Three Strikes and You Are Out, but Why? The Psychology of Public Support for Punishing Rule Breakers

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This study examines why the public supports the punishment of rule breakers. It does so within the context of a recently enacted California initiative mandating life in prison for repeat felons (the "three strikes" law). Antecedents of three aspects of people's reactions to rule breakers are explored: (1) support for the three strikes initiative, (2) support for punitiveness in dealing with rule breakers, and (3) willingness to abandon procedural protections when dealing with potential rule breakers. The results of interviews with members of the public suggest that the widely held view that public punitiveness develops primarily from concerns about crime and the courts and is primarily linked to public views about risk and dangerousness is incorrect. While these factors do influence public feelings, they are not the central reasons underlying public punitiveness. Instead, the source of people's concerns lies primarily in their evaluations of social conditions, including the decline in morality and discipline within the family and increases in the diversity of society. These concerns are about issues of moral cohesion—with people feeling that the quality and extent of social bonds and social consensus has deteriorated in American society.

The desire to punish those who break social rules is a widespread, if not universal, feature of human societies. Social psychologists, sociologists, and other law and society scholars have a long-standing interest in understanding why people want to punish rule breakers (Durkheim 1933; Hogan & Emler 1981; Miller & Vidmar 1981; Tyler & Smith 1997; Tyler et al. 1997; Vidmar & Miller 1980), that is, in understanding the social meaning of rule-breaking behavior (Garland 1990).

This study explores why people want to punish rule breakers. It addresses two issues: (1) the sources of support for the punishment of rule-breaking behavior and (2) the nature of public support for punishing those who break social rules. Three basic sources of support are compared: crime-related concerns, con-

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cerns about social conditions, and social values. Two views about the nature of public support are considered: the instrumental judgment that the world is dangerous and the relational judgment that the world lacks social cohesion.

These issues are addressed in the context of support for a recent public initiative in California: the "three strikes" initiative. That initiative mandates life in prison for anyone convicted of three felonies. In addition to support for that initiative, support for two other aspects of reactions to rule breaking is also examined: (1) other punitive public policies toward rule breakers; (2) willingness to abandon procedural protections when dealing with possible rule breakers.

Background of the Initiative

The three strikes initiative was overwhelmingly passed by the citizens of California during the 1994 election. It mandates a life sentence for any person convicted of three felonies. While dramatic in its nature, the three strikes initiative is not an isolated or idiosyncratic public response to the issue of rule breaking. Surveys of the general public make clear that there is both strong and steadily increasing public support for the severe punishment of criminal defendants. These public feelings are reflected both in studies asking citizens whether current penalties for rule breaking are "too lenient" (Doob & Roberts 1988; Zamble & Kalm 1990) and in studies of support for harsh penalties such as the death penalty (Ellsworth & Gross 1994). In these studies many citizens are found to endorse strong punishments.[1] Further, the proportion of adult Americans supporting the death penalty has steadily increased since the 1960s (Ellsworth & Gross 1994).

Hence, the recent passage in California of the "three strikes" initiative is only one manifestation of a general trend in public feeling in favor of more severe punishments in response to rule breaking. It is striking, however, because of the large and growing financial costs associated with long-term imprisonment of criminals (Greenwood et al. 1994), as well as questions about its cost effectiveness as a policy for reducing violent crime (Zimring, Hawkins, & Ibser 1995). The public is clearly willing to "vote with their pocketbooks" when it involves punishing rule breakers, supporting a policy that will involve the future allocation of substantial amounts of public funds. But why?

The three strikes initiative does not simply support harsher punishments, it is also a policy that takes discretionary authority

[1] It is important to note that public punitiveness is typically found to be stronger when people are asked abstract questions instead of being asked to sentence particular people (Zamble & Kalm 1990). Further, people become less punitive when they have more information about the criminals they are sentencing (Doob & Roberts 1984).

away from legal authorities. Those authorities traditionally have had flexibility to vary sentences in response to judgments about the nature of the crime, the victim, and the criminal involved (see Hawkins 1992). The initiative lessens this authority by mandating the nature of the sentence required for three-time felons. Hence, the initiative is also a repudiation of legal authority.

Again, however, the initiative is not an isolated action. It occurred during a period of widespread repudiation of law and legal authorities. Studies of general confidence in legal and political authorities suggest a long-term trend toward increasing skepticism and lack of confidence in legal authorities (Gaubatz 1995; Lipset & Schneider 1983; Rubin 1986; Sarat 1977; Stinchcombe et al. 1980). This declining confidence in legal authorities has had behavioral implications, including (1) an increasing tendency to behave in ways that ignore judicial orders and the law more generally (Tyler 1995b); (2) greater tolerance of the vigilante or extralegal behaviors of other citizens (Robinson & Darley 1995); and (3) the greater tendency of juries to act in ways which nullify the law (Finkel 1995).

From the perspective of the public sentiments outlined, the three strikes initiative is well designed to capture the prevailing public mood about rule breaking. First, the initiative is punitive. The punishments enacted significantly increased the length of time career criminals will spend in prison. Second, the initiative is anti-authority. It is consistent with general cynicism and lack of confidence in legal authorities because it limits the discretionary power of judges. Instead of judges determining sentence length, sentence length is automatically determined by the law. Hence, the three strikes initiative was an ideal initiative to capture prevailing public alienation and dissatisfaction. But what is the source and nature of that public feeling? The purpose of this study is to address that underlying question.

Theories of Public Punitiveness

There are two basic theoretical frameworks within which responses to rule breaking have been viewed. The first is instrumental and argues that people are primarily focused on deterrence or behavior control. This model suggests that the source of public concern lies in judgments about the severity of the crime problem and the ineffectiveness of the courts. The suggestion is that people are motivated to protect themselves and their communities from tangible threats and thus respond to personal fears when judging those who break rules.

The instrumental model links concerns about rule breaking to judgments about crime and dangerousness. It suggests that people support punishing rule breakers because they are afraid that they, their families, or others in their community will be-

come the victims of rule breakers. For example, Zimring and Hawkins (1995) argue that support for the three strikes initiative is linked to fear of violent crime victimization. More broadly, studies support the suggestion that both personal fears about crime victimization and concern about the social problem of crime increase support for punitive policies, although the effects are typically small (Taylor, Scheppele, & Stinchcombe 1979; Tyler & Weber 1982).

The second model is concerned with the moral meaning of rule-breaking behavior. This model suggests that rule breaking is an affront to social and moral values and norms, while punishment reasserts community commitment to those values (Miller & Vidmar 1981; Vidmar & Miller 1980). This approach focuses on the "symbolic" meaning of rule breaking. It links reactions to rule breaking to concerns about social conditions and to judgments about cohesiveness, that is, to public concerns about the nature and strength of social bonds within the family, the community, and society. In other words, it suggests that people want to punish rule breakers because rule-breaking behavior poses a threat to the moral cohesion of society and because punishment reasserts social values and the obligation to obey social rules (Hamilton & Sanders et al. 1988). This argument also suggests that social values should be linked to concerns about cohesiveness in the family, since the family is the origin of values and norms.[2]

Past studies have supported the suggestion that symbolic motivations influence responses to rules and rule breaking. They have done so by demonstrating that people's social values are linked to their responses to rule breaking (Altemeyer 1981; Feather 1996; Vidmar 1974; Vidmar & Ellsworth 1974). For example, Tyler and Weber (1982) found that support for the death penalty was strongly linked to liberalism and authoritarianism. This linkage suggests that people's reactions to rule breaking flow from their basic moral or symbolic orientation toward society.

Extending the Test of the Antecedents of Punitiveness

Previous comparisons of the antecedents of punitiveness have contrasted the influence of instrumental judgments with that of social values. This analysis makes that comparison but also expands the test of the influence of noninstrumental issues by exploring the impact of judgments about moral cohesion. Those judgments are then directly compared with judgments about

[2] Of course, this distinction between instrumental and symbolic should not be overstated. Crime itself can be an important symbolic issue, with concerns about street crime linked to broader anxieties and insecurities about social life (see Gusfield 1963; Scheingold 1991).

dangerousness. In other words, past studies have shown that effects are noninstrumental by (1) showing that instrumental judgments do not predict people's policy positions well and (2) linking people's policy positions to social values ("symbolic effects," see Tyler & Weber 1982). Such studies indicate not only that punitiveness is largely noninstrumental but that people's policy positions in other areas are also largely noninstrumental in character (see Kinder & Sears 1981; Lau, Brown, & Sears, 1978; Sears & Funk 1990a, 1990b; Sears & Huddy 1993; Sears & Kinder 1985; Sears et al. 1980).

The problem with previous studies is that they have not identified the nature of the noninstrumental public concerns that affect policy positions. This article does so by directly examining which symbolic issues are of concern to the public. It draws on previous theoretical analyses of support for authorities (Tyler & Lind 1992) and extends those analyses to the area of reactions to rule breaking. Within the context of authority relations, concerns about the nature of cohesiveness within a group have been labeled "relational concerns" (ibid.) and contrasted with instrumental concerns, which develop out of personal fears and desires. The relational model suggests that people are concerned with maintaining strong and positive social bonds within their group—issues of cohesiveness. The relational model has been previously tested within the context of authority relations (Tyler 1989).

In the context of rule following, studies find widespread support for the relational (e.g., cohesion) argument. That support develops from studies exploring the effect of people's interactions with legal, political, and managerial authorities on their rule-following behavior. Several types of findings support the relational argument. First, both procedural justice judgments, which are relationally based, and relational judgments themselves influence satisfaction with disputing experiences (Kitzmann & Emery 1993), willingness to accept decisions made in informal disputing forums (Adler, Hensler, & Nelson 1983; MacCoun et al. 1988; Poythress 1994), adherence to those decisions over time (Fondacaro & Dunkle 1996; Pruitt et al. 1993), and general adherence to the law (Paternoster et al. 1997; Tyler 1989, 1990, 1995a). Second, people care more about relational issues when they have stronger social bonds, suggesting that their concerns are social in nature (Tyler & Degoey 1996). Third, treatment by authorities affects self-esteem—a core element in social identity (Koper et al. 1993; Smith & Tyler 1997). Fourth, the impact of treatment is mediated by judgments about social bonds (Smith & Tyler 1997; Tyler, Degoey, & Smith 1996). Hence, there is widespread evidence that rule following is relationally based and is linked to the nature and quality of the social bonds within groups. However, this support all comes from studies that

focus on rule-following behavior (Tyler 1990; Tyler & Lind 1992, in press).

This analysis extends the examination of the relational model to the context of rule breaking. The relational model predicts that people respond to rule breaking because it is a threat to social bonds and the moral cohesion of the group. In the area of authority relations, the relational model suggests that being treated rudely by an authority communicates negative information about a person's social status (Tyler et al. 1996). Likewise, seeing others break social rules communicates to victims that they are not valued by the harmdoer and possibly by the group as well, while communicating to both victims and observers that the group cannot maintain its rules and social cohesion. Bies and Tripp (1996) refer to these two harms as harm to "civic order" and to the "social identity" of victims. To reassert the status of the victim and/or the integrity of the group, victim retaliation or some type of social response to rule breaking is needed. In other words, beyond specific harm to the rule breaker, rule breaking also diminishes the status of the social group and its rules. A "rotten apple spoils the barrel," tarring the group with the negative status communicated by their behavior. Punishment of the rule breaker restores favorable status to the group.

Extending the relational argument to the arena of rule breaking connects with a number of suggestions within the rule-breaking literature linking concerns over rule breaking to "relational" issues—concerns about the quality of the social and moral bonds within society. For example, Roberts (1996:493) suggests:

> [I]t is possible that the public support for a recidivist premium may be justified by the perception that recidivist crime contains an affront to society. An offender convicted of robbery for the fifth time may be seen to flout the law and to show contempt for the criminal justice system, and this may enhance the punitiveness of the public. Thus, the public may be punishing recidivist offenders for defiance of authority. (Emphasis omitted)

Similar relational concerns in reacting to criminals have been noted by others (Castellano & McGarrell 1991; Chancer & Donovan 1994; Savelsberg 1994; Scheingold 1974, 1991; Simon 1995).

Other scholars have also noted the importance of relational concerns (see Conley & O'Barr 1990; Cohn & White 1990; Hawkins 1992); Hamilton and Sanders have invoked the idea of restoring social order to explain reactions to rule breaking in the United States and Japan (Hamilton & Sanders 1983; Hamilton & Sanders et al. 1988; Sanders & Hamilton 1987); and others have discussed the influence of concerns about declining social conditions in shaping reactions to rule breaking (Carroll et al. 1987; Cullen et al. 1985; Hollin & Howells 1987; Furnham & Henderson 1983). All these approaches share with the relational model

the prediction that reactions to rule breaking are social in character and will be shaped by social context.

This study directly tests the relational prediction by exploring the influence of concerns about cohesion—the strength of social bonds and moral cohesion—on reactions to rule breaking. That influence is distinguished from the effect of instrumental concerns about potential personal risk or the danger of living in a society. The two types of judgment—dangerousness and cohesion—are made about crime-related concerns and social conditions. Each identifies a source of public concern. Within crime-related concerns, the two sources examined are concerns about crime victimization and concerns about the effectiveness of the courts. Within social conditions, there are four sources of concern: conditions in the state of California, conditions within the respondent's own community, conditions in the family, and the growing diversity of society. In each case, two types of questions are asked about each potential source: (1) Is it creating tangible personal risk and is it dangerous? (2) Are there signs of declining social cohesion—a "symbolic" societal-level harm?

The Dependent Variable: Embedding the Initiative in a Broader Framework

Although we focus here on the three strikes initiative, it is important to recognize that the initiative fits within the broader public framework of punitiveness that has already been outlined. Hence, we also explore public views about whether sentences are generally too lenient and criminals too often likely to be set free (i.e., overall punitiveness). Like support for the initiative, such support focuses on the appropriate response to others who have broken social rules.

Another aspect of punitiveness is the willingness to abandon procedural safeguards designed to protect the individual. For example, in the wake of the O. J. Simpson trial there have been calls for changing the rules on juries to allow nonunanimous verdicts in criminal cases. The tension between the rights of individuals and the needs of society is not, of course, a new issue. There has been a tension concerning this issue throughout American history (McClosky & Brill 1983; Sullivan, Piereson, & Marcus 1982). That tension may also be responsive to the punitive motivations that have been outlined.

Method

Respondents

Respondents were a random sample of 166 adults living in the East Bay area of Northern California. A two-stage process was used to create the sample. ln the first stage a random sample was generated using all telephone numbers in the 510 area code. To create this sample the first three digits of randomly chosen existing telephone numbers were combined with four random digits to produce seven-digit telephone numbers. These numbers were then called to identify residences. Within each residence a second stage of random sampling was used (Troldahl & Carter 1964) to identify an appropriate person to interview within that home. Of those residences identified, 71% led to completed interviews with the correct respondent in that home. Respondents were interviewed over the telephone.

The mean age of the sample was 43. The respondents were 43% male. Sixty-six percent were European American, 20% African American, 7% Hispanic/Latino, and 6% Asian American. Sixty-one percent of respondents had a bachelor's degree or higher, and 39% made over $50,000 per year. Finally, 49% described themselves as liberals, 34% as moderates, and 17% as conservatives.

As the frequencies outlined suggest, the sample is diverse in terms of age, gender, ethnicity, education, income, and ideology. However, it is important to note that the sample is a small one. Hence, it is not an ideal sample for identifying population base rates, and the percentages reported here should be used with caution—they are at best approximate estimates of the population base rate. Our concern, however, is with understanding the psychology of punitiveness, a purpose for which this sample is appropriate.

Questionnaire

Dependent Variables

Three attitudes were the focus of concern in this study: support for the three strikes initiative; overall punitiveness toward rule breakers; and the willingness to abandon procedural protections.

Support for the Three Strikes Initiative

Respondents were first asked whether they supported the three strikes initiative for all criminals convicted of three felonies. They were then asked whether they supported the initiative

for those convicted of three violent felonies. Finally, they were asked if they felt putting criminals in prison for life was an effective public policy. Responses to these questions were combined to form a single index (alpha = .68).

Overall Punitiveness

Respondents were asked to agree/disagree with four items:

"A person convicted of murder should receive the death penalty." (35% agree)

"It is alright for a citizen to shoot someone who has just raped them to keep the criminal from running away." (59% agree)

"Laws should be written so that individual judges do not decide how long criminals stay in jail." (50% agree)

"It is hard to see why a person should be an honest, law-abiding, citizen when so many criminals get away with breaking the law." (28% agree)

These items were combined into a single index (alpha = .69).

Willingness to Abandon Procedural Protections

Respondents were asked to agree/disagree with five items:

"It is better to let ten guilty people go free than to convict one innocent person by mistake." (56% agree)

"Judges should be allowed to hold people suspected of a serious crime until police get enough evidence to officially charge them." (47% agree)

"Too many guilty people escape punishment due to legal technicalities." (85% agree)

"The courts are too concerned about defendant rights." (47% agree)

"Judges are concerned about the rights of citizens like yourself." (reverse scored; 47% agree)

These items were combined into a single index (alpha = .63).

Independent Variables

Three types of independent variables were used to predict the dependent variable. The first type of independent variable involved judgments about crime and the courts. Respondents were asked to evaluate the crime problem and to evaluate the courts. The second type of independent variables involved judgments about the social world. Four aspects of the social world were considered: the social world in California, the social world in the respondent's community, the condition of families, and the diversity of the population. The third type of independent variables involved social values—authoritarianism, dogmatism, and liberalism.

Judgments about the World: Crime and the Courts

The first category of independent variables involves judgments about crime and the courts. Crime can be viewed from two perspectives—worry about crime victimization and judgments about the courts. One viewpoint is a problem of personal risk or dangerousness—a tangible harm. For example, people may be concerned that they will be the victims of a crime, or they may think that crime is an important and serious societal problem. They may also be concerned because they feel that the courts are corrupt and/or fail to protect people from crime and criminals.

Crime as a problem. An index was created to reflect crime-related concerns. It combined personal fear and feelings that crime is a serious problem. Personal fear was indexed through responses to three items:

"I worry about being robbed or assaulted in my own neighborhood at night."

"I think that I will be the victim of a violent crime sometime during the next year or two."

"The crime problem in my community is serious."

These were combined with judgments about the seriousness of the crime problem (shown below), yielding an alpha of .58:

"The crime problem in California is serious."

"The problem of becoming a crime victim in California is serious these days."

The reason that the alpha for this overall scale is low is that fear of crime and judgments about the seriousness of the crime problem are unrelated, as is typical of crime-related judgments (see Tyler 1984; Tyler & Cook 1984).[3]

The courts as a problem. The second index reflects the judgment that the courts are incompetent, dishonest, and cannot control crime. Six items were combined to form this scale (alpha = 71):

"The courts have been effective in dealing with the crime problem." (reversed)

"You are satisfied with the decisions the courts make." (reversed)

"The courts let too many guilty suspects go free."

"The courts generally guarantee everyone a fair trial." (reversed)

"Most judges are honest." (reversed)

"The courts favor some people over others."

[3] Combining the indices reflecting fear of crime and judgments about the seriousness of crime might seem to blunt the instrumental effect of fear of crime. For this reason, separate analyses were conducted using each index. The results indicate that to the degree that effects are found for crime-related concerns, they are more strongly linked to judgments of the seriousness of crime than they are to fear of crime victimization.

Judgments about the World: Social Conditions

The second category of independent variables involve judgments about the social world. Although two theoretical frameworks—instrumental and relational—have been distinguished, it is not necessarily true that respondents distinguish between these two types of judgment. Hence, within each of the four social arenas—California, community, family, and diversity—an exploratory factor analysis was conducted to identify the naturally occurring factors. Strikingly, in each case, there were two basic factors; on inspection, one was labeled instrumental and one labeled relational. Hence, the factor structure found supports the suggestion that respondents distinguish between concerns about dangerousness and concerns about cohesiveness. The scales formed in each case follow the results of the factor analysis.

Of course, as will be outlined, those two aspects of public concern are not independent. They are correlated, suggesting two overlapping types of respondent judgment. One reflects the instrumental judgment of dangerousness, the other the relational judgment of moral cohesiveness. The average correlation between these two judgments is $r = 0.40$.

California. Two scales were created to index respondents' views about social conditions in California. The first reflects behaviors that shape the degree to which people are threatening to others (alpha = .72):

"People generally treat public property and resources with respect." (reversed)

"People generally follow the rules that make society a nice place to live." (reversed)

"It seems that many people are rude to each other these days."

"People in California respect each other." (reversed)

The second scale reflects feelings of cohesion with others in California. It does so using indices linked to people's judgments about their identification with and feeling of connection to others in society (Smith & Tyler 1997; Tyler & Degoey 1995; Tyler et al. 1996) (alpha = .57):

"I am proud to think of myself as a Californian." (reversed)

"I have similar values to most Californians." (reversed)

"There is a lot of agreement about what is right and wrong." (reversed).

The respondent's community. Two scales were created. The first reflects respondents' assessments of the presence or absence of security in their community, as reflected in the presence or absence of willingness of people in the community to act together to deal with problems (alpha = .65):

"Most people in your community care what happens to their neighbors." (reversed)
"If you fell on hard times, you could count on members of your community to help you." (reversed)
"Too many people in your community are just out for themselves."
"The people in your community are working together on the problems they face." (reversed)
"Many people in your community are good friends." (reversed)
"The people in your community help each other in times of need." (reversed)
"Your community is a great place to live." (reversed)

The second scale reflects the moral cohesion of the community (alpha = .84):

"I am proud to tell others about the community I live in." (reversed)
"Others in my community have similar values to mine." (reversed)
"Being a member of my community is important to how I think of myself as a person." (reversed)
"Others in my community . . ."
"respect my values." (reversed)
"respect what I have accomplished in my life." (reversed)
"approve of how I live my life." (reversed)

The family. Two scales were created. The first reflects instrumental feelings about dangerousness (alpha = .79):

"Families do not do enough to discipline their children."
"The risk of being robbed or assaulted by teenage gangs has increased in recent years."
"Teenagers in gangs will assault a person like you without feeling any guilt or remorse."
"Since families are failing to control teenagers, laws must be made stronger."

The second scale assesses the quality of social bonds in the family. Items include (alpha = .80):

"The social bonds between family members are not as strong as they used to be."
"Many teenagers today lack moral direction."
"The breakdown of the family has led many children to grow up without knowing what is right or wrong."
"Society has become more violent and dangerous as traditional moral values have decayed."
"I favor increased moral education in schools."

Diversity. Two scales assessed feelings about diversity. The first examined people's judgments about potential risks or dangers created by having a diverse population. The four items were (alpha = .77):

"With so many different types of people in California . . ."
"there are many places where it is hard to feel safe"
"it is dangerous to rely on others"
"it is hard to know if others would help you if you were in trouble"
"Dealing with strangers sometimes frightens you"

The second scale examined the quality of social bonds. The four items were (alpha = .72):

"With so many different types of people in California . . ."
"people have little in common"
"it is hard to know what is right or wrong behavior"
"There are few dependable ties among people these days"
"People just do not help each other much these days."

Social Values

A third category of antecedents of support for the three strikes initiative are basic social and political values, including authoritarianism, dogmatism, and liberalism.

Authoritarianism. A six-item authoritarianism scale was used (from Robinson & Shaver 1973; alpha = .74):

"Obedience and respect for authority are the most important virtues children should learn."
"Most people who do not get ahead just do not have enough will power."
"Laws have to be strictly enforced if we are to preserve our way of life."
"Human nature being what it is there will always be war and conflict"
"Most of our social problems would be solved if we could somehow get rid of immoral people."
"One good way to teach children right from wrong is to give them a good spanking when they misbehave."

Dogmatism. A ten-item dogmatism scale was used (from Robinson & Shaver 1973; alpha = .83):

"There are two kinds of people in this world: those who are for the truth and those who are against it."
"Most of the ideas which get printed nowadays are not worth the paper they are printed on."
"Of all the different philosophies which exist in the world there is probably only one which is correct."
"People today have forgotten how to feel ashamed of themselves."
"I often have the feeling that I have done something wrong or evil."
"A large number of people are guilty of bad sexual conduct."
"When I look back on it, I guess I really have not gotten as much out of life as I had once hoped."
"I do many things which I regret afterwards."

"To compromise with political opponents is dangerous because it usually leads to the betrayal of your own side."
"Most people just do not know what is good for themselves."

Liberalism. Liberalism was assessed in two ways. First, people were asked to self-report whether they considered themselves "liberal, conservative, or moderate."

Second, their liberalism was determined by support or opposition to four public policies: multilingual education, multilingual ballots, laws preventing illegal immigrants from using state services; and laws forbidding preferential treatment for minorities (alpha = .75 for the four-item scale).

Results

Relationship among the Dependent Variables

The first concern is with support for the three strikes initiative. In addition to examining the antecedents of support for a specific public initiative—"three strikes and you are out"—we can examine the antecedents of public support for generally punitive policies. This study identified two such policies: general support for harsher punishment of rule breakers and a greater willingness to abandon procedural protections when trying to determine the guilt of possible criminals. The relationship among these indices is shown in Table 1. The findings indicate that these various general measures are interrelated, and each is linked to support for the three strikes initiative. Support for the initiative is linked to general punitiveness (r =.50) and willingness to abandon procedural protections (r = .40).

Table 1. Correlation among Dependent Variables

	Support for the Three Strikes Initiative	Support for General Punitive Policies	Willingness to Abandon Procedural Protections
Support for the three strikes initiative	. . .	. . .	. . .
Support for the general punitive policies	.50	. . .	. . .
Willingness to abandon procedural protections	.40	.68	. . .

NOTE: Entries are Pearson correlation coefficients. All coefficients are statisically significant.

An examination of public support for the initiative suggests that 23% of respondents supported the initiative that actually became law in California—life in prison for three felony convic-

tions. The majority of respondents (71%) supported a more lenient form of punishment—life in prison for three violent felonies. Six percent opposed both forms of the initiative. Hence, this sample generally supported a less extreme form of the initiative than the one that actually passed.

Examination of responses to questions regarding general punitiveness and willingness to abandon procedures suggests that respondents were moderately punitive and moderately willing to abandon procedural protections. For example, 35% agreed that a person convicted of murder should receive the death penalty, while 59% indicated that it was all right for a citizen to shoot someone who has just raped them to keep the criminal from running away. Similarly, in the case of procedural protections, 47% indicated that the courts are too concerned with defendants' rights, while 85% agreed that too many guilty people escape punishment due to legal technicalities.

Sources of Support

Demographic Influences

Demographic influences are not shown in a table. However, an examination of demographic influences on support for the initiative indicates that the primary predictor of support was education, with low education leading to greater support (beta = .27, $p < .001$). Education also predicted overall punitiveness (beta = .30, $p < .001$), with those low in education being more punitive. The young were also more punitive (beta = .22, $p < .01$), as were minorities (beta = .17, $p < .01$). Finally, the young were more willing to abandon procedural protections (beta = .27, $p < .001$).

Antecedent Attitudes

Three types of antecedent attitudes were compared: judgments about crime, judgments about social conditions, and judgments about social values. The influence of these factors on the dependent variables is shown in Table 2. The table shows the combined influence on the three dependent variables of three independent variables—concerns about crime and the courts, judgments about social conditions, and social values. The entries are beta weights which indicate the magnitude of the contribution of each type of variable distinct from the influence of the other two independent variables. For the purposes of this table, summary indices were created for concerns about crime/the courts, judgments about social conditions, and social values. These scales were created by averaging the indices within each group.

The results shown in Table 2 indicate that for support for the initiative, crime-related concerns have no significant influence.

For overall punitiveness and willingness to abandon procedural protections, they have a significant influence. However, in all three cases, crime-related concerns are the least important factor. The primary factors shaping support for the initiative, overall punitiveness, and willingness to abandon procedural protections are social values and judgments about social conditions. The balance between instrumental (i.e., crime-related) and noninstrumental factors is not, however, the same in each case. For support for the initiative and general punitiveness, social values dominate the equation, with judgments about social conditions second in importance. Crime and court-related concerns have little influence. For procedural protections, however, instrumental concerns are almost as important as are other issues.

Table 2. Antecedents of Support for the Three Strikes Initiative, General Punitiveness, and the Willingness to Abandon Procedural Protections

	Support for the Three Strikes Initiative	Support for General Punitive Policies	Willingness to Abandon Procedural Protections
Judgments about crime and the courts	.01	.14*	.20**
Judgments about social conditions	.22**	.18**	.25**
Social Values	.37***	.55***	.31***
R^2	27%	50%	33%

NOTE: Entries are beta weights which reflect the independent contribution of each summary independent variable controlling for the influence of other independent variables. The R^2 value reflects the ability of all three variables to explain variance in each dependent variable.

* $p < .05$ ** $p < .01$ *** $p < .001$

Support for the initiative was primarily shaped by social values and judgments about social conditions. Crime-related concerns were a minor influence. The same general conclusion was supported in the case of general punitiveness and the willingness to abandon procedural protections. The primary factors shaping these general orientations were social values (average beta = .41) and judgments about social conditions (average beta = .22). The average beta for crime-related concerns was only .12. These findings suggest that the image of the citizen as supporting punitive public policies because of fear of crime or grievances against the courts is inaccurate.

Sources of Support for Punitiveness

It is also possible to distinguish among the four possible judgments about social conditions and consider the impact of each on people's reactions to rule breakers. This analysis is shown in Table 3. As in Table 2, the entries are beta weights that reflect the independent influence of each of the four types of social

judgment controlling for the other types of social judgment, for judgments about crime-related concerns, and for social values. The findings shown in Table 3 indicate that the primary factor driving reactions to criminals are judgments about the family. Such judgments had a significant influence on all three dependent variables. A secondary issue is judgments about diversity, which affect general punitiveness and procedural protections.

Table 3. The Influence of Judgments about Social Conditions on Reactions to Rule-Breakers

	Support for the Three Strikes Initiative	Support for General Punitive Policies	Willingness to Abandon Procedural Protections
Social Conditions			
California	.10	.06	.01
Community	.13	.03	.00
Family	.19*	.19*	.25**
Diversity	.04	.14*	.20**
Crime-related Concerns	.01	.13*	.14
Social values	.37***	.48***	.22**
R^2	26%	51%	35%

NOTE: Entries are beta weights for an equation with all terms entered at the same time. Crime-related concerns and social values are represented by a single summary scale.
* $p < .05$ ** $p < .01$ *** $p < .001$

The Nature of Support for Punitiveness

What is the nature of public support? To explore this question, overall indices reflecting dangerousness and lack of moral cohesion were created. These indices included judgments about (1) crime-related concerns and (2) social conditions (i.e., conditions in California, the respondent's community, the family, and the diverse population of California). To create the dangerousness scale, fear of crime was combined with instrumental judgments about social conditions. To create the moral cohesion scale, judgments about the seriousness of the crime problem were combined with relational judgments about social conditions. The relationship among these indices indicates that judgments of dangerousness and moral cohesion were distinct but related (mean $r = .40$). By comparing the influence of each cluster of variables, it is possible to compare the importance of each view about the nature of public support for punitiveness.

It would be possible to compare the importance of the dangerousness and moral cohesion indices using a regression equation similar to those shown in Tables 2 and 3. However, those equations oversimplify a more complex causal model. That model recognizes that social values may have an important influence on judgments about social conditions. A more complex model is needed because social values are widely suggested to

develop during the childhood and adolescent socialization process (Niemi 1973; Sears 1990), while judgments about current problems are more contemporaneous, reflecting current social conditions. Hence, judgments about the world might themselves be affected by social values.

To test this more complex model of influence, we used path analysis (Jöreskog & Sorbom 1993), which allows for taking into account both direct and indirect influences on the dependent variables. In the analysis, social values were used to predict judgments of dangerousness and moral cohesion. Both social values and judgments about social conditions were then used to predict the dependent variables.

The results of a path analysis exploring the antecedents of reactions to rule breaking are shown in Figure 1. All paths that are possible within the causal structure hypothesized were allowed, and all statistically significant paths are shown in the figure. The numbers shown are beta weights, reflecting the standardized influence of each variable. They indicate that social values have an important influence on both judgments about the contemporary world. Hence, whether people view the world as dangerous and/or in moral chaos is in part a reflection of their

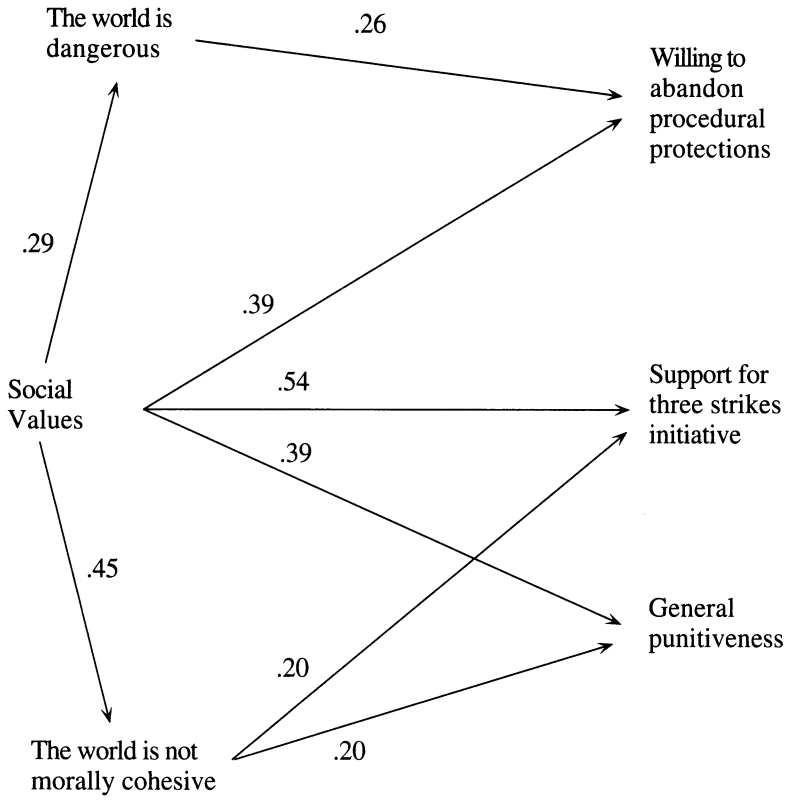

Figure 1. Reactions to rule-breaking behavior by others

underlying social values. Further, social values have a direct impact on support for the initiative, overall punitiveness, and willingness to abandon procedural protections.

The central finding of this analysis is that support for the three strikes initiative, as well as for overall punitiveness, is linked to judgments about moral cohesion and not to judgments about dangerousness. On the other hand, willingness to abandon procedural protections is primarily linked to judgments about dangerousness.

Discussion

The Sources of Support for Public Punitiveness

The primary finding of this study is that public punitiveness is linked most strongly to judgments about social conditions and to underlying social values. Concerns about crime and the courts have very little influence on punitiveness. In particular, they have no influence on support for the three strikes initiative. These findings about the sources of support for public punitiveness are interesting in two ways.

First, the findings are striking in terms of what is more or less important to the respondents. While much of the professional discourse about the three strikes initiative has focused on concerns about crime risk and the alleged failings of the courts, these factors are not the major factors underlying public support for the initiative. Hence, surface concerns about the crime problem and/or the legal system do not seem to be the central preoccupations of the public and do not drive their policy judgments (also see Liska & Bellair 1995; McLarney 1996). People are not motivated primarily by their concerns about tangible risks. This finding accords with the findings of the "symbolic politics" literature, which have demonstrated that personal concerns and fears have little impact on policy judgments in a variety of arenas (see Sears & Funk 1990a, 1990b).

The central message of this analysis of public views is that the reasons commonly put forward for public support for the three strikes initiative (see, e.g., Zimring & Hawkins 1995) are not, in fact, the reasons that the public was supportive of that initiative. People's support was not primarily linked to their judgments about crime and/or the courts. This is not to suggest that people do not have real concerns about crime and about the court system. However, those concerns were not the reason that people indicated support for the three strikes initiative. In this respect, the results of this study support the already outlined findings of the symbolic politics literature and previous studies of punitiveness (see Tyler & Weber 1982) in finding that instrumental effects on policy support are either weak or nonexistent.

This study moves beyond demonstrating that symbolic concerns occur to try to understand their nature. It is clear from this study that there are identifiable sources of public support for the initiative within people's general concerns about the social environment. In other words, the nature of the "symbolic" concerns that have been widely noted to be central to reactions to rule breakers can be specified. To an important extent, those concerns are linked to judgments about the social environment. As in prior studies, social values are found to have an important effect. However, judgments about social conditions have an additional influence once social value influences have been taken into account. Furthermore, social values are correlated to judgments about the social world, which suggests that one of the ways social values exert an influence is by shaping how people think about the social world.

Two aspects of the social environment are key to public concerns about rule breaking: the family and diversity. In particular, both support for the initiative and general punitiveness are linked to concerns about the family. Hence, broader social issues are central to the public's concerns. People are troubled because they feel that important institutions within society (for example, the family) are declining. In both cases, people are concerned about the symbolic harms that develop from the lack of a clear, shared set of moral values as well as from declining social ties among people. Those citizens who feel that the moral and social consensus that holds society together is declining are more supportive of punitive public policies.

Interestingly, concerns about social diversity do not reflect only the belief among white Californians that minorities are dangerous. A separate analysis of this relationship among white and minority respondents indicates that minorities link increasing diversity to punitiveness as strongly as do whites. Hence, this feeling may reflect ethnocentrism—the discomfort felt by members of any group with outsiders. As society becomes more diverse, all groups—whites and minorities—are confronted by more and more persons from various groups unlike themselves who have different social values. The feelings of unease produced by diversity may not reflect simple racism. They may also reflect the anxiety that members of any group feel when they are in an environment with many different types of people (ethnocentrism). Of course, this argument is not meant to discount the occurrence of racism and race prejudice. Many studies of crime have linked concerns about crime to issues of both class and racial prejudice (Cohn, Barkan, & Halteman 1991; Hochschild 1995; Rubin 1986).

Why does declining moral cohesion lead to punitiveness? The results of this study suggest that people who feel that there are fewer moral and social ties among people also think it is

harder to rehabilitate criminals. They also believe that other methods besides harsh punishment, such as shaming rule breakers by putting their names in the newspaper, will not lead them to change. Hence, without moral values or social ties to use as a basis for changing lawbreakers, as in the use of shaming (Braithwaite 1989), there seem to be few alternatives to simply incarcerating criminals for the rest of their lives ("warehousing").

The results of this analysis are also important because they show that social values are central to policy judgments. Discussions about public punitiveness have tended to place the locus of causality for public punitiveness in concerns about conditions in the world, whether crime related or social in nature. However, these findings follow the earlier findings of Tyler and Weber (1982) as well as of other research about the death penalty in pointing to underlying social values as a core source of public feeling about both the three strikes initiative and punitiveness more generally. Social values had both direct and indirect effects on punitiveness. They both directly impact on people's views about how to handle rule breaking and do so indirectly by shaping views about the dangerousness and moral cohesion of the world.

Since social values represent long-term political orientations, they reflect a stable influence on public opinion and are unlikely to change in reaction to contemporary public events. Hence, the strong influence they have over punitiveness suggests that current levels of public support for punitiveness are not simply the result of recent highly visible events like the Polly Klaas kidnapping. Instead, they develop from underlying social values that are stable and that will shape public views for the near future. In fact, public opinion polls over the past 40–50 years make clear that the wide support the three strikes initiative received is not a fluke or a response to some immediate event. Americans have been growing increasingly punitive over this time period (Tyler et al. 1997). This heightened punitiveness is revealed in both greater support for punitive sentencing and for the death penalty. During the 1960s, for example, a majority of adult Americans opposed the death penalty. Currently 80% to 90% are found to support it. Even in the absence of shocking high-visibility crimes, in other words, the public is increasingly inclined to want to punish rule breakers harshly.

The findings also suggest the importance of education. Better educated respondents are more likely to feel that there is moral cohesion in the family and the community. They are less likely to regard diversity as leading to a lack of common moral values, so diversity is less troubling to more tolerant highly educated respondents. Hence, it is not surprising to find that having more education leads one to lower punitiveness.

The centrality of education to support for the initiative points to an important potential social dynamic created by the three strikes initiative. One consequence of the initiative is to draw state funding away from education into prisons. This will result in a less well-educated population. Those lower levels of education, in turn, will lead to heightened authoritarianism and dogmatism. Such social values will increase support for punitive public policies. Hence, over time the social conditions leading to even greater diversions of social resources into public punishment will be created. Consistent with the argument just advanced, this study found that younger respondents are more punitive. Further, younger respondents are less well educated. Hence, while the data presented cannot test the causal flow of the argument outlined, which requires a test using longitudinal data, the data in this study are consistent with that argument.

It is possible to imagine an opposite social dynamic, in which greater expenditures for education produce a more highly educated populace, which is less supportive of highly punitive (and highly expensive) policies toward handling rule breakers. This dynamic would lead to greater reallocations of public funds toward education. While both of these images are possible, the prevailing social dynamic seems to be in the direction of increasing public punitiveness

The Psychological Nature of Public Punitiveness

Overall, support for the initiative and for general punitiveness were found to be strongly linked to concerns about moral cohesion. Only willingness to abandon procedural protections was linked to dangerousness in the full path model. Hence, the nature of people's support turned out to differ greatly from that which dominated discussions of public punitiveness. People are primarily concerned about issues of moral cohesion in society. This conclusion is reinforced by the overall path analysis presented in Figure 1. When the influence of social values is included in the analysis, only judgments about moral cohesion have an independent influence on support for the initiative and for general punitiveness.[4]

Interestingly, the willingness to abandon procedural protections is more instrumental in character. Those respondents who are concerned about crime indicate a greater willingness to abandon protections for defendants. This effect is found even when controls are made for underlying social values. The finding ac-

[4] The findings suggest that people feel that family breakdown and increasing social diversity make the world both less morally cohesive and more socially chaotic. Of course, while distinct, these two concerns are interrelated. For example, belief that children are no longer being taught moral values by their families is linked to the judgment that children are increasingly dangerous. In this study these factor were correlated at $r = .40$.

cords with earlier findings concerning public views about civil liberties. Sullivan et al. (1982) found that threat had an important influence on the willingness to abandon norms of political tolerance. They also found that feelings of psychological security (i.e., an underlying social value) had an important influence on political tolerance. The final influence they examined, support for the general norms of democracy, was not considered in this study.

Why would issues of dangerousness be the primary antecedent of the willingness to abandon procedural protections for those accused of crimes? We speculate that this influence flows from the general public evaluation of legal procedures as suspect and procedurally unfair. For example, the public believes that the courts often show unreasonable bias in favor of criminals vis-à-vis ordinary citizens and let too many criminals off due to "legal technicalities" such as the insanity defense and the exclusionary rule (Roberts 1996; Tyler et al. 1997). Research on procedural justice suggests that when people feel that the procedures they are dealing with are unfair, they react to those procedures by judging the favorability of their outcomes (Lind & Tyler 1988). Hence the public may be evaluating procedural protections in outcome terms because they regard current legal protections as basically unfair "legal technicalities," that is, as unfair procedures.

Theoretical Implications

As previously noted, Tyler and Lind (1992) have articulated a general relational model of authority that describes the nature of people's willingness to defer to and obey the decisions and rules of social authorities. This model has been used to explain the legitimacy of authorities in legal, political, and managerial settings (Tyler 1995a). Legitimacy is an internal value that leads people to obey rules voluntarily. Findings suggest that it is linked to judgments about the nature of the cohesiveness within a group.

This analysis extends the same relational model to the issue of responses to rule breaking. The findings suggest strong support for the relational argument, and similar arguments made by other researchers, that responses to rule-breaking behavior are linked to the nature of the social bonds and moral cohesion within the group. Figure 1, which presents the overall analysis, suggests that moral cohesion is the only factor shaping both reactions to the initiative and general punitiveness. This study directly measures a specific alternative to judgments of dangerousness and demonstrates that it dominates punitiveness judgments. That alternative is judgments about moral cohesion.

This study moves beyond prior discussions of punitiveness (Tyler & Weber 1982) by trying to identify directly the nature of the noninstrumental concerns that influence policy judgments. Prior studies have used the demonstration of low instrumental effects and the important role of social values to argue for "symbolic" effects. This study replicates those prior findings. It also directly measures the nature of noninstrumental concerns about society and demonstrates that they affect public policy support.

As has been noted, instrumental explanations have dominated discussions about public views on rules and rule breaking. Recognition that people's views about their community and the cohesion of that community shape their responses to rules and rule breaking suggests an important direction for future research. That direction is toward the exploration of people's feelings about their social communities and the social groups that make them up. Efforts to better understand the social dynamics between and within social groups are an important element in European social psychology, where social identity theory has been an important conceptual framework (Abrams & Hogg 1990; Brown 1988; Hogg & Abrams 1988; Oakes, Haslam, & Turner 1994; Turner 1987, 1991; Turner & Giles 1981). Social identity theory is concerned with the manner in which people frame group boundaries and evaluate the characteristics of both their own and other groups. These judgments are shown to have important implications both for relationships among groups and for the thoughts, feelings, and behaviors of people within those groups (Boeckmann & Tyler 1996).

The manner in which people think about the communities to which they belong is strongly affected by the way that people think about the groups making up those communities. One important influence on that thinking is the actual composition of the community—the degree to which it is diverse. Within California there have been major increases in diversity in recent years, and further increases are predicted. A second important influence is the way people conceptualize their loyalty to their community. Is that community their ethnic or racial subgroup? Or is it the larger state or national authority that includes all groups? In recent history nationalism has acted as an important superordinate focus of identification, uniting communities diverse in ethnic and racial terms (Anderson 1983; Azzi, in press). However, nationalism may not be a psychologically compelling form of identification, and may have to be held in place by forces such as the fear of a powerful enemy. In the aftermath of the decline of the Cold War and its ideologies, there may be major changes in the way people conceptualize their identification with their communities. In particular, there may be greater focus on ethnic and racial subgroup memberships and declining superordinate identification with larger state- or national-level authorities. The

findings outlined here suggest that learning how people understand and define the nature of society and community can help us understand how they react to rule breakers.

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