationship is put by him as follows: "[T]he citizen of a metropolitan community is more likely to rub shoulders with a variety of people whose values are different from his own and even repugnant to him than is the man or woman in a village" (p. 127). A complementary hypothesis is that many city dwellers today have migrated from the farms and have thus lived in "two worlds of values." These hypotheses were not testable on the data available from the survey. Finally, as to region, Stouffer finds that the West is most permissive, the South least permissive, and the East and Middle West in between (p. 111). Here he offers no speculation other than to note that diversity of contact alone cannot produce tolerance or the South would be most tolerant of the Negro (p. 128).

It is thus clear that while the routine background factors may offer the most satisfying statistical correlations, they remain at the lowest level of theory. This is because there is simply too great a gap between such factors and the permissiveness with which they correlate.

At the other extreme in the level of theorizing are Stouffer's speculations about certain psychological variables. He explores the three variables previously mentioned: optimism, rigidity and authoritarianism (pp. 94-103).⁶⁸ In each case he is interested in learning how the factor correlates with permissiveness and how it relates to the background factors of age and sex. He finds that optimism varies directly with permissiveness, and also that rigidity and authoritarianism vary inversely with permissiveness. And, as we have already noted, he finds that the young are on the whole more optimistic, less rigid and less authoritarian; but that none of these psychological variables has a significant correlation with sex. Again Stouffer offers a few clues to account for the correlations with permissiveness.

First, as to optimism: Optimism is some index of lack of anxiety, and the hypothesis is "that the individual who is very troubled, for whatever reason, needs to blame someone aside from himself for his troubles" (p. 100). The Communists, he says, are "one of the obvious targets for blame."

Second, as to rigidity: Stouffer suggests that "one of the necessary conditions of tolerance of non-conformists [that is, of permissiveness] would seem to be the ability to make distinctions" (p. 95). The rigid categorizer presumably would be less able to do that and would be more inclined to lump many different kinds of people into the one large category of troublemakers.

Third, as to authoritarianism: Presumably the authoritarian personality, although Stouffer does not spell this out, will be less hospitable towards dissent and non-conformity.

It must be emphasized again that all of these hypotheses⁶⁹ are offered most modestly by Stouffer and are obviously not designed to do much more than suggest that a psychological theory might help in unifying the data from a survey. Nevertheless, this is an important frontier for social science, and the difficulties in crossing it are formidable.⁷⁰

⁶⁸ The questionnaire (Q 69) included several other examples of such psychological "test" questions.

⁶⁹ In connection with the material relating the threat of war with Russia and the threat from domestic Communism, Stouffer explores one further psychological hypothesis. "[P]eople tend to suppress such frightening possibilities as an atomic war which might exterminate mankind. Lurking only in the unconscious, these anxieties could become manifest as projections upon convenient targets of aggression provided for them in the news, such as internal Communists. Those who can realistically face the danger from the outside might not have to build up in their minds an exaggerated internal threat and might not even be sensitized to the threat at all. Those who cannot face the external danger realistically would see the internal threat as lethal" (p. 75). He goes on to reject this hypothesis on the basis of the survey data.

⁷⁰ The recent study by Smith, Bruner and White, *Opinions and Personality* (1956), illustrates the problems of probing further for the psychological bases of opinions. The book reports on ten intensive case studies of opinions relevant to the Communist problem. The first sentence of the book is: "Of what use to a man are his opinions?"

One reviewer of the Stouffer study has commented on the "heavy reliance on analysis in terms of demographic variables in the polling tradition—not so much in criticism of the present effort as in the hope for further research along somewhat different lines." Smith, *Am. Sociological Rev.* 750, 751 (1955).

There are several interrelated difficulties. One is to avoid tautology. For example, the notion of an authoritarian personality comes precariously close to being defined by hostility to nonconformity. Closely related is the likelihood that all one is doing is relating one set of opinions to another set of opinions rather than to a personality trait. The question which Stouffer used to measure authoritarian personality, for example, inquires about permissiveness with respect to children. It is fair to ask whether the resulting data reveals a relationship between a personality characteristic (authoritarianism) and an attitude (political permissiveness), or whether it simply relates two attitudes—permissiveness in the area of child rearing and permissiveness in the area of political action. On the other hand, as an opinion survey escapes from tautology it tends to move into the familiar problem of validity—that is, being certain that it measures what it purports to measure. This, in brief, is the old problem of whether an intelligence test measures intelligence or measures only the ability to take that which is called an intelligence test. Thus Stouffer recognizes that there may be considerable distance between responding to the proposition that people can be divided into two classes—"the weak and the strong"—and a psychological phenomenon of rigidity. Both of these pitfalls, however, are perhaps merely parts of a larger difficulty which is suggested by the derivative and rather second-hand use Stouffer makes of psychology. A survey can check psychological hypotheses which are already available, the data of a survey may offer clues as to hypotheses for the future, and conceivably an opinion survey could be designed primarily to explore the psychology of opinion. But as a practical matter there is likely to be a division of labor here, and those who are interested basically in surveying the content of public opinion on an important public issue are likely to wait upon the development of psychological theory elsewhere and not work original hypotheses into their survey designs. In any event, the kind of theory which is needed must satisfy two demands. To illustrate with material from the study, the theory must not only serve to identify adequately the personality characteristic which correlates with permissiveness, but it must also be of such a nature as to connect this characteristic with the routine background factors, such as age and sex, with which the psychological variable has been found to correlate.

And though the Stouffer study is virtually silent on this point, it is clear that there is a parallel set of variables which are cultural rather than psychological. These would then serve to explain regional and community differences in comparable fashion.

A good deal has already been said in connection with perception of danger about the third major stratum of variables—those which are in effect components of a reasoned judgment. The key point here is that these variables operate at a completely different level of theory than do the others we have been considering. Perhaps this can be illustrated by taking three different men who give identical answers to the question on permissiveness but who differ significantly

in the reasoning by which they reached their judgments. One man may be permissive because he pays no attention to the facts about the Communist danger and is concerned only with preserving symbols of individual liberty; the second man rates the danger very low and may be permissive although he has no great attachment to values of individual liberty; the third man rates the danger realistically but may be permissive because on balance he feels that the greater net danger to our society lies in further government intervention. For most people who make a final reasoned judgment about permissiveness, some comparable combining of premises must have taken place. If we want the complete description of an opinion we must include the components of the judgment. For many purposes the three men in the above example hold not a common opinion but three different opinions. If we are interested in accounting for an opinion, the structure of it is as important as the ultimate opinion itself.

The psychological and cultural variables and the routine background variables must operate on the ultimate judgments about permissiveness by operating on these components of the judgment. For example, a factor such as age can only affect the final judgment of permissiveness by in some way affecting either the perception of the Communist danger or the perception of the danger from government intervention or the process by which they are to be weighed. We are concerned here, then, with what is involved in talking about the merits of an issue. Men do not need to be viewed as perfectly rational animals to make this consideration important. When men compare their views on the Communist issue, they compare, or argue about, facts and premises. They do not discuss their age, sex, region, type of community, church attendance or whether they are pessimistic, rigid or authoritarian.

But of what concern to an opinion survey are the reasons men give for their opinions? The question is complicated by the fact that the public has attitudes and opinions on a variety of questions ranging from what seem to be pure matters of taste, such as a preference for one shape of perfume bottle as against another, to what seem to be pure matters of reason, such as the propositions of geometry. This is important because we sense that the role of the reasons given for the opinions about perfume bottles would be considerably different from the role of reasons given for the opinions about geometry. And further, we would anticipate that the way the reasons link with the respondent's background in the case of perfume bottles would be considerably different from the way they would link with his background in the geometry case.

If we were to run a survey on preferences for the shapes of perfume bottles we would anticipate that we could account for the differences in preference in terms of personal, cultural and psychological factors. However, we would still have left the reasons the respondents give for their preferences. Assuming that the bottles are by and large equally utilitarian, we would not be inclined to take the reasons too seriously. As rationalizations, they might furnish interesting data for a psychology of opinion; they might well correlate richly with various back-

ground factors; but we would not think of them as determinants of the preferences they appear to justify.

A survey on opinions as to propositions of geometry would be a different matter. Here again there would undoubtedly be some differences in the answers, but the answers would not merely be different: some would be right and some would be wrong. Our hunch is that it would be more interesting to explore the correlates of the wrong answers than the correlates of the right answers. For in seeking an explanation for the correct opinions about geometry, we would very quickly find ourselves back to education and intelligence.⁷¹ But seeking an explanation for the unsound opinions about geometry would again move us into the psychology of opinion formation in an interesting way because we would be attempting to locate impediments to the perception of the right answers. In brief, there would be little mystery about why people had correct opinions inasmuch as the supporting reasons would themselves be principal determinants of the opinions.

The general problem of political tolerance in which Stouffer was interested of course is not so simple, and there is no single correct answer. This problem has deep overtones of sentiment, emotion and value commitment which will not be readily responsive to debate. Therefore, it is at least as interesting here to account for why some people are permissive as to account for why others are not. Background factors, such as age and region, thus are of interest, and it would be clearly insufficient to explain the results if we stopped at the level of the reasoning process by which the judgment was reached and did not go behind it. On the other hand, we would argue that a man's preference for letting or not letting a Communist make a speech is also different than his preference for perfume bottles. There is no wrong view about perfume bottles; while there is no single correct view about the Communist problem there may well be some wrong views; and there is only one correct view about a proposition in geometry. Thus the task of the social scientist in accounting for opinions or attitudes must vary significantly as we move across the spectrum from Ecstasy to Euclid.⁷²

For many students of public opinion this may now overstate the point. Undoubtedly there are some members of the general public whose opinions on the Communist question, or on any other public issue, are so unreasoned and unstructured as to be held in much the same manner as their preferences for the shape of perfume bottles. There is a view of public opinion which holds that the

⁷¹ "Good. Now just one more. What is the answer to an argument turning on belief that two and two make four?"

"The answer is, 'You say that because you are a mathematician.'"

"'You are a very good boy' said the jailer" (Lewis, *The Pilgrim's Regress* 70 [1944]).

⁷² Or perhaps we should say, for Chicago television viewers, as we move from Chanel No. 5 to Chanel 11.

Compare the views of Rogers: "But many of us who are not skeptics when the pollsters stick to simple matters like preferences for beer in cans rather than in bottles or the colors of automobiles will continue to be skeptical about percentages on 'the mind of America' and 'deeper latent attitudes.'" Rogers, *op. cit. supra* note 16 at 43, 45.

vast majority of opinions of the public are of this order. If they are, only a small elite would hold opinions in which the rational component is of significance. The choice facing the social scientist would then be whether he wished to study public opinion or elite opinion. But one should move slowly toward adopting such a dismal view of public opinion. Elite is an unlovely word, and in a democratic scheme of government we must be cautious about a view which virtually denies the possibility of a broadly based democracy. And the social scientist surely should be hesitant to place himself in a position where he goes forth to study the bulk of mankind on the assumption that they are lesser humans who for the most part lack altogether his capacity for reason.⁷³

If the structure of opinion is of importance, to what extent can the survey capture it? Stouffer, as we have seen, was interested in the rational aspects of the Communist issue and spent considerable effort in exploring the perception of danger as a premise. And other queries as to premises appear to have been planted in the questionnaire. Nevertheless, in the end we know far more about what the public concluded than we do about how they arrived at their conclusions, or how they would defend them. We are told, for example, that 60 per cent of the public would bar a Communist from working as a clerk in a shoe store, but we get little sense of how they reached this conclusion or how they would support it. Here we perhaps have another frontier for the survey method to cross. It remains to be seen how far the survey can go in getting at the logic behind popular opinion without becoming excessively complex, or without being transformed into an intelligence test, or without coercing public opinion into an artificially rational mold.

The point remains perplexing and its resolution unsatisfactory perhaps because it impinges on the fundamental question of the role of reason in shaping the opinions of men. What we have said does not directly touch the issue of whether any man's opinions or decisions are determined by the reasons he offers.⁷⁴ The Stouffer study reflects two traditions operating side by side. The one is aseptic and scientific and seeks to account for opinion in terms of non-rational factors, treating reasons as rationalizations and therefore irrelevant. But the second tradition, which is reflected by the viewpoint of the author on the merits of the problem, seeks to view the opinions in a rational context and to look for ways of making opinions more reasonable.

We are thus brought to the last of the basic variables—education. From

⁷³ This is not to deny that there frequently may be a case for special studies of elite opinion. These can be more intense and more complex. In some situations there is the further question whether elite opinion is better studied not by direct surveys but by examinations of the literature it has produced.

⁷⁴ We pick up here familiar echoes of the legal debate about the degree to which judicial decisions are to be accounted for by the judicial opinions which accompany them. It now appears that the discovery that judges are human has not fully disposed of the issue. In this connection it is suggestive that the jury is not called upon, at least under the general verdict, to give an opinion along with its decision. And it may be that jury deliberations afford an unusually candid example of legal decision making.

what we have just said, it is clear that the high correlation of education and permissiveness is newsworthy indeed. For it suggests that however deeply rooted political permissiveness is in emotion, there is a rational side to the issue for many people. Scattered throughout Stouffer's discussion of the impressive correlation of education and permissiveness are hypotheses as to why education is so effective here.⁷⁵ He suggests that the school community serves to bring people, while still impressionable, into contact with others different from themselves, that education is conducted with a tone of respect for dissent, that it teaches the making of distinctions and that by recourse to history and otherwise it directly focuses on the values of tolerance.

While the amount of formal education is tidily measurable, the role of education as a factor affecting permissiveness is complex. At least two aspects are immediately apparent. Education may affect permissiveness or tolerance because the school is a mirror of the metropolis in affording a variety of personal contacts, and thus formal education would operate much like living in an urban community as an explanatory factor. But it may well operate in a much more direct fashion. Political permissiveness or lack of it may be the direct consequence of teaching in this very area: people may have certain attitudes simply because they were taught those attitudes in school. There would be, however, a major difference in the process depending on the quality of the education. At the one extreme, education may be only propaganda and sheer indoctrination of certain values. To the extent that education is of this kind, a survey would be testing the effectiveness of the propaganda, and the analogy to measuring the impact of brand-name advertising on consumer choice would be embarrassingly apt.

At the other extreme, education would be a quite different matter. It can show the interdependence of values; it can lead to the recognition of inconsistencies; it can teach fact and respect for fact. For what we say of education in our highest tradition is that it frees men's minds so that they may perceive accurately and weigh thoroughly and dispassionately and judge harmoniously. This kind of education would presumably have little to do with affecting preferences for perfume bottles, very much to do with affecting attitudes toward theorems in geometry, and something to do with attitudes on the political issues which concern the Stouffer study. Insofar as this kind of education operates, it must be a variable very different from the others we have reviewed. It can only operate to eliminate the effect of other variables—to emancipate man from his personal and cultural idiosyncracies and to permit the issues on which he

⁷⁵ As Stouffer points out, however, other surveys appear to cast some doubt on the durability of the tolerance engendered by education. "Polling data shows that while the better educated are more tolerant than the less educated, *both* classes of the population have tended to become less tolerant in recent years. For example, the proportion of college-educated people who would deny freedom of speech to a Communist increased from 31 per cent to 71 per cent between 1945 and 1953, while the corresponding proportions among less educated people increased from 42 per cent to 78 per cent" (p. 105).

makes judgments to speak for themselves. The millennium, therefore, will come not so much when philosophers are kings as when education becomes the significant variable in public opinion.

IX

The Stouffer study can be viewed as inquiring into two basic and separate topics: the one concerns a relatively general analysis of permissiveness in the political area; the other concerns the specific historical fact of the state of American opinion on the Communist issue in Spring of 1954. We have now had a good deal to say about the first of these topics, which would seem to be closer to the heart of Stouffer's own interests. It is the second topic, however, which has had the greatest news value and has been the focus of most commentaries on the study which have appeared thus far.

On the historical level, the central fact reported by Stouffer is the high degree of non-permissiveness of the general population towards admitted Communists. About nine out of ten persons would have discharged a Communist from a defense plant or a teaching job in either a high school or college. More than six out of ten would not have allowed him to make a speech, would have taken his books out of the library, and would have fired him from almost any job, including clerking in a store or singing on the radio. More than one out of three would even have boycotted the sponsor of the radio singer.⁷⁶ Thus, more than 60 per cent of the population would not distinguish between a defense worker and a clerk; and in areas in which we might have thought that the libertarian tradition would have its strongest roots—in the libraries⁷⁷ and public forums—two-thirds of the people would have been non-permissive even though the law and the community have in fact almost entirely left these areas alone. Similarly, almost eight out of ten persons would have completely disassociated Communists from Americans by taking away the citizenship of any admitted Communist. And one out of three would have broken off his relations with "a good friend" if he had discovered that until recently the friend had been a Communist.

But in what sense can it be said that these figures show that the public was excessively non-permissive towards Communists? One obvious norm, and perhaps the only one, against which to set the figures is that derived from the law itself. It at least would be meaningful to be able to say that public opinion has or has not outrun the law or crossed constitutional boundaries (and it may be a real weakness of the study that a more explicit legal frame of reference was not built into the questions). From the legal perspective, the highest percentages of non-permissiveness are the least disturbing. As to Communists in defense plants and schools, the public is agreeing with measures that have been ratified

⁷⁶ The data referred to in this paragraph is found at 40-44.

⁷⁷ In dealing with the results of the questions on removing books from the library, one might wonder what the responses would have been if the questions were worded in terms of removing the Communist Manifesto from the shelves. This form of the question, we guess, would have tapped more directly the traditional symbols of library freedom.

judicially.⁷⁸ At the other extreme, although there are ambiguities in the question Stouffer asked, is the willingness of some two-thirds of the public to prevent the Communist from making a speech—a move which very probably exceeds the constitutional limitations upon the power of the government.⁷⁹ There is no comparable way, unfortunately, of readily applying such legal norms to what may well be the most significant index of the public's severity. The two-thirds of the population who were willing to bar the Communists from employment as a clerk or radio singer would appear by implication to be saying that he should be deprived of his livelihood altogether.⁸⁰

But even this formulation gives too optimistic a picture of the public's tone. It presupposes that the public takes the term "admitted Communist" as narrowly and precisely as does the legal system. As we read the report on who and what the public thinks a Communist is, our sense of excessive non-permissiveness on the part of the public deepens. On the legal view, a Communist is a knowing member of a disciplined conspiracy, dedicated to the overthrow of the government by force and replacing it with a dictatorship responsive to guidance from Russia.⁸¹ At least 16 per cent of the public said that the fact that a man opposed churches and religion or that he favored government ownership of railroads and big industries would *alone* convince them that he was a Communist (pp. 166-67). At most, 17 per cent thought that one of the things Communists believed in was promoting world domination by Russia, and at most, 18 per cent attributed the goal of political dictatorship to them (p. 166). And some thought there were over 1,000,000 Communists in the United States today (p. 196). The public image of an "admitted Communist" is thus diffuse, varied and confused. What is additionally disturbing, therefore, is the kind of evidence which would apparently satisfy a large part of the public in depriving a man of his citizenship, his right to make a speech or even his right to earn a living.

It might seem possible, however, to find a sharply conflicting interpretation in the responses concerning the treatment to be accorded an alleged Communist.⁸² Stouffer asked eight questions exactly parallel to eight of the questions he used in the case of the admitted Communist. The greatest difference in permis-

⁷⁸ See *Bailey v. Richardson*, 182 F. 2d 46 (App. D.C., 1950), *aff'd per curiam* 341 U.S. 918 (1951); *Adler v. Board of Education*, 342 U.S. 485 (1952); *Garner v. Board of Public Works*, 341 U.S. 716 (1951).

⁷⁹ The legal limits might well turn on the content of the speech. Stouffer's question, however, did not indicate what the Communist was to talk about; and we assume that the question was understood by respondents as emphasizing simply the fact that the speaker was a Communist, rather than as suggesting any particular content of his talk.

⁸⁰ This perhaps overstates the finding since it is not clear that the respondents were aware of the implication or that if they had been confronted with it they would still have adhered to their answer to the question.

⁸¹ Consult, e.g., the judicial discussion in *American Comm. Ass'n v. Douds*, 339 U.S. 382 (1950); *Dennis v. United States*, 341 U.S. 494 (1951); *Communist Party v. SACB*, 223 F. 2d 531 (App. D.C., 1955).

⁸² The data referred to in this paragraph is found at 35-39.

siveness turned up by the entire study is found in the differential between the responses to these two sets of questions. On the average, more than one-half the public shifted from a non-permissive position regarding the admitted Communist to a permissive position regarding the alleged Communist. While more than 90 per cent of the public would have barred an admitted Communist from teaching or working in a defense plant, only some 20 per cent would have followed this course in the case of the alleged Communist. While over 60 per cent would not have allowed the admitted Communist to make a speech or would have removed his book from the library, again only about 20 per cent would favor so treating the alleged Communist. And while almost 60 per cent would have favored discharging an admitted Communist from any job, including clerking in a store or singing on the radio, only 10 per cent would have favored so treating the alleged Communist. The public thus appears to have drawn a great distinction between the two cases. The obvious implication is that the public is willing to throw the book at a man where it is fully established he is a Communist, but they are equally ready to resolve the question in his favor if there is any doubt about his Communist affiliation.

But on re-examination, the data will not carry so substantial and encouraging a conclusion. The series of eight questions about the alleged Communist are all put in terms of "a man whose loyalty has been questioned by a Congressional committee, but who swears under oath that he has never been a Communist."⁸³ This is perhaps the most ambiguous item in the questionnaire. How should the reference be understood? Does it mean that the Committee simply asked the man if he was a Communist and he said no? Does it mean that other witnesses under oath swore that he was a Communist? Does it mean that his denial satisfied the Committee or that it did not satisfy it? As a result of this ambiguity we have little clue as to what image people had in mind when they answered. Our suspicion is that since the question presented nothing for the respondent to weigh against the denial under oath, the average person regarded the oath as having dispelled all doubt about the alleged affiliation with Communism. Thus, in all probability, we do not reach the familiar and realistic case where, although there is no clear proof or admission that a man is a Communist, there is nonetheless an aura of doubt about it.

In an effort to interpret what the data on public non-permissiveness toward admitted Communists means, it is necessary to look at one further set of data—that concerning atheists (pp. 32-34) and socialists (pp. 26-31). Stouffer asked three questions in common about the admitted Communist, the atheist and the socialist. As to removing the book from the library, 66 per cent would do this to the Communist, but no less than 60 per cent would do it to the atheist and 35 per cent would even do it to the socialist. As to making a speech, 68 per cent would stop the Communist, but no less than 60 per cent would stop the atheist and some 31 per cent would even stop the socialist. And, what is most striking,

⁸³ The eight questions are sub-parts of question 58 (Appendix B; p. 258).

while 89 per cent would not allow the Communist to teach in college, no less than 84 per cent would bar the atheist and no less than 54 per cent would bar the socialist. There is, in short, no appreciable difference in the degree of freedom the public would accord the atheist as contrasted to the admitted Communist. It may well be that the most provocative of the historical findings of the study is not about Communism, which is the principal area of inquiry, but rather about atheism and socialism, which Stouffer was studying only to place the Communism problem in perspective.

The most obvious conclusion from juxtaposing the two sets of data is that a remarkably small fraction of the non-permissiveness was occasioned by specific reactions to the then current problem of Communism. At first sight, it appears rather that there was a high level of non-permissiveness apart from Communism as such, and that the Communist problem did not emerge as a distinctive one for most of the public. On this view, relatively few persons were recruited into the ranks of the non-permissive by the post-war issue of Communism. If this is true, it is indeed a formidable and dismal finding. The hard and durable core of the non-permissive would constitute better than half the population.

Not only does such a conclusion upset our prior expectation as to the impact of the contemporary Communist problem, but it doesn't quite mesh with the rest of the study. Stouffer found, it is to be remembered, a correlation between non-permissiveness and the danger perceived from Communism. While the study, as we noted, did not inquire into the danger perceived from atheism today, it would seem most unlikely that any substantial part of the people would rate the danger from atheism equally high. Yet the correlation found between the rating of the Communist danger and non-permissiveness would seem to require that most people rate the danger from atheism as high as the danger from Communism. This awkward relationship invites several conjectures about the two sets of data.

It is possible that many persons do in fact see the danger from atheism as high as that from Communism. But if so, this tells us something important about the way they see the danger from Communism. Here it is useful to recall that of those respondents who were able to specify the nature of the danger from Communism, conversion and the spreading of ideas led the field by a ratio of better than three-to-one. Thus one explanation of much of the data is that the fear of Communism is not the fear of the Communist conspiracy but the fear of the Communist ideology as an alien philosophy. It is conceivable that any alien political philosophy would invite a comparable amount of non-permissiveness. But this can hardly be the case in view of the markedly greater permissiveness displayed towards the socialist than the atheist. The real anxiety of the society would, therefore, seem to be primarily with its religious values. The closeness of the percentages on Communists and atheists might then reflect the perception of the same threat—the fear of godlessness. But this explanation

likewise is not wholly satisfactory since atheism has been a good deal less than a fighting issue for a generation, at least prior to the present Communist pre-occupations. Perhaps the picture here would have been clearer if Stouffer had reported more fully on the opinions of different categories of Protestants and Catholics.⁸⁴

Stouffer recognizes that it "is quite doubtful whether there is any more evidence of militant atheism in the United States today than in the past," but suggests that nevertheless "from the standpoint of both the devout Catholic and Protestant—the Protestant fundamentalist particularly—there is an assault on traditional religious tenets" (p. 167). It comes not from militant atheism but as a by-product of the ordinary secular educational process which, as Stouffer puts it, causes the youth to emerge from schools "with doubts about the inspiration of the Bible or the infallibility of religious beliefs learned in early childhood" (p. 167). The upshot for the older generations is not so much a fear of literal atheism as a reaction against intellectualism. This moves us to a familiar hypothesis. It has frequently been said that in part the present anti-Communist attitude is only an aspect of a pervasive anti-intellectualism. While the term "egghead" has only recently come into vogue, there is considerable evidence that an anti-intellectual strain is an old one in American culture. The design of the Stouffer study did not include questions which would have tested this hypothesis directly. There are, however, two bits of evidence which cast doubt on the general validity of the hypothesis. When asked what kinds of people were most likely to be Communists, the respondents, by a margin of more than two to one, said that Communists were more likely to be found among the uneducated than the educated; and the answers were approximately in the same ratio

⁸⁴ The reporting of the data collected on denominational affiliations is somewhat curious. We are told "parenthetically" that, for the national cross section, Jewish respondents are more tolerant than Catholics or Protestants. We are not given the national figures for the Protestant-Catholic comparison but are given some special sub-category comparisons between them. Thus the chart on 144 gives data for those more interested in issues but limited further to Catholics living in the North and Protestants living in the North and in the South. The sample is further divided into males and females, and church-goers and non-church-goers. For these several pairs of comparisons there is not found a consistent difference between Catholics and Protestants. Stouffer adds: "More detailed tabulations than are shown in Chart VI also show Protestants higher than Catholics in tolerance in some groups, and Catholics higher than Protestants in others" (p. 143).

Further, the data reported on denominational affiliations is brought in only as a part of the attempt to see whether church-going habits account for the male-female difference on the tolerance scale. Church-going fails to account for the sex difference, but it does appear that among church-goers 28 per cent scored as more tolerant on the scale, while among the non-attenders 36 per cent scored as more tolerant.

We are indebted to Mark Benny for the following interesting observation drawn from a comparison of the table on 144 and the chart on 145. For the aggregate of all respondents, and for the sub-sample of Protestants living in the North and in the South, the more interested in issues are more tolerant than the less interested. This, however, is not so in the case of male church-going Catholics in the North. And it is in the case of the male Catholic in the North that there is the greatest difference in tolerance scores between the church-goers and the non-church-goers.

among the less educated as among the more educated respondents. The other piece of evidence is once again the findings about attitudes toward socialists. It does not easily fit a hypothesis of general anti-intellectualism that the public should be markedly more permissive of socialists than of atheists.⁸⁵

Another possible explanation of the findings is that a large segment of the public understands the term "Communist" in only a vague, loose way. There is much in Stouffer's qualitative materials about the perception of the danger which supports this. Of the 81 per cent who thought that the Communists were at least of some danger, almost half were unable to specify what the danger was. On this view the explanation of the similarity of the figures as to Communists and atheists is not that many people dislike the Communist because he is an atheist but rather they dislike the atheist because they think he is a Communist.⁸⁶

One further explanation of the figures may be offered. It is not that people have always been intolerant of atheists; nor is it that they think that atheists are Communists or that Communists are atheists. It is rather that the emergence of the new problem of Communism has evoked a great deal of non-permissiveness occasioned by the perception of specific dangers from Communism, but the exhaustion of the patience of the public on the Communist question has infected and corrupted its patience in other areas. This would suggest that the public is much less permissive towards atheists and socialists today than it was in the past. Some corroboration of this perhaps is to be found in other polls summarized by Stouffer: for example, 25 per cent of the people would have denied socialists the right to publish a newspaper before World War II, while 45 per cent would have done so by 1953 (p. 56). At the very least, non-permissiveness seems to be contagious.⁸⁷

Whatever the explanation for the pattern of this data, the study would have been considerably enriched had it more persistently tried to isolate two interesting groups in the population: at the one extreme, those who are the durably non-permissive and who did not need the stimulus of the Communist issue to reach their judgments; and at the other extreme, those who became non-permissive only in the spotlight of the contemporary Communist problem.⁸⁸

⁸⁵ But the high percentages who would not permit the Communist, atheist or socialist to teach in the schools should be remembered.

⁸⁶ There is, however, data which looks the other way. Thus in answer to the question asking what kind of people are most likely to be Communists, only 12 per cent volunteered those who are against religion or are non-religious (p. 174).

⁸⁷ Undoubtedly for some people the non-permissiveness toward both atheists and Communists is not a reaction to the danger they threaten but more simply to the fact that they are offensive. The "dirty atheist" and the "dirty Communist" thus strike the same nerve. But this does not serve to explain the overall relationship of the data since permissiveness does vary directly with perception of danger from Communists.

⁸⁸ Glazer and Lipset, *op. cit.* supra note 67, make this as their central point of criticism in their review of the Stouffer study. "Basically, there is a failure to distinguish between what we may call the *intolerant*—those who will say 'Kill the Communists' as easily as they will say

Almost coordinate with the basic findings about the high degree of non-permissiveness of the American public are the parallel findings which show that the "community leaders" were, in Spring of 1954, significantly more permissive than the general public. It will be remembered that it was part of the main architecture of the study to use two samples: the conventional national cross section and a special sample of community leaders. This sample of leaders broadens the study in several respects. It adds one further set of variables to the general theorizing about political permissiveness; it has, and this is a point to which Stouffer gives particular emphasis, implications for the way opinion translates into action;⁸⁹ and finally, it provides an important perspective for assessing how non-permissive the general public is.

The simplest summary of the difference in viewpoint between the leaders and the public is provided by the tolerance scale. Whereas 31 per cent of the public scored as more permissive, some 66 per cent of the leaders placed in this category. On almost all specific questions, the responses of more leaders were more permissive than those of the public (pp. 28-46). And, as might be expected, the permissiveness of the leaders' responses to the various questions moved in the same pattern as did those of the public. The gap between the leaders and the public was not, however, constant from question to question, and its variation tells us something further. On the questions involving admitted Communists in defense plants and schools, where the public was least permissive but most congruent with the legal norms, there was no difference between the leaders and the public—and in the case of the defense plant, the leaders were even slightly less permissive. On the question where the public seemed most to exceed the legal norm, that involving the speech by the admitted Communist, two out of three of the public would not allow the speech, while slightly less than half

'Jail the sex deviants' and 'Fire a teacher who is a freethinker'—and the *concerned*—those who are sincerely worried about Communism and think strong measures are necessary to deal with it. These two very different forms of what might be called intolerance are never distinguished in the analysis." Much of the debate about Communism in recent years was joined by a group which appeared to have the indicia of being tolerant on the traditional questions and to have been severely non-permissive concerning domestic Communists. But the point is by no means as decisive as would first appear in view of the stubborn fact that an almost equally high percentage were as non-permissive towards atheists as towards Communists. If there was a group which fits the expectations of Glazer and Lipset it must have been small. From the findings one is led to conclude that however good on the merits the case for severe anti-Communist moves may be, the overwhelming majority who indorsed it were the "indiscriminately intolerant."

⁸⁹ One reviewer suggested that the type of community leaders Stouffer studied "are precisely the group with the least influence," and that peoples' attitudes and actions are more influenced by "primary groups—the small face-to-face groups in which continuous human interaction takes place." Grodzins, *Scientific American* 112, 114 (May, 1955). But we doubt that the primary groups played such an important role in the formation of opinions on the Communist issue. Stouffer found that 75 per cent of the national sample got their information about the Communist problem primarily from what they read or heard on the air and only 18 per cent from conversations with people, while in the case of the topic of unemployment, the corresponding percentages are strikingly different—48 per cent and 45 per cent (pp. 226-27).

the leaders had this view. Where the questions involved the privilege of the admitted Communist to earn a living as a clerk or radio singer, the percentage of non-permissive responses among the public was a third higher than the percentage among the leaders. Finally, an even bigger gap appears when we move to the questions about the atheist. Only a third of the leaders would disallow the speech as against six out of ten of the public, although this gap closes appreciably when it is a question of allowing the atheist to teach.⁹⁰

It is thus clear that the community leaders as a group emerge as a little public which is significantly different in its attitudes from the general public. And this is true whether there is something about being a community leader which tends to make one more permissive in the political area or whether there is a self-selection process operating which tends to draw into community leadership persons who have qualities which make them more permissive. Stouffer does not deal at any length with the question of what accounts for the greater permissiveness of the community leaders, but much of what he suggests about permissiveness generally is of obvious application here. Leaders are more likely to have had varied contacts, to have had experience in making distinctions and to be more secure about themselves. As Stouffer shows directly, they are on the whole more knowledgeable about the facts as to Communism, and therefore are likely to perceive the danger more realistically (p. 166). Moreover, because leaders are much more familiar with taking action on public issues, they are likely to give considerable weight to the pragmatic difficulties of implementing a decision, such as to remove a book from the library or to stop a man from making a speech. They thus are likely to take the questions less abstractly than would the public at large, and they are also less likely to have a monolithic approach which fails to discriminate between a defense plant and a shoe store, or between a Communist and an atheist.

While the finding conforms to our prior expectation, the differential between the permissiveness of the public and the community leaders might in part be explained in other ways. The most obvious is that it adds little to the finding that education is a variable. The community leaders by and large are in the top educational bracket. Stouffer does show that among community leaders, the more educated are more permissive (p. 104), but he does not compare community leaders and the general public while holding education constant—perhaps because of his reluctance to push his special sample of leaders too far. Closely related to education is the likelihood that the community leaders took the ques-

⁹⁰ These figures are a persistent source of comfort to Stouffer, and he remarks that had the gap run in the other direction, "the future might look dark indeed to those who view with anxiety current threats to historic liberties" (p. 57). He recognizes, however, that "[f]rom various points of view, the detailed attitudes . . . even the attitudes of civic leaders . . . may not be a pleasant picture" (p. 57). The public's percentages wholly apart, it remains true that one-third of the leaders would not permit the atheist to make a speech, a half would not permit the admitted Communist to make a speech or work as a shoe clerk, and two-thirds would favor taking citizenship away from the admitted Communist.

tions more precisely and realistically. We earlier observed that many of the questions contained serious ambiguities. It is a good guess that there may be something about the way in which community leaders detect and resolve such ambiguities that produces a steady difference in their responses as compared with those of the general public. In much the same way, they may have responded to the interview situation differently than the public, perhaps in some cases treating their responses as virtually public utterances.⁹¹ To an unknown extent they may have felt themselves obliged to pay lip service to what one commentator has called the "civics teacher" attitude.⁹²

Finally, the finding may in part be colored by the nature of the community leader sample. Stouffer is very conscious of its necessarily artificial composition, but notes that any definition of a community leader would be arbitrary. But the fact is that the composite result for the community leader sample could easily be made to vary in either direction by changing the particular subgroups which it embraces since a conspicuous characteristic of the community leader sample is the wide variation in the responses of the different kinds of leaders. Thus 84 per cent of the newspaper publishers included in the special sample rated as being more permissive, while only 46 per cent of the commanders of the American Legion were in this category (p. 52). (It still is noteworthy that by this measure the percentage of more permissive among the commanders was half again as high as among the public generally.) It has been suggested by one commentator that the sample is unbalanced in that there are no leaders from cities of larger than 150,000.⁹³ But the significance of this limitation diminishes when it is recalled that Stouffer explicitly found that people from metropolitan areas are more permissive than those from small towns and rural communities. While in the end we remain troubled by the make-up of the "community leader" sample, it is not easy to suggest groups which should have been added or subtracted to make the sample more representative.

X

The findings about the state of American opinion in Spring of 1954 on the issues of domestic Communism finally have to be placed alongside another set of data, which does not come from the study. We know a good deal about what was going on in the country at that time as a matter of general public knowledge, and it is into this picture that we must now try to fit the Stouffer report.

The most conspicuous fact, of course, was the Army-McCarthy hearing. The study, as we have noted, coincided with the hearings, and, therefore, with what marked the peak of Senator McCarthy's prominence as an anti-Communist and also the peak of daily public attention to issues of permissiveness as to

⁹¹ Care was taken, however, not to let the leaders know that they were being interviewed as "leaders."

⁹² Horn, 15 Pub. Admin. Rev. 40 (1956).

⁹³ Grodzins, *op. cit.* supra note 89.

Communists. The findings as to a high level of non-permissiveness are therefore clearly congruent with the McCarthy phenomenon. But the rest of the picture is not so easy to fit together.

Whatever the views expressed by the large majority of the public, and to a lesser degree by the community leaders, it was also true that in Spring of 1954 atheists and socialists were teaching in colleges and high schools (and in far greater numbers than Communists) almost unnoticed, that there was little furor inside America about taking Communist books from library shelves and that there was little public disturbance over atheists or Communists making speeches. Nor does it appear that there was any sustained move to impose anti-Communist oaths as a condition for employment in a shoe store. To sharpen the point: in Spring of 1954 the overwhelming majority of the public did not want Communists to teach, and there was great public and legal activity to keep them from teaching; an equally overwhelming majority did not want the atheist or socialist to teach, and yet there was very little public activity, and almost no legal activity, directed to prevent their teaching.⁹⁴

We come at last, then, to the question of the relationship of public opinion and action. Stouffer is both careful and conservative about this. "[W]e must not take the answers to any specific question," he tells us, "as explicit predictions of action. Rather, we must regard them as indexes of *latent tendencies*" (p. 48). And a bit earlier he observes:

It . . . does not follow that most people who say, for example, that they would favor throwing a Socialist's book out of a library would be *active* proponents of such an idea if it were proposed in their town. . . . If some friends came around to stir such people up, it is quite likely that it would be easier to arouse them in favor of throwing out the book than it would be to arouse them against it. But whether they would be stirred up at all in an actual life situation would depend on *who did the arousing* [p. 48].

The road from opinion to action may thus be a long and twisting one, and the literal predictive value of a general public opinion survey like Stouffer's is likely to be modest indeed. (Who would have predicted from the Stouffer study that McCarthy would so soon thereafter start on a precipitous decline in influence and public attention?) It seems pretty clear that the vast bulk of the public had not had any occasion in the past to act on issues such as those about which Stouffer questioned them, and are equally unlikely to be called upon to do so in the future, although they appear to have voted some people into office solely on an anti-Communist appeal.⁹⁵ If we are interested in getting cues as to

⁹⁴ While the book talks about "atheism," the questionnaire does not use the word but deals with "somebody who is against all churches and religion." There is thus a danger that Stouffer was picking up something more narrow and more intense than an attitude towards persons who simply do not believe in God or in organized religion. This difference may in part explain the seeming paradox that few people would have allowed an atheist to teach while in fact there probably were a substantial number of non-believers teaching undisturbedly.

⁹⁵ In this connection it might be added that the Communist Control Act of 1954 was passed at the end of the period of the Stouffer interviews by a vote of 79 to 0 in the Senate and 265 to 2 in the House.

future action, it is necessary to try to locate the more relevant public for this purpose. Stouffer does make a start on this. He distinguishes first between those who are less interested and those who are more interested in the issues, and one justification for the distinction is that the more interested "are more likely than others to include among them those who are influential, or outspoken, or reflective, or active, and who are more likely to translate an opinion into action, whatever their station in life" (pp. 85-86). And he provides an even more important group in this connection—the community leaders. He states: "[T]heir own *latent tendencies* are more likely to be activated than those of the rank and file, and indeed it is some of these leaders who in turn would activate responses in others" (p. 48). Since the more interested are more permissive than the less interested,⁹⁶ and since the leaders are in turn more permissive than the more interested, Stouffer is not alarmed about the action potential in his findings about the general public. The more restrained attitudes of the leaders act as a brake upon the translation of public opinion into action, and the views of the leaders in 1954 undoubtedly explain a considerable part of the gap between popular attitudes and action.

But prediction is not very safe even if we know the leaders' views. As the study shows, there is great variation in the views of the leaders, and we do not know which leaders are the ones likely to be most effective on given issues. Further, as a group the leaders are likely to enjoy a greater degree of freedom from their latent tendencies than the average man. Many of them will be confronted with the fullest discussion and exposed to divergent views of the issues involved. Many will be subject to conflicting pressures from their constituents. If anyone is to be swayed by the rational aspects of public issues, we would expect it to be these leaders.

Thus, the public opinion survey, insofar as it is concerned with predicting action, meets another challenge. To better predict action, it must isolate and study the special populations of opinion makers and action translators. But even if discoverable, these are likely to be groups whose future decisions are least fully determined by their current opinions and latent tendencies.

Our interest in the opinions of the general public, however, is not limited to

⁹⁶ The relative magnitudes of the more tolerant and less tolerant among those more interested in issues is in striking contrast to the comparable figures among those less interested in issues. Among the more interested, 37 per cent scored as more tolerant and only 15 per cent as less tolerant. Among the less interested, 24 per cent scored as more tolerant and 24 per cent as less tolerant. Stated another way, the less tolerant group was composed 44 per cent of more interested persons and 56 per cent of less interested persons, while the more tolerant groups consisted 66 per cent of more interested persons and 34 per cent of less interested persons. These figures were derived from the chart on 192 in conjunction with the data reported on 84-85.

Stouffer does little with the less interested group, perhaps because, as the chart on 92 shows, at each age level the more interested are the more educated, and education is a decisive variable in his analysis. As to the less interested, Stouffer remarks, in connection with education, "The data hardly need be reported here, because without any important exception they show the same patterns as have been exhibited in this chapter" (p. 103).

the direct relationship between opinions and action. At least on issues such as that of Communism, the attitudes of the public do have an importance apart from any official action, and the climate of opinion is itself a force. That climate, especially at the extremes, may serve as a brake or stimulus to the action of the leaders. Moreover, it has been a conspicuous feature of the Communist issue that the main sanctions employed were intended to operate very heavily through public sentiment rather than through legal penalties as such. And the nature of the public opinion has probably had a considerable but hidden impact on personal relationships throughout the society. For these reasons, the type of public opinion which Stouffer was attempting to tap may well be very close to the threshold of subtle but pervasive action.

In other words, if people in private life thought and talked as they did in the interviews, this in itself would be a finding with implications for one important kind of action. Interestingly enough, there is no way of telling from the study whether Stouffer is reporting on how people talked about the Communist issue among themselves in everyday conversation. Stouffer gets at this problem tangentially by differentiating between the more interested and the less interested and noting that it is likely that the more interested talked about the problem while the less interested probably did not. But in the end, we are still left with the question whether Stouffer was presenting us with a sample of the conversations actually going on in America in Spring of 1954 or whether he was giving us something one step removed from this—reports on what such conversations probably would have been like had they in fact been going on.⁹⁷

Perhaps the best indication that surprisingly few such conversations were then taking place is the finding as to the saliency of the Communist problem at that time. The data here, it will be recalled, overwhelmingly shows that however non-permissive the public said it was towards Communists and atheists, the topic simply did not exist as a matter of daily concern. Less than 1 per cent of the public, in answering a general open-ended question, indicated any concern about the threat from Communism or a threat to civil liberties. These saliency figures fill out the explanation of the gulf between public opinion and action. The public as a whole was highly non-permissive, but the problem was one of little concern to them, and the public as a whole was not the most relevant population from the point of view of action. The leaders, on the other hand, were somewhat more, but also not greatly, concerned about the problem and were significantly more permissive. Possibly one lesson of the study is that in a large

⁹⁷ Stouffer presents data indicating that relatively few conversations about Communism were actually going on among people in private life. On an open-ended question asking: "What problems do you remember discussing with your friends during the last week or so?" some 17 per cent referred to McCarthyism or to the Army-McCarthy hearings, but only 6 per cent referred explicitly to the problem of Communism in the United States. The percentage went up to 34 per cent when the same question appeared on a check list, but this was roughly the same percentage as obtained for such topics in the check list as crime and juvenile delinquency, high taxes and the possibility of a depression (pp. 70-72).

democracy, it may not be so much eternal vigilance but rather massive indifference to which we owe our freedom.

There is another fact which we know from common knowledge which still needs to be explained in the light of this. In Spring of 1954, if there was any aspect of American life which was conspicuous, it was the preoccupation of the mass media of communication with the Communist question. Domestic Communism was in the headlines day after day after day. How does this fact fit together with the data that the issue had a very low saliency for the public generally and that the newspaper publishers in the sample of community leaders were the most permissive of all the subgroups and were vastly more permissive than the general public? It is hard to believe that Stouffer's saliency data is seriously wrong. It is equally hard to believe that the editors were mistaken as to what the public was interested in, or that they were motivated by a desire to mold a public opinion contrary to their own. This conundrum is important in its own right, and it takes on added significance because there is parallel data in the study as to the political leaders.

One explanation conceivably is that a section of the public became very interested in reading about developments on the Communist front and that the publishers were catering to the desires of this group, knowing that other readers would not be alienated. Such interested readers might have formed a kind of swing group comparable to the independent voters at an election. Another possibility is that the low saliency data tells us only that people were not demanding material on the Communist question; they might, nevertheless, have enjoyed reading it. Again it is conceivable that the small-town newspapers were not so much reflecting the views of their owners but were simply following their custom of copying news from certain metropolitan chains whose owners were heavily committed to an anti-Communist policy. There is also the possibility that the publishers included in the sample of community leaders did not hold their views on permissiveness with intensity or that they were responding to the interview questions as though making a public declaration in which they felt obligated to pay their homage to traditional American liberties. But in our view, and seemingly in Stouffer's as well, the dominant factor was the pull of McCarthy and others as a spectacle, rather than any pull of the issues themselves. We now tend to feel that what caught the public's fancy, and therefore the publisher's space, was the colorful personalized drama which had developed around McCarthy. The interest of the public was like the annual interest of the public in the World's Series—and perhaps no more political.

As we reflect on the problems posed for the society in Spring of 1954 by the threat of domestic Communism, we become aware that one important set of issues escapes the net of the Stouffer inquiry almost completely. However much the image of the full-fledged Communist may have motivated the various protective measures taken by the society, it was remarkable how infrequently those measures involved either the admitted Communist or the otherwise fully-proved

Communist. The overwhelming number of instances involved those with varying degrees of attachment to organizations other than the Communist party, associations with admitted or suspected Communists, espousal of left-wing policies, and the like. The preoccupation of the Attorney General's List and the entire government loyalty program itself was with such circumstantial evidence of loyalty. Against such gradations of the term "subversive," the Stouffer dichotomy between the admitted and the alleged Communist is far too simple. As a result, the study gives us too little data directly on whether the public would, for example, have discharged from government service the vast majority of those who were in fact discharged.⁹⁸

XI

There no longer can be any doubt that opinion surveys have come of age. Social scientists now have a considerable tool for exploring with some refinement and sophistication the state of public opinion. The effectiveness of the tool gives every promise of continued improvement, and the Stouffer study by no means exhausts the potentialities which some see as already within reach.

It is tempting to think that because public opinion is central to law in a democratic society that the public opinion survey will have the same relevance. But it did not need the public opinion survey to make public opinion a force in the society. In a democracy, there are many and varied channels by which opinion is communicated. While the survey may become an important channel of communication to government and provide clues as to where public opinion needs to be mobilized, it is not likely to become a direct instrument of government. Very probably the existing informal channels of communication from constituents to government officials provide for communication with a flavor and subtlety that the opinion survey cannot surpass. And a brave new world in

⁹⁸ The study does contain some material on the problems most frequently confronting the country at that time:

(1) There were three questions (Nos. 52-54) which Stouffer apparently intended as dealing with the Fifth Amendment problem, but which were couched only in terms of refusing to testify and with no suggestion of a claim of constitutional privilege. The first two of these questions, on which he reports only for presidents of bar associations, show that 50 per cent would believe a man is a Communist solely by reason of his refusal to testify about his Communist affiliation before a congressional committee, and 41 per cent could offer no reason why a person who was not a Communist would refuse to say so. On the third question, which asked whether a man should be punished because he refuses to testify about Communism because he does not want to testify against his former friends, 43 per cent of the lawyers thought he should be punished severely or very severely, while only 30 per cent of the public held this view (pp. 233-34).

(2) There was one question (No. 55) asking whether respondents had heard that there were some loyal Americans who would not take jobs with the Government "for fear of unjust attacks on their reputations." Only 20 per cent said that they had ever heard of this, and only 6 per cent thought that the country was being hurt a great deal thereby (p. 225).

(3) There were a series of questions (Nos. 44-50) on reactions to the activities of congressional committees in the Communist field. The findings (which are summarized at 210-15) show, among other things, that 45 per cent of the Republicans and 54 per cent of the Democrats thought these committees "are as much interested in getting publicity and votes as in protecting the country from the Communist threat" (p. 212).

which every government action was predicated on opinion polling would be unwelcome. Such an arrangement would have the public voting on every issue and would substitute literal majority rule for representative government.

There are, however, some distinctive contributions which the opinion survey can make to the operation of a democratic society. There may well be gaps between existing law and public preferences which have gone unnoticed and which may deserve attention,⁹⁹ especially in areas of private law. The process by which preferences and grievances are communicated to the government is not perfect, and the opinion survey may serve to locate weaknesses in the process. The survey may also provide a corrective to a distorted image of public opinion which is created by the mass media of communication in seeking to exploit the spectacular. The mass media may leave public opinion relatively untouched and instead create an illusion as to what the dominant opinion is. This is a familiar point since it is often noted that foreign observers mistake the content of the American press for the content of American opinion. And the survey may have an impact on the candor of public discussion of sensitive issues. The Kinsey studies, which were only secondarily surveys of opinion, may well have altered permanently the frankness with which sexual conduct is discussed in America. A survey thus might provide a channel for communicating impersonally to the public things which individuals would not in many cases have been willing to say privately, and certainly not directly in public.

But the value of the public opinion survey is not to be judged by its direct utility to law and government. Its contributions are not likely to be that specific. Rather its primary value lies in the enrichment of our understanding of the society in which we live. Judged by this standard, the Stouffer study is an important addition and it tells us much about the popular sense of justice in the area of civil liberties. Although the law may not make use of this information directly, neither can the law afford to leave the information alone. A survey such as Stouffer's is a significant ally of education and reminds us both where education has succeeded and where education has failed; in fact, one is tempted to go so far as to say that the chief value of the survey on public issues lies in what it tells us about educability. It provides a refreshing framework for rethinking the merits of the substantive issues on which the public has been polled. And, finally, it provides data, the analysis of which opens avenue after avenue for further speculation and research. In time, as the problems of continuity in social research are solved, it may well be seen to have contributed importantly to a more general theory of human institutions and behavior.

⁹⁹ We have made no effort to deal with the central question of how responsive government and law in a democracy should be to the wishes of the majority on any given issue. This question is a central theme in political science, but the findings of the Stouffer study do not raise the question in a particularly challenging way. At least one reviewer, however, found the study an occasion for some thoughtful remarks on gaps between law and public opinion. Schwartz, 65 *Yale L.J.* 572 (1956). He observes that the "liberals" who in the thirties urged that the gap between law and public opinion be closed by bringing the law into line might today be somewhat embarrassed insofar as prevailing opinion is more severe on non-conformists than the current law.