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 and 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 legitimized 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.
the person on the basis of extended knowledge. They deal with domestic disputes somewhat
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.
Some Barriers to Drawing Conclusions from Social Science Research

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

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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...
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
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
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 individuals do not exist unless specifically cited. What if data were collected they would not . . .
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 AEFC
-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 marginal case"? 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:

Dichotomies. Dichotomization of variables is sometimes unavoidable in research.
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.
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...
researchers say they are measuring and what they are actually measuring. For example,
he may be basically here. Perhaps it's fortunate for him that jobs are hard to get, or perhaps...
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

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 Trettter, 1974, for constructive discussion of these effects.)
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 non-sharing 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.
Conduct observed

By citizen

Complaint

No action

Dispatcher

No action

Assign to officer(s) with priority

Interview victim and witnesses

Fall to determine Perpetrator

Determine perpetrator

Do not find perpetrator

Find perpetrator

No action

Arrest

Other action

Warn/threaten/move

"Therapy"

Beat/kill

The police and discretion


Call the cops

call for

benefit—insurance; sick leave; ite compensation systems
rt system
Call defendant's insurance company
See plaintiff's lawyer
Courts:
- a. Pretrial procedures
- b. Judges as coercive mediators
- c. Trials and appeals

Experts:
- a. Medical product engineers
- c. Other
[Marc Galanter's diagram of Schwartz]