

Problem Set #2

MACS 30000, Dr. Evans

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1. **Critical review computational approach to answering research question.** Assigned text: Sharyn Roach Anleu and Kathy Mack, [“Performing Authority: Communicating Judicial Decisions in Lower Criminal Courts,”](#) Journal of Sociology, 51:4, pp. 1052-1069 (2015).

- (a) State the research question of your assigned paper.

How do magistrates perform their authority in the delivery of decisions in open court? Do magistrates communicate different types of decisions in distinct ways?

- (b) What data did the paper use?

The paper uses data from a national court observation study of criminals in Australian lower courts, collected by the coauthors prior to the current paper. The observational data focuses on how magistrates communicate decisions to various audiences including the person facing criminal charges. The data collection followed a pre-prepared templates, developed to maximize consistency between observers and to provide specific guidance on the coding of the relevant behaviors and events. The unit of observation was a "matter," or an instance where the defendant's case was called in court. The data includes total 1,287 matters. Total 27 different magistrates were observed in 30 different court sessions in 20 different locations.

- (c) What theory did the paper reference in order to interpret the data?

Two of the major theoretical references of this paper include Max Weber's theory on authority and legitimacy and Ervin Goffman's theory on face-to-face interaction and social situation. The former is used to identify the source of authority for the judicial officers. More specifically, the conventional understandings of the judicial role, which involves impersonality, dispassion, and neutrality of a judicial officer, contribute to the legitimacy and legal authority of the magistrates. The latter is used to support the importance of face-to-face encounter between a magistrate and a defendant situated within the social and organizational dynamics of the courtroom and to provide the connection between the magistrate's communication strategies and performance of legitimacy. The paper also refers to the notion of procedural justice, which allows the the magistrate to build and maintain legitimacy in the midst of his or her face-to-face encounter with the dependent.

- (d) Was your assigned paper a descriptive study, an identification exercise, a numerical solution to system of equations study, or some combination of the three?

This paper is a descriptive study, which slices the data in multiple ways to gain insights as well as find supporting evidence for its argument.

- (e) What computational methods did this paper use to answer the research question? What was their result or answer to the question?

The paper uses the Chi-Square test for independence to check the independence of some categorical variables. More specifically, the paper conducts two sets of test. In the first set of test, the paper compares the type of decision (sentencing or non-sentencing) and the direct engagement (looking at and/or speaking to the defendant). In the second set of test, the paper compares the type of decision and the structure or order of communicating the decisions. The paper distinguishes three different structures: 1) result first, then reasons, 2) decision only, and 3) summarizes then decision. In each set, the test is first done without, and second with taking into account an extra dimension, i.e. the presence and absence of defence representatives.

Key results of the tests are the following: the type of decision (sentencing or non-sentencing) seems to have substantial influence on how much the magistrate looks and/or speaks to the defendant. More specifically, the magistrate is more likely to look at and/or speak to the defendant when communicating sentencing decisions. When communicating sentencing decisions, the magistrate is very likely to look at and/or speak to the defendant regardless of the presence/absence of the defendant's legal representative. However, when the magistrate is communicating non-sentencing decisions, the presence of the legal representative appears to make some difference. In this case, the magistrate is less likely to directly engage the defendant when the legal representative is present.

The type of decision also seems to make significant difference to the structure of communication. When communicating a sentencing decision, the magistrate is most likely to summarize issues and then gives the decision. For other types of decision, the magistrate is most likely to give the decision only. The presence of the defendant's legal representative makes difference when communicating sentencing decision, but does not when communicating non-sentencing decision.

These findings suggest that magistrates perform their judicial authority by using more than formal markers of legal authority. In particular, magistrates engage the defendants more directly when communicating sentencing, highlighting the interactional dimensions of the legal process and the legitimacy of judicial authority.

- (f) Give two suggestions to the author(s) of your assigned paper of things the authors might do to improve their results or strengthen their evidence for the answer to the question.

First, the authors can benefit from going beyond a simple descriptive project and incorporating some identification exercise into the paper. In doing so, the authors will be able to quantify the extent to which the type of decision influences the magistrates' direct engagement of the defendants and the structure of communication, rather than simply pointing out evidence for existing difference.

Second, the authors can benefit from taking into account other variables, in addition to the direct engagement and the structure of communication, that may contribute to the interaction in the courtroom and the performance of legal authority. Such variables may include, but not are limited to, personal and professional attributes of the magistrate (gender, age, years of experience, past cases, etc.), attributes of the defendant (gender, age, criminal history, etc.), and attributes of the matter (time of the day, type of case, etc.). Of course, the authors will have to take care in their choice of additional variables, since they have only a little more than 1,200 observations.