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Commentaries

Dogmatism and the Death Penalty:

A Reinterpretation of the Duquesne Poll Data*

Milton Rokeach**

D. Daniel McLellan†

In *Witherspoon v. Illinois*¹ the defendant asked the court to reverse his conviction by a non-scrupled jury arguing that (1) the jury determining the guilt issue favored the death penalty; (2) those who favored the death penalty were highly authoritarian, dogmatic personalities; and (3) highly dogmatic jurors were "prosecution prone." From these premises, the defendant concluded that his Sixth Amendment guarantee to an impartial jury was denied by the non-scrupled jury determining his guilt because it was "prosecution prone." The Court acknowledged the defendant's first premise when it reversed his death sentence, but rejected the full argument because premises (2) and (3) had not been proven to its satisfaction.

Cucinotta,² testing the empirical validity of premise (2), concluded that his data did not support it. It is our contention that premise (2) is supported by Cucinotta's own data and by other data as well.

Following the *Witherspoon* analysis, Cucinotta categorized 188 Duquesne students into one of the four groups according to their position on capital punishment, as follows:

- Group A—non-scrupled veniremen who, if the defendant is found guilty, favor ONLY the death penalty.
- Group B—non-scrupled veniremen who favor the death penalty but will consider life imprisonment as a penalty.
- Group C—scrupled veniremen who oppose the death penalty but

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1. 391 U.S. 510 (1968).

2. Comment, *Witherspoon—Will the Due Process Clause Further Regulate the Imposition of the Death Penalty?* 7 DUQUESNE L. REV. 414 (1969).

who could lay aside their feelings and impose the death penalty.

Group D—scrupled veniremen who could never impose the death penalty.

To test the premise that non-scrupled jurors are more highly dogmatic than scrupled jurors, the Duquesne subjects were given the Rokeach Dogmatism Scale. Cucinotta predicted he would find a statistically significant linear correlation coefficient between Dogmatism scores and *Witherspoon* position. That is, with each increase in willingness to impose the death penalty he predicted an increase in average dogmatism score. Following his analysis of the Duquesne Poll data, Cucinotta concluded "that no significant relationship was found between one's dogmatism level and one's position on capital punishment . . . even though there seems to be a slight trend toward a higher dogmatic level when we move from response D to response A."³ After studying his data, we feel that Cucinotta's analysis is misleading and that his data do, in fact, support the notion that non-scrupled jurors are more dogmatic.

The absence of a significant linear correlation between the variables seems to be due, in part, to the inability of the *Witherspoon* position variable to differentiate among people who are at different points along the attitudinal dimension, especially in the middle range. It seems highly likely that extreme positions A and D are differentiated from one another and from the middle positions, but that the middle position B and C may not reliably tap attitudinal differences among the majority who fall within the middle range. The failure to discriminate middle positions could result in a failure to discriminate people on the dogmatism variable, causing the correlation at this point to "wash out."

Even if the *Witherspoon* position variable is reliable and valid, there are other hypotheses which could be put forth which would not predict a linear correlation. For example, it could be hypothesized that the relationship between dogmatism and *Witherspoon* position is U-shaped rather than linear, with individuals taking either extreme position being more dogmatic than those taking more moderate and flexible positions. It could also be hypothesized that positions B, C, and D would not reflect differences in dogmatism because all these attitudinal

3. *Id.* at 430.

positions are determined primarily by variables other than dogmatism and are positions taken by rational and humane men whose differences are minor when compared with one another. Position A, however, could reflect more dogmatism compared with positions B, C and D, due to the extremely rigid, hostile and unsympathetic stand taken. In this case, we would predict that Group A would be more dogmatic than any of the remaining three groups and these three groups would show little differences among themselves. In other words, we think it more reasonable to hypothesize such a difference in dogmatism rather than a linear correlation between the two variables.

With these alternative hypotheses in mind, we reanalyzed Cucinotta's published data⁴ and reached a conclusion opposite to that reached by Cucinotta. We first asked if there were *any* differences in dogmatism among any of the groups. To answer this, we used an analysis of variance and concluded that there were significant differences.⁵ That is, our analysis showed that if there were no differences in average dogmatism among the groups from which the subjects came, sample differences as large as found would occur less than ten per-cent of the time. Thus, we conclude that there are significant differences in dogmatism among the four groups.

From the scatter-plot it is evident that Group A is more dogmatic, on the average, than all other groups. Further analysis of the data confirms this observation. One-tailed t-tests comparing the average dogmatism score of Group A with Groups B, C, and D were computed separately. The findings, all statistically significant, are as follows:

4. Our analysis was based on data provided in the scatter-plot. The total number of subjects was 187 rather than 188 apparently due to the dropping of a score for one Philosophy student from Group D in the scatter-plot. The mean dogmatism score for the 187 subjects was 144.82 which compares favorably to the mean found by Cucinotta of 144.08. This indicates that the error resulting from using the scatter-plot data was not excessive.

5. We found an F-ratio = 2.12, which is significant at the .09 level of probability. Our choice of significance level was chosen to reflect possible costs incurred in making errors in our inference. We are susceptible to two types of error: Type I error—inferring that differences exist where, in fact, none do exist and Type II error—failing to infer that differences exist where there are real differences. Traditional significance levels of .05 or .01 are inadequate here because they increase our chances of making a Type II error, which is by far the more costly and serious. If we make a Type I error, we conclude that real differences in dogmatism exist among our groups when there are no real differences. If we make a Type II error, we conclude, as did the Supreme Court that there is not enough evidence to indicate real differences in dogmatism when, in fact, real differences do exist. The cost of making a decision based on the Type I error is negligible. The cost of acting on the conclusion reached in making a Type II error is to continue to do nothing to change the composition of capital juries, thus continuing to deny capital defendants their constitutional rights to an impartial jury. This high cost made use of traditional significance levels inappropriate for our statistical inferences.

$$t_{AB} = 2.48, df = 82, p < .01;$$

$$t_{AO} = 1.92, df = 74, p < .05;$$

$$t_{AD} = 2.47, df = 60, p < .01.$$

If we had felt that only Group A would show more dogmatism, it would have been appropriate to compare the average dogmatism score of Group A to that of all the remaining subjects, regardless of their *Witherspoon* position. This one-tailed t-test reveals a statistically significantly higher average dogmatism score for Group A subjects than for the remainder of the subjects:

$$t_{A(B+C+D)} = 2.53, df = 185, p < .01.$$

Further evidence to support the premise that non-scrupled jurors are more dogmatic is given by Crosson.⁶ He assessed the differences between actual jurors in Ohio who were either Death-Qualified (holding no scruples against imposition of the death penalty during *voir dire* and thus eligible for capital jury service) or Death-Scrupled (ineligible for capital jury service due to scruples against the imposition of the death penalty). The Death-Qualified jurors were found to be more dogmatic, on the average, than the Death-Scrupled jurors although this difference failed to reach statistical significance.⁷ Thus, we have two separate studies using different subject populations, which *both* suggest strongly that there are differences in dogmatism between non-scrupled and scrupled individuals.

Further evidence from Crosson adds credence to the hypothesis that non-scrupled jurors are indeed different from scrupled jurors. He found that non-scrupled jurors are significantly more conservative than scrupled jurors. Other findings in the predicted direction showed that scrupled jurors are better at evaluating verbal arguments and less hostile than non-scrupled jurors. Crosson concludes:

The death qualification in the *voir dire*, instead of insuring impartiality, seems rather to undermine the defendant's right to a fair trial because of a personality selectivity which may predispose the jury to his disadvantage.

Our main conclusion, based on a reanalysis of Cucinotta's Duquesne

6. R. F. Crosson, *An Investigation into Certain Personality Variables Among Capital Trial Jurors*. (Unpublished Doctoral Dissertation, Western Reserve University, 1966).

7. He found a critical ratio = 1.04, $df = 71$, $p < .15$. This failure to reach significance at the .05 level is probably due to one of two factors or a combination of the two. One factor is the small number of subjects used ($N = 72$) in the study. The other factor is the "washing-out" of the differences due to the mixing of *Witherspoon* positions A and B.

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Poll data, is therefore, different from Cucinotta's conclusion: Group A (non-scrupled individuals favoring imposition of the death penalty ONLY), on the average, is found to be significantly more dogmatic than the remaining three groups, considered separately or as a whole.