

Legitimacy and relations in Slovene prisons: views of female and male prisoners*

Studies have shown that incarceration presents a greater intervention in women's lives compared to men. This chapter focuses on the comparison of perceived legitimacy and relations between female and male prisoners in Slovene prisons. Results of statistical analyses based on a national sample of prisoners (252 male prisoners and 20 female prisoners) highlighted the differences between female and male prisoners' feelings of obligation to obey the prison staff and internalisation of subcultural norms, while no statistically significant differences were identified with other tested factors: legitimacy, trust in authority, procedural justice, distributive justice, effectiveness of the prison staff, cooperation with the prison staff, relations with the prison staff, and relations with prisoners. It seems that female prisoners are more willing to obey prison workers and are less inclined towards prison subculture. Findings indicate that the quality of treatment of prisoners is invariant in all Slovenian prisons. The implications of these findings are discussed.

Keywords: legitimacy, relations, prison, differences, Slovenia

Introduction

The problem of order in prisons arises from the lack (i.e. deficit) of legitimacy (Bosworth, 1996), since the traditional functioning of prisons is based on the element of coercion, through which prisoners are subjected to prison rules. Jackson et al. (2010) highlighted the importance of alternative paths of achieving order in prisons, as the prison environment is often hostile, and maintaining order through coercion (or the use of force) is often contra-productive, as it does not encourage prisoners' voluntary compliance. The presence of legitimacy in the prison environment, where prison workers build relations with prisoners based on fairness, equal treatment and respectful behaviour, presents an alternative to traditional control strategies. The concept of legitimacy in prison derives from prisoners' beliefs that authorities (i.e. prison workers) are trustworthy and benevolent in their interactions with them (Tyler, 2010). In such cases, prisoners are willing to voluntarily obey prison workers, due to their [appropriate] characteristics and behaviours, which instil awareness in prisoners that it is their duty to follow prison rules and control or modify their own behaviour (Franke et al., 2010).

* This work was financially supported by the Slovenian Research and Innovation Agency under Grant (J5-5548) "Legitimacy and legality of policing, criminal justice and execution of penal sanctions".

The authors state that the paper is in compliance with ethical standards. The authors declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

The main products of prison workers are not order or control but interaction with prisoners, based on which relations are formed. The complexity of relations in prison comprises expectations of prisoners who emphasise consistency and fairness of treatment, and the prison workers' acceptance of prisoners' expectations (Liebling & Price, 2001). The prison environment represents a [hostile] environment in which relations between prison workers and prisoners are formed with great effort, since the two actors are in an unequal position, which affects the recognition of the legitimacy of prison workers as bearers of authority (Weinrath, 2016). In order to establish "right" relations in prisons, which should be between formal and informal behaviour, closeness and distance, and policing by consent and imposing order, mutual restraint of all prison actors is necessary (Liebling, 2011), as prison workers with [inappropriate] authoritarian behaviour can influence deviant and antisocial behaviour of prisoners, which leads to the loss of legitimacy of their own position (Bukstel & Kilmann, 1980). Bottoms and Tankebe (2021) argued that legitimacy is influenced by the social contexts, specifically, time and place that influence the nature of interactions between powerholders and audiences, and consequently the quality of relations. Relations and perception of legitimacy in women prisons differ from prisons for men characterised by (Hacin & Meško, 2020): (1) [more] rigid relations between all prison actors, (2) stricter prison regimes and higher deprivation of liberty, and (3) the presence of physical violence. Historically speaking, women prisoners have presented only a fragment of the prison population (5.4% – European average in 2022; Aebi et al., 2023). Consequently, they are frequently "forgotten" in the criminological/penological research, as well as in the treatment during imprisonment, as most prisons for women are not organised with their specific needs in mind. As Currie (2012) highlighted, prison systems are organised from men's perspective and focused on the population of male prisoners and their needs. Besides the traditional deprivations of prison (i.e., pains of imprisonment; Crewe, 2011), female prisoners are exposed to additional deprivations comprising deprivation of the maternal role, specific health and personal care needs, and additional emotional and psychological pressures deriving from their role in the society and more concrete within a family (e.g., mother, wife, etc.) (Tomažinčič, 2023).

Aims

The study derives from two observations. First, incarceration presents a greater intervention in women's lives than men's due to their social role (Peršak, 2006), which influences adaptation to prison life, perception of prison workers and behaviour during imprisonment. Second, the nature of legitimacy is influenced by the social context (Bottoms & Tankebe, 2021), which exposes the question of whether conditions and treatment in women prisons influence the perception of legitimacy with female prisoners. The aim of the study is to conduct an empirical test of differences and similarities in perception of legitimacy and its correlates, and relations in the prison context between female and male prisoners in Slovenia.

Methods

The study took place in all six Slovenian prisons with departments and a correctional home. The survey instrument was developed based on the questionnaires used to measure prisoners' perception of the legitimacy of prison workers (Reisig & Meško, 2009), social climate (Brinc, 2011) and prison staff-prisoners' relations (Liebling et al., 2011). Prior to surveying, consent from the Slovenian Prison Administration was obtained, and the surveying itself took place from October to December 2016 in the entire Slovenian prison system. The surveying began with the introduction of the study to prisoners, after which questionnaires were distributed to individuals who decided to participate (PAPI method). Participation was voluntary and anonymous, and surveying itself was implemented in the following forms: (1) a simultaneous survey of many prisoners who gathered in common areas, and (2) a survey of individual prisoners in their rooms. Respondents personally delivered completed questionnaires to the second author or were collected at the previously agreed place (a special box was set up, in which they could put the filled-in questionnaires). The data were entered into a dataset and analysed with the SPSS program.

Participants

In total, 328 out of 1,112 prisoners (average number; in 2016 the average number of imprisoned persons amounted to 1,377) imprisoned in Slovenian prisons and a correctional home at the time of the study participated in the survey (response rate of 29.5%), however, only fully completed questionnaires were included in the sample (272 prisoners). They represented 82.9% of all participants and approximately 24.5% of all prisoners in 2016. Male prisoners presented the majority of respondents - 92.6%, which reflects the structure of the prison population in 2016, where female prisoners represented 7.1% of all prisoners. The majority of female and male prisoners were between 30 and 39 years of age and had completed high school. The percentage of individuals that were in a relationship was comparable between the groups. The majority of respondents from both groups were imprisoned in closed prison regimes. While only 25% of female prisoners were imprisoned before, the percentage of recidivism was much higher with male prisoners, as almost half of them were imprisoned in the past. Finally, the percentage of individuals who have received substitutional therapy, as part of their drug treatment therapy, was relatively low in both groups: 15% with female prisoners and 25% with male prisoners respectively (see Table 1). These data were largely representative of the composition of the prison population in Slovenia, especially in terms of age, gender, prison regime, recidivism, and substitutional therapy (Uprava Republike Slovenije za izvrševanje kazenskih sankcij, 2017).

Table 1. Sample Characteristics

	Female prisoners		Male prisoners	
	<i>n</i>	%	<i>N</i>	%
<i>Age (in years)</i>				
< 24	2	10	33	13
25–39	2	10	30	12
30–34	3	15	60	24
35–39	4	20	42	17
40–44	2	10	28	11
45 <	7	35	59	23
<i>Education</i>				
Elementary school	7	35	75	30
High school	10	50	140	55
Higher education	3	15	37	15
<i>Social status</i>				
Single	6	30	103	41
In relation	12	60	134	53
Divorced/widowed	2	10	15	6
<i>Prison regime</i>				
Open	2	10	31	12
Semi-open	6	30	72	29
Closed	12	60	149	59
<i>Recidivism</i>				
No	15	75	138	55
Yes	5	25	114	45
<i>Substitutive therapy</i>				
No	17	85	188	75
Yes	3	15	63	25

Note. *n* (male prisoners) = 252; *n* (female prisoners) = 20.

Measures

In Table 2, variables included in the factor analysis are presented. Factors were operationalised from 53 variables, using the Principal Axis Factoring method with rotation Varimax, reflecting prisoners' perceptions of the measured variables rather than

the actual measure of observed variables. All variables were measured on a 5-point Likert scale ranging from 1 “strongly disagree” to 5 “strongly agree”. Modified factors were formed based on the findings of previous legitimacy studies to fit the prison context (Reisig & Meško, 2009; Tankebe, 2008; Tankebe et al., 2016). Each of the ten factors (weighted averages of factors are reported): (1) *Legitimacy* (3 items included; Cronbach’s α [α] = 0.83, Kaiser-Meyer-Okin measure of sampling adequacy [KMO] = 0.70); (2) *Procedural justice* (11 items included; α = 0.95, KMO = 0.94); (3) *Obligation to obey* (4 items included; α = 0.95, KMO = 0.78); (4) *Trust in authority* (6 items included; α = 0.80, KMO = 0.88); (5) *Distributive justice* (4 items included; α = 0.92, KMO = 0.77); (6) *Effectiveness of the prison staff* (6 items included; α = 0.90, KMO = 0.87); (7) *Cooperation with the prison staff* (3 items included; α = 0.82, KMO = 0.72); (8) *Prison subculture* (7 items included; α = 0.87, KMO = 0.90); (9) *Relations with the prison staff* (6 items included; α = 0.87, KMO = 0.87); and (10) *Relations with prisoners* (3 items included; α = 0.79, KMO = 0.68), represents a small number of variables, simplifying the interpretation (the cut-off value was set at 0.50).

Table 2. Factor Analysis

Variable	FL	Female prisoners					Male prisoners				
		M	SD	Median	Mode	Range	M	SD	Median	Mode	Range
<i>Legitimacy</i>											
I should accept the decisions of prison workers, even if I think they are wrong.	0.71	3.70	1.22	4	5	4	3.33	1.35	4	4	4
I should do what prison workers tell me to do even if I disagree.	0.90	3.75	1.21	4	4	4	3.54	1.29	4	4	4
I should do what prison workers tell me to do even if I do not like the way they treat me.	0.77	3.45	1.19	4	4	4	3.26	1.33	4	4	4

<i>Procedural justice</i>											
Prison workers treat prisoners with respect.	0.76	3.45	1.09	4	4	4	3.21	1.10	3	3	4
Prison workers are fair toward prisoners.	0.85	3.00	1.29	3	2	4	2.97	1.12	3	3	4
Prison workers are polite toward prisoners.	0.73	3.65	0.93	4	3	3	3.28	1.06	3	4	4
Prison workers take time to explain their decisions to prisoners.	0.72	2.90	1.41	3	2	4	2.99	1.17	3	4	4
Prison workers accept fair decisions when they are addressing prisoners' problems.	0.82	2.47	1.39	2	1	4	2.80	1.09	3	3	4
Prison workers take time and listen to prisoners' problems.	0.80	3.00	1.59	3	1	4	2.81	1.21	3	3	4
Prison workers respect prisoners' rights.	0.85	3.16	1.02	3	2	3	3.00	1.15	3	3	4
Prison workers treat prisoners with	0.86	3.00	1.21	3	2	4	2.91	1.22	3	3	4

dignity.												
Prison workers treat all prisoners equally when they enforce rules.	0.82	2.50	1.39	2	1	4	2.84	1.22	3	3	4	
Prison workers do not give orders to prisoners without a reason.	0.67	3.35	0.93	4	4	3	3.19	1.10	3	4	4	
Privileges and sanctions are imposed fairly.	0.75	2.55	1.36	2	1	4	2.65	1.22	3	3	4	
<i>Obligation to obey</i>												
I help prison workers, whenever I can.	0.55	3.40	1.23	3	3	4	3.18	1.21	3	4	4	
I should obey the instructions of prison workers because that is the correct thing to do.	0.76	3.70	1.03	4	4	4	3.31	1.21	4	4	4	
I should do what prison workers instruct me if I understand the reasons for such a directive.	0.86	4.00	1.03	4	4	4	3.50	1.09	4	4	4	
I should do what prison workers	0.68	4.25	0.91	4	4	4	3.77	1.07	4	4	4	

instruct me if their actions are lawful.												
<i>Trust in authority</i>												
I trust prison workers that they will take care of my safety.	0.79	3.35	1.46	4	4	4	3.04	1.32	3	4	4	
Prison workers are good at protecting prisoners' rights.	0.88	3.05	1.27	3	2	4	2.70	1.21	3	3	4	
I trust prison workers that they will make decisions, which will be fair to prisoners.	0.84	2.95	1.50	3	2	4	2.89	1.19	3	3	4	
Prison workers take care that we are safe.	0.83	3.40	1.31	4	3	4	3.09	1.25	3	4	4	
I can trust my problems to prison workers.	0.76	2.95	1.47	3	3	4	2.75	1.26	3	3	4	
If I tell something to prison workers, they will keep it for themselves.	0.62	2.65	1.53	2	1	4	2.78	1.31	3	3	4	
<i>Distributive justice</i>												
Prison	0.78	2.65	1.46	2	1	4	2.81	1.29	3	4	4	

workers provide the same quality of services for all prisoners.												
Prison workers treat all prisoners the same.	0.85	2.25	1.52	2	1	4	2.54	1.34	3	1	4	
Prison workers treat all prisoners equally, when they are imposing sanctions.	0.89	2.15	1.46	2	1	4	2.45	1.26	2	1	4	
Prison workers treat all prisoners equally when they are granting privileges.	0.89	2.10	1.41	2	1	4	2.43	1.26	2	1	4	
<i>Effectiveness of the prison staff</i>												
Prison workers are always ready to provide satisfactory help to prisoners when they are in distress.	0.73	3.00	1.49	4	4	4	2.84	1.22	3	3	4	
Prison workers are always able to provide help to prisoners.	0.75	2.68	1.42	2	2	4	2.93	1.19	3	3	4	

Prison workers are good at controlling violence in prison.	0.80	3.20	1.47	4	4	4	2.82	1.27	3	4	4
Prison workers perform a good job of controlling crime in prison.	0.78	2.70	1.46	3	1	4	2.72	1.29	3	3	4
Prison workers perform a good job of maintaining order in prison.	0.77	3.25	1.25	4	4	4	3.10	1.18	3	4	4
Prison is run well by prison workers.	0.78	2.80	1.39	3	4	4	2.83	1.24	3	4	4
<i>Cooperation with the prison staff</i>											
I would cooperate with prison staff if they were looking for a witness to an incident in which other prisoners were engaged.	0.79	2.85	1.63	3	1	4	2.61	1.31	3	1	4
I would cooperate with prison staff if they were looking for a witness to an incident in which other	0.80	2.60	1.35	2	2	4	2.89	1.38	3	3	4

prisoners and prison workers were engaged.												
I would volunteer as a witness if I were present at the breach of prison rules.	0.73	2.32	1.29	2	1	4	2.50	1.28	2	1	4	
<i>Prison subculture</i>												
If another prisoner makes me very angry, he deserves I attack him.	0.68	1.50	0.89	1	1	3	2.22	1.25	2	1	4	
Violating prison rules is not wrong.	0.67	2.00	1.21	2	1	4	2.27	1.23	2	1	4	
I am always prepared to fight if someone is trying to take advantage of me.	0.82	1.60	0.88	1	1	3	2.29	1.28	2	1	4	
Prison workers are trying to harm me.	0.51	1.40	0.75	1	1	2	2.34	1.26	2	1	4	
If someone is trying to harm me, I will try to get him back.	0.78	1.60	0.88	1	1	3	2.37	1.24	2	2	4	
It is all right to assault another prisoner if	0.79	1.75	1.07	1	1	3	2.19	1.27	2	1	4	

he starts a fight.											
It is sometimes necessary to fight to protect your honour.	0.66	1.80	1.15	1	1	3	2.26	1.33	2	1	4
<i>Relations with the prison staff</i>											
I can speak about my problems with prison workers.	0.70	2.70	1.42	2	1	4	2.84	1.31	3	4	4
Most of the prison workers are fair towards me.	0.86	3.60	1.09	4	4	3	3.35	1.19	4	4	4
I have a relax relationship with most prison workers.	0.75	3.75	1.16	4	4	4	3.39	1.17	4	4	4
If you behave respectfully toward prison workers, they also behave respectfully toward you.	0.62	4.10	0.91	4	5	3	3.58	1.21	4	4	4
Prison workers are decent people.	0.77	3.75	1.02	4	4	4	3.17	1.17	3	4	4
Prison workers consider our proposals in decision-making.	0.58	2.63	1.21	2	2	4	2.84	1.14	3	4	4

Relations with prisoners												
I have a lot in common with other prisoners.	0.67	2.58	1.43	2	1	4	2.69	1.19	3	3	4	
I have many friends in prison.	0.90	2.10	1.25	2	1	4	2.43	1.20	2	2	4	
I trust other prisoners.	0.68	1.65	0.81	1	1	2	2.25	1.18	2	1	4	

Note. Principal Axis Factoring, rotation Varimax; FL – Factor loadings, *M* – Average value, *SD* – Standard deviation

Results

In Table 3, the results of the discriminant analysis are presented, with which a multivariate test of differences between female and male prisoners' perception of legitimacy was conducted. Statistically significant differences between groups of prisoners were observed. Results emphasised that factors *Obligation to obey* ($F = 4.02$; $p < 0.05$) and *Prison subculture* ($F = 7.39$; $p < 0.01$), and the following variables within the factors: (1) I should do what prison workers instruct me, if I understand the reasons for such a directive ($F = 3.95$; $p < 0.05$), (2) I should do what prison workers instruct me, if their actions are lawful ($F = 3.85$; $p < 0.05$), (3) If another prisoner makes me very angry, he deserves that I attack him ($F = 6.19$; $p < 0.01$), (4) I am always prepared to fight, if someone is trying to take advantage of me ($F = 5.76$; $p < 0.05$), (5) Prison workers are trying to harm me ($F = 10.70$; $p < 0.001$), and (6) If someone is trying to harm me, I will try to get him back ($F = 7.72$; $p < 0.01$) affect differentiation between female and male prisoners. A comparison of female and male prisoners shows that female prisoners are more willing to obey prison workers, however, differences between the groups were not profound. In contrast, despite the limited presence of the prison subculture, the internalisation of subcultural norms is more characteristic of male prisoners, especially the situational use of violence against other prisoners and [negative] perceptions of prison workers. With the latter, the greatest differences in perceptions were detected between the groups. Classification of prisoners' responses shows that 92.6% of respondents were correctly classified.

Table 3. Discriminant Analysis: Comparing Perception of Legitimacy Between Female and Male Prisoners

Factor	Female prisoners		Male prisoners		Wilks' lambda	F
	M	SD	M	SD		
Legitimacy	3.64	0.85	3.38	1.16	0.99	1.02
Procedural justice	2.96	1.05	2.94	0.93	0.99	0.02
Obligation to obey	3.87	0.69	3.44	0.93	0.99	4.02*
I help prison workers, whenever I can.	3.40	1.23	3.18	1.21	0.99	0.61
I should obey the instructions of prison workers because that is the correct thing to do.	3.70	1.03	3.32	1.21	0.99	1.85
I should do what prison workers instruct me if I understand the reasons for such a directive.	4.00	1.03	3.50	1.09	0.98	3.95*
I should do what prison workers instruct me if their actions are lawful.	4.25	0.91	3.76	1.08	0.98	3.85*
Trust in authority	3.08	1.23	2.89	1.05	0.99	0.56
Distributive justice	2.28	1.38	2.54	1.14	0.99	0.99
Effectiveness of the prison staff	2.92	1.11	2.85	1.01	0.99	0.09
Cooperation with the prison staff	2.56	1.26	2.66	1.13	0.99	0.15
Prison subculture	1.69	0.74	2.29	0.97	0.97	7.39**
If another prisoner makes me very angry, he deserves I attack him.	1.50	0.89	2.20	1.24	0.98	6.19**
Violating prison rules is not wrong.	2.00	1.21	2.27	1.23	0.99	0.89
I am always prepared to fight if someone is trying to take advantage of me.	1.60	0.88	2.30	1.28	0.98	5.76*
Prison workers are trying to harm me.	1.40	0.75	2.34	1.27	0.96	10.70***
If someone is trying to harm me, I will try to get him back.	1.60	0.88	2.38	1.24	0.97	7.72**
It is all right to assault another prisoner if he starts a fight.	1.75	1.07	2.20	1.26	0.99	2.39
It is sometimes necessary to fight to protect your honour.	1.80	1.15	2.25	1.33	0.99	2.18
Relations with the prison staff	3.47	0.80	3.22	0.96	0.99	1.23
Relations with prisoners	2.07	0.95	2.45	1.01	0.99	2.59

Note. n (male prisoners) = 252; n (female prisoners) = 20; M – Average value, SD – Standard deviation; * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Conclusion

Penological studies have demonstrated that the presence of legitimacy influences the stability and resilience of order in prisons (Hacin & Meško, 2020; Liebling & Price, 2001). However, differences between prison environments, especially between treatment and relations in women and men prisons, are noticeable. Consequently, it is not clear whether these differences that constitute the social environment of a prison influence prisoners' perception of legitimacy. Based on a national sample of Slovenian prisoners, the present study aimed to address this gap and advance our understanding of the impact of social context on the perception of legitimacy.

Findings showed that differences between female and male prisoners' perceptions of legitimacy exist but are not profound. In contrast to women prisoners their men counterparts are less willing to obey prison workers, which can be seen as a consequence of more intense internalisation of subcultural norms. Prison workers present the authority [of the state] to which, despite good relations, (especially) [male] prisoners often react with reservation or in some cases defiance (Weinrath, 2016). Maybe an even more important finding is that basically no differences exist between men and women prisoners' perceptions of legitimacy, trust, justice, effectiveness, and quality of relations with prison workers, and consequently, they express willingness to cooperate with them. It can be argued that the treatment of prisoners in Slovenian prisons, based on the concepts of resocialisation, is universal throughout the system, while the treatment programs and prison workers' "behaviour" is [sufficiently] modified to adhere to "individual" needs of all groups of prisoners; in this context, especially to the needs of women prisoners as they present "the minority" among imprisoned persons. Findings suggest that Bottoms and Tankebe (2021) thesis on the impact of social context on legitimacy is very limited in Slovenian prisons from the perspective of gender, however, certain differences were identified in the past between different prison regimes (Hacin, 2018). The impact of the social environment deserves further exploration in order to determine [all] variables/characteristics that influence prisoners' perception of legitimacy.

Finally, certain limitations of the study should be mentioned. First, the disproportionate sizes of the female and male prisoners can be seen as the greatest limitation of the study, however, the sizes of both samples reflect the proportion between female and male prisoners in Slovenia and the general characteristics of the prison population. To address this problem, quantitative research should be combined with qualitative methods that allow obtaining in-depth data from [relatively] small samples. Second, the problem of sincerity should be mentioned, as the possibility exists that prisoners gave socially desirable answers in the process of surveying due to fear of disclosures and possible sanctions from their supervisors. To avoid such behaviour, researchers ensured confidentiality and anonymity before surveying. Finally, in the study relations and legitimacy were measured only in one time period, which highlights the reliability of the results, as the unstable nature of legitimacy was confirmed in the prison environment (Hacin & Meško, 2024). In the future, longitudinal

studies should be conducted that would increase the reliability of results and provide a valuable insight to the [un]stable effect of social context on legitimacy.

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