From the Editor

The label "replication" has a mundane sound to it. Honest editors and reviewers will confess that the term does not fill them with excitement about the new ideas a manuscript is likely to contain. Yet attempts to replicate are crucial for the healthy growth of science, and they often provide unexpected insights.

The recent career of the much publicized Minneapolis Domestic Violence Experiment conducted by Sherman and Berk (1984) provides a poignant lesson in the perils of generalizing from the results of a single study. In the original well-designed randomized experiment, individuals arrested in incidents of domestic violence showed lower rates of recidivism than did individuals who were not arrested. While cautious scholars raised questions about the interpretation of the findings, counseled restraint in generalizing from the results of this single study, and called for replication before policies favoring arrest were adopted on the strength of the Minneapolis findings (see especially Lempert 1984, 1989), that advice was largely ignored. The experiment and the attendant publicity sought by the authors of the study (Sherman and Cohn 1989) encouraged many police departments to adopt a policy of arrest following incidents of domestic violence.

Fortunately, six replications were carried out, in fact stimulated by the publicity from the first experiment. The results from the Omaha, Nebraska, replication were published last year (Dunford, Huizinga, and Elliott 1990). The Minneapolis treatment effect of arrest disappeared: the authors found no differences in prevalence or frequency of repeat offending between suspects in domestic violence cases who were randomly assigned to arrest and those assigned to other treatments. Indeed, in the six replications funded in the wake of the Minneapolis experiment, three showed a deterrence effect of arrest six months later and three did not (Sherman in press). Even more troubling is evidence that at some sites those in the arrest treatment group demonstrated an *escalation* in violence when the follow-up period was extended. The meaning of deterrence and the policy implications of arrest are no longer clear, but will the replications receive the attention given the original experiment? The new data are surely crucial as we try to understand how law affects these volatile interactions.

The decision to conduct a replication can ensnare researchers in a catch-22: if the replication simply reproduces the design of the original piece of work and finds the same result, journals will generally be less interested in publishing the findings and the researcher will not receive much credit for creativity and intellectual

LAW & SOCIETY REVIEW, Volume 25, Number 3 (1991)

https://doi.org/10.1017/S0023921600019137 Published online by Cambridge University Press

contribution. Yet, if the replication makes changes in the design and the researcher obtains results different from those produced in the original study, then each change from the original study, whether intentional or inadvertent, becomes a candidate for explaining the different result. This research dilemma may explain why it took more than twenty years to produce a partial replication of Schwartz and Orleans's (1967) classic field experiment. Schwartz and Orleans explicitly invited replication of their work, but the invitation had not yet been accepted in 1989 when the National Academy of Sciences Panel on Tax Compliance (Roth, Scholz, and Witte 1989) pointed out the importance of the experiment and wondered whether it should or could be replicated. Taking up the challenge, Kathleen McGraw and John Scholz in this issue report the results of a partial replication of the 1967 experiment.

In the original study, Schwartz and Orleans used the occasion of a public opinion survey to embed several questions emphasizing moral reasons for complying with the tax laws. Taxpayers who received this appeal reported higher gross incomes on their tax returns and paid higher income tax than did taxpayers who participated in the survey but who were not asked the questions appealing to their civic duty to fully pay their taxes. McGraw and Scholz, in their replication of the Schwartz and Orleans research, also tested the effect of a normative message, in this case delivered in a videotaped presentation. While they found that the videotaped message produced substantial changes in tax-related knowledge and attitudes, it did not produce a change in taxpaying behavior. In their search for what might explain the different results, McGraw and Scholz point to the variety of differences between their study and the original piece: the timing of the message, place, sample size, a change in political and social climate since 1967. While each of these may provide a reasonable account for the difference, McGraw and Scholz suggest another possibility that promises new insights about the compliance effect Schwartz and Orleans found. The survey approach used a question and answer format which led taxpayers to engage actively in value self-confrontation, while the respondents' passive role in the videotape replication entailed less taxpayer involvement. This explanation for the processes that mediate tax compliance, if accurate, has implications for other forms of compliance, as well as for policies designed to stimulate tax compliance. Researchers should not wait another twenty-four years to test systematically this plausible explanation of the compliance process.

Multisite research offers many of the substantive contributions of replication when studies produce similar results at those different sites. When the results are different, they can reveal the idiosyncrasies of single-site results. Herbert Kritzer, W. A. Bogart, and Neil Vidmar explore the cultural factors that influence com-

https://doi.org/10.1017/S0023921600019137 Published online by Cambridge University Press

pensation seeking in the wake of injury. Their surveys in the United States and Canada show not only different rates of claiming and seeking legal assistance but also different patterns in the predictors of claiming in the two locations. While it is difficult to be certain what differences account for patterns they observe (e.g., fee-shifting arrangements, cultural heterogeneity), the findings caution against simplistic explanations (e.g., the overlitigious American) and overgeneralizations about litigation behavior.

The next three articles do not deal with replication, but involve new research areas, and their findings may stimulate others to return to these topics in the future. In a study of litigation patterns very different from the Kritzer et al. article, Robert Moog's research examines the *lok adalats* (people's courts) in northern India. Analyzing the relationship and interests of the key personnel (organizers, administrators, and staff), he provides an account of dispute processing that extends beyond the traditional focus on the disputant and state interests stressed in much previous work. He shows how organizational politics affects both which cases come before the lok adalats and the way they are dealt with when they are brought. His study reveals how the interests of key officials affect disputant choices at case selection and settlement stages, and how beneath the apparent conciliatory success of the lok adalat in settling large numbers of cases is a primarily administrative system of enticements and coercion.

The gatekeeping activities of immigration inspectors are the focus of the fourth article. Janet Gilboy, in one of the first studies of decisionmaking by immigration officials, describes how organizational concerns and conditions mold inspectors' discretionary judgments. Inspectors must select from a large number of passengers those few who will receive a thorough secondary inspection. Gilboy shows that their swift processing judgments are best seen as the result of categorizations and practical decisionmaking rules that reflect the concerns of the port of entry and the constraints of the organizational setting (e.g., the rush of passengers to be processed at particular times).

Courts are often criticized for ordering changes that promise relief but impose unanticipated social and economic costs on the legal system and its citizenry. William Kelly and Sheldon Ekland-Olson explore the consequences of court restrictions on prison capacity. In addition to the anticipated effect of stimulating the building of prisons, the court restrictions produced consequences throughout the criminal justice system, ranging from arrest to release on parole. Using survival analysis to follow the probability and pattern of return to prison among four successive cohorts of parolees, Kelly and Ekland-Olson find evidence that the ultimate effect of early release to alleviate prison crowding was to increase reincarceration rates through changes in cohort composition and

https://doi.org/10.1017/S0023921600019137 Published online by Cambridge University Press

administrative discretion exercised by parole authorities, as well as reduced deterrence.

The final two pieces in this issue extend the debate between procedural justice theorists Tom Tyler and Ken Rasinski and political scientist James Gibson on whether the ability of the U.S. Supreme Court to legitimate unpopular decisions arises from perceptions that the Court uses fair procedures in reaching those decisions. Tyler and Rasinski, responding to Gibson's 1989 article in the *Review*, find an indirect effect of perceived fairness on acceptance of unpopular decisions through its influence on diffuse support for the court. Gibson, in his rejoinder, points out the difficulties of empirically distinguishing between the effects of perceived fairness on diffuse support and the effects of diffuse support on perceived fairness. The essays published here were the result of healthy scholarly exchange by both sides that sharpened the points at issue, and while the debate is likely to continue, with supporters on both sides, the published exchange is the kind of scholarly debate that is welcome in the pages of the *Review*.

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October 1991

REFERENCES

DUNFORD, Franklyn W., David HUIZINGA, and Delbert S. ELLIOTT (1990) "The Role of Arrest in Domestic Assault: The Omaha Police Experiment," 28 *Criminology* 183.

GIBSON, James L. (1989) "Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance," 23 *Law & Society Review* 469.

LEMPERT, Richard O. (1984) "From the Editor," 18 *Law & Society Review* 505.

——— (1989) "Humility Is a Virtue: On the Publicization of Policy-relevant Research," 23 *Law & Society Review* 145.

ROTH, Jeffrey A., John T. SCHOLZ, and Ann Dryden WITTE (1989) *Taxpayer Compliance*, Vol. 1: *An Agenda for Research*. Philadelphia: University of Pennsylvania.

SCHWARTZ, Richard D., and Sonya ORLEANS (1967) "On Legal Sanctions," 34 *University of Chicago Law Review* 274.

SHERMAN, Lawrence W. (in press) *Policing Domestic Violence*. New York: Free Press.

SHERMAN, Lawrence W., and Richard A. BERK (1984) "The Specific Deterrent Effects of Arrest for Domestic Assault," 49 *American Sociological Review* 261.

SHERMAN, Lawrence W., and Ellen G. COHN (1989) "The Impact of Research on Legal Policy: The Minneapolis Domestic Violence Experiment," 23 *Law & Society Review* 117.

https://doi.org/10.1017/S0023921600019137 Published online by Cambridge University Press