

Examples of Papers Done in the Past

In a study of the impact of H & R Block on enforcement of the tax laws, a student relied on his own experiences working for Block. He was able to draw on such articles as Ross on insurance adjusters and several at the beginning of the last chapter dealing with the effects of structure on those who work in the field. Block translates complicated questions into yes/no rules for its employees. It takes a cookbook or checklist approach. It promises to go with a taxpayer who is audited but avoiding audits is one of the things Block is selling. Thus, it bends over backwards to call questions in a way to which the IRS will not object. The student contrasted this with the tax lawyer or CPA approach which is to take positions which can be legitimated more or less with an argument. If the IRS objects, then they play hardball negotiations. Often the claimed tax position will go through unchallenged. This is related to Doreen McBarnet's "whiter than white collar crime" and the idea that law itself can be used to evade the impact that the law was supposed to have.

In a paper on plea bargaining, a student looked at our book's note about attempts to do away with the practice. He then followed up on each of the jurisdictions where such a reform had been put in place. He looked at the various studies and newspaper accounts critically, showing he got something from the course's talk about methods. He then found that while plea bargaining could be ruled out, the actors in the criminal justice system turned to other devices to achieve much the same results. For example, the D.A. can influence the sentence by the charge

brought, and this can become a subject of bargaining. He listed several other ways to continue plea bargaining while doing away with it. This is a good example of a rights based system that

the person on the basis of extended knowledge. They deal with domestic disputes somewhat differently than Books 9, 10 and 11. See Book 12, 13.

It is not clear that racism was involved. The paper contrasts an ideological legal model of vindicating rights through an adversary system with the "political" approach taken by the defense lawyer. The paper asks a number of difficult questions about such a system. For example, most people are not able to bring the threat of negative publicity that might be generated by university researchers. Justice may be done in particular cases while the system grinds on with selective prosecution based on race, class and bias.

Notice what these papers do NOT do: **they do not ask what the law is or should be.** While there are ways to write a paper for the seminar that deals with courts and even with judicial opinions, typically the focus is not on courts (or courts applying legislation) but on all that matters outside of courts. Moreover, it is not enough to identify a social problem and write about it. You have to identify such a problem, and then ask how the legal system IN PRACTICE is likely to contribute to solving the problem or making the problem worse.

Often your problem will be gathering information about some aspect of the legal system. Access to information may determine your topic. Many students in the past have written about their experiences with the legal system or those of friends and family members. Notice the paper about police practices in a small town summarized above. The author grew up in that town and knew most of those involved. Others write about a legal agency where they clerked. Some held jobs before law school that gave them access and information about the law in action in a particular area. However, the plea bargaining study summarized above was a library project that turned out very well.

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Some Barriers to Drawing Conclusions from Social Science Research¹

1. The Problem of Snapshot Perspectives. Some of the most enlightening (and certainly most interesting) descriptions of poverty are descriptions of “soft” or “ethnographic” data. These are data that may have been gathered systematically, but which are reported in an anecdotal, narrative manner. This kind of research report is invaluable in that “hard”

(survey, demographic, experimental, etc.) data often cannot supply the whole picture of a situation or even a readily comprehensible piece of it. Kriesberg (1970) notes that in the study of social networks, for example, ethnographic and survey data lead to different conclusions. On one hand, one might surmise that survey data are misleading because so many important

2. Sample Bias and the Loss of Qualifying Tags in Secondary Reporting. The problem of “soft” data just described is a subtype of the larger problem of sample bias. Much research is necessarily done with a specific group which has a unique set of characteristics. Sample limitations don't necessarily mean that the research is useless — the results may, in fact, be highly significant for a whole range of groups and reliable, valid generalizations. The main problem arises when, in the course of synthesis and summarizing, the qualifying tags which

1. ~~often~~ ~~the~~ ~~sample~~ ~~not~~ ~~lost~~ ~~or~~ ~~the~~ ~~limits~~ ~~to~~ ~~generalizability~~ ~~are~~ ~~forgotten~~. We then tend to

find such developments as noncomnarable samples being compared to prove a point. or

not white; some are poor because times are hard and some are poor because they work at a job that doesn't pay much; and some are undoubtedly poor because they just have had bad luck while others are poor because they're basically lazy. Besides making it hard on the reviewer who is looking for information on only one type of poor person, this identity of all types of poor people — and particularly the merging of various types into an amorphous “lower class” or the categorization of all minority persons as poor — tends to obscure some very

A study by Polansky, Borgmann, and DeSaux (1972) will serve here not only as an example of this unannounced kind of sample bias, but also as an example of the way careless

4. Incomplete definition of the situation in which research is done. A problem parallel to the preceding one is that of unjustified generalization from circumscribed research situations to large classes of situations. Much of the research on the “Psychology of poverty,” particularly that with children, is carried out in “experimental” situations that are said to be “controlled.” These situations may be relatively invariant from one participant to the next (but

see Barber, 1976, on this point); the problem is whether or not they resemble situations to which generalizations are made and whether participants’ behavior is validly labeled. For example, “ability to defer gratification” and future versus present orientation are “traits” much

not of poor mothers but of poor mothers with particular characteristics.) But they assert that “child neglect is doubtless a phenomenon of poverty. It is not widespread among those who are better off . . .” (p. 6). They cite one study as evidence for this proposition which, on examination, turns out to be conjecture by a participant-observer of poverty. Later in the book they present evidence that AFDC mothers score as high on a childcare scale as self-supporting mothers. It appears in the end that they could have written the same book if they had used a sample of middle class mothers.

Nonexistent comparison figures are cited so often in the poverty literature and believed in so strongly that when researchers find disconfirming data they then conclude that they have aberrant results. It is probably safest to assume that comparable figures for poor and nonpoor groups do not exist unless specifically cited and that if data were collected, they would not

show poor - nonpoor differences (See Blum and Rossi, 1968, and Ziegler, 1971, for similar conclusions.)

6. Invalid inferences of causation. A related pair of points concerns the value of prospective studies over retrospective studies and the confusion of correlation with causation

A parallel problem is that of drawing inferences about problem causes (and cures) from correlation statistics. For example, economists construct elaborate models based on regression statistics which produce fine-tuned and probably valuable results, but they untenable assumptions and conclusions about causation. For example, Honig's (1974) study showed that the size of the average AFDC stipend, the proportion of female-headed families, and AFDC

-constitutes an important difference. For example, in the New Jersey-Pennsylvania negative income tax experiment a small minority of wives quit their jobs. There were significantly more of these in the guaranteed income group than in the control group. Is this significant in more than the statistical sense? Probably not. In the first year of the study 14 % of the experimental

Another version of this problem is that of using proportions that obscure the absolute size of a problem — or of a blessing. Proportionately, for example, the upper class produces more geniuses than the working class. But given the difference in absolute size between the upper and working classes, it is also true that the greatest number of geniuses come from the working class. That fact might be very relevant to, say, a policy maker interested in seeing that the country increases its number of active geniuses.

9. Problems of inadequate theories, concepts and methods. It goes without saying that theory and method are always inadequate and probably always will be, given the human and cultural limitations of social scientists. However, there are some specific problems which could be solved without touching the eternal need for consideration of more variables, more complex models, and better methodology. Among these problems are those of defining and shaping the variables one is going to work with, such as the following:

False dichotomies. Dichotomization of variables is sometimes unavoidable in research.

But it is less than the case that dichotomies are poor mirrors of the real world. The near/nonnear

solution in the poverty literature is to redefine his independence (as “familism,” or excessive loyalty to his family) rather than to rethink the concept.

Dubious continua. Dependency/independence can also be used as an example of a dubious continuum. These terms have commonly been used as end points for a continuum in the poverty literature, but some psychologists — who perhaps have been working with the concept of dependency longer than poverty researchers — have come to the conclusion that independence is not a fixed trait that readily stays put at one end, with dependency at the other. Rather,, these are constructions put upon complex person-to-person or person-to-environment relationships, constructions which change as one’s vantage point changes.

Alternative. Another problem continuum is to be found in questions like

habits; he calls them simply “blaming the victim.” For example, some data show that poor people are more likely than the nonpoor to say that they work mainly for money. According to some sociologists, this shows lack of commitment to the Protestant work ethic and explains why the poor seldom become (future-oriented) nonpoor. One could suggest, however, that the data reflect basic differences in the economic situations of the poor and nonpoor rather than value differences. The available evidence, in fact, does not show that the poor lack

achievement motivation.

It is difficult, however, to recognize our pejorative labels and the underlying hypotheses. A clarifying exercise is to take a “trait,” reassign it to the “good” group, and change the label. For example, take “illegitimacy.” Assume that young unwed mothers on welfare are most often from the middle rather than the lower class. Assume also that an unwed mother who keeps her baby and goes on welfare shows admirable child-orientation, self-direction, and independence from her family of origin. In contrast, then, an unwed pregnant woman who has an abortion, gives up her baby for adoption, or enters a forced marriage with an unloved or high risk partner is exhibiting dependency and excessive conformity to social pressure. And finally, rename illegitimacy “the free birth rate.” Development of this line of

researchers' say they are measuring and what they are actually measuring. For example, Goodwin (1970) in an otherwise excellent study of work motivation, found a related set of

questions which he dubbed "lack of confidence in ability to succeed in the work world." Four items concerned lack of commitment to work (e.g., work for money, just to make a living) and four suggested that to get ahead you have to be lucky and likable. Goodwin reasoned that emphasis on money indicates a lack of confidence about one's earning ability while emphasis on luck indicates uncertainty about the effectiveness of effort. Therefore, he concluded, the whole cluster of items reflected confidence in ability to succeed in the work world. However, he had no direct evidence for this assumption. Since the cluster so clearly consisted of two distinct clusters, neither of which directly concerned confidence, the finding that the items

useful as a correct error warning, however, to give some specific examples of problems with

he may be basically lazy. Perhaps it's fortunate for him that jobs are hard to get or perhaps

not. Careful consideration both his attitudes toward work and the job market and the

of his own self. I feel that if we want to be sure we really understand the situation

Furthermore, findings may not only mushroom in significance, they sometimes get turned inside out. Berkowitz (1971) and Yarrow et al. (1968) describe what is generally a well-known phenomenon as secondary sources: the probability that a finding has been refashioned

through leveling and sharpening as it is restated by successive citers. Berkowitz's article concerns the odyssey of a minor finding from an early piece of research through various permutations to its final home in textbooks where it is cited for a thesis that it does not support, much as a rumor is made more understandable or congruent with expectation, as it spreads through a group. Once the final polished product enters the conventional wisdom it is very difficult to see that the data base needs reexamining and that perhaps a whole consensus of

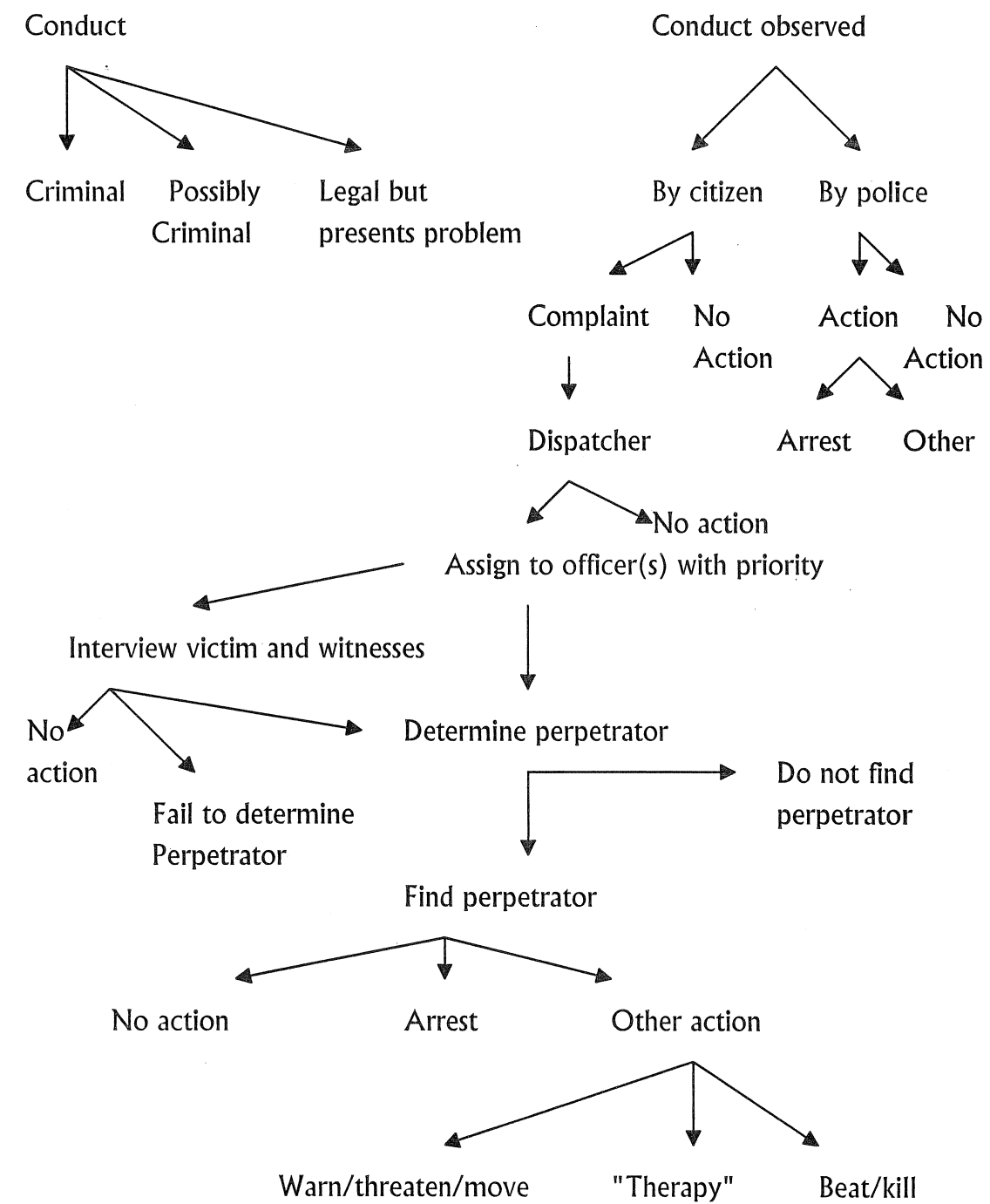
This equation of statistical significance with publishability and theory development has wide-reaching and long-lasting pernicious effects on the development of both theory and policy. (See Walster and Cleary, 1970, and Walster and Tretter, 1974, for constructive discussions of this problem.) It is on the basis of this that we might designate as major barriers

in the poverty literature the authors of the Michigan panel study of income dynamics (Morgan et al., 1974). They comment on the “significance” problem as follows:

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” The capacity of the human mind to find regularities, focus on the unusual, and combine things is such that there is great danger of pouncing on findings that ‘fit.’ The reader should be warned that in spite of everything, negative

given to tenure aspirants by Nitsche, 1978.) Furthermore, the geographical separation of disciplines on a campus makes it unlikely that scholars working on the same problem in different disciplines will discover each other. In short — there are a variety of factors that converge on the maintenance of pockets of ignorance within disciplines and nonsharing of insights and information between disciplines. The lesson of this for the consumer of social science research is to be wary of even the most prestigious scientists when they step beyond the boundaries of their own discipline.



The police and discretion

Lisa G. Lerman, The Decontextualization of Domestic Violence, 83 J. Crim. Law & Criminology 217 (1992)(part of a symposium on domestic violence in this issue).[Criticism of Sherman & Berk’s impact on policy change in various cities in light of later evaluation research]

Kane, Patterns of Arrest in Domestic Violence Encounters: Identifying a Police Decision-Making Model, 27 J. Crim. Justice 65 (1999).

Robinson, The Effect of a Dometic Violence Policy Change on Police Officers’ Schemata, 27 Crim. Justice and Behavior 600 (2000).

Kane, Police Responses to Restraining Orders in Domestic Violence Incidents: Indentifying the Custody Threshold Thesis 27 Crim Justice and Behavior 561 (2000)

aliation

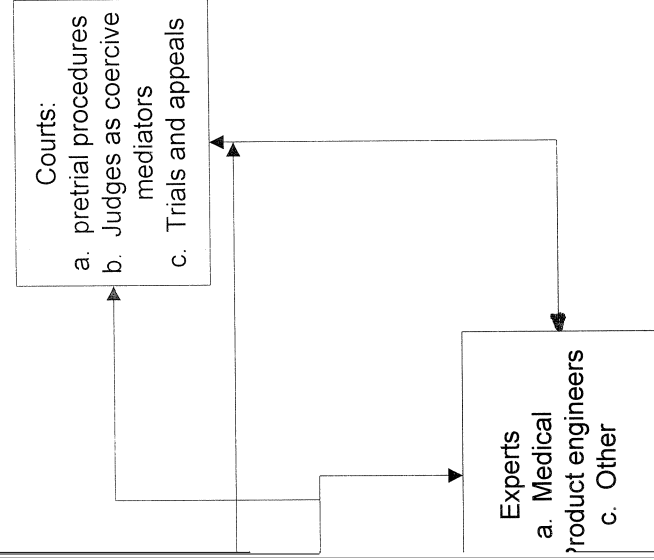
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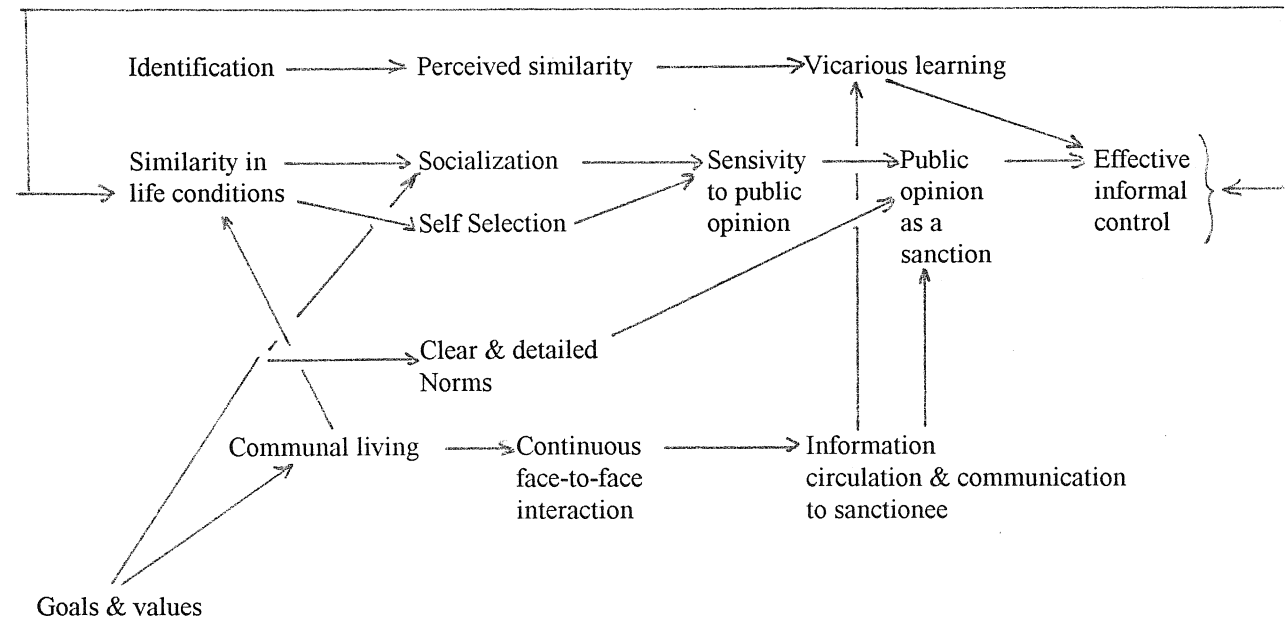
"Call the cops"

elfare"--insurance; sick leave;
ite compensation systems
rt" system

Call defendant's insurance company

See plaintiff's lawyer





[Marc Galanter's diagram of Schwartz] p.171