

Contents

Preface	v
List of Figures	xi
List of Tables	xiii
I INTRODUCTION	1
1 Empirical legal studies	3
1.1 Introduction	3
1.2 Various definitions of empirical legal studies	4
1.3 The trias ELSica or the three pillars of empirical legal research	5
1.3.1 Positioning of ELS vis-à-vis other disciplines	8
1.4 Methods for empirical legal research	11
1.4.1 Qualitative and quantitative methods	12
1.5 Outline of this book	15
2 ELS research methodology: general issues	17
2.1 Introduction	17
2.2 Empirical cycle	17
2.3 Literature search and source evaluation	21
2.4 Conceptual and operational definitions	22
2.5 Pilot study	24
2.6 Validity and reliability	24
2.6.1 Reliability	24
2.6.2 Validity	26
2.7 Qualitative and quantitative studies	29
2.7.1 Mixed methods and triangulation	30
2.8 Macro-, meso- and micro-level studies	32
2.9 Primary and secondary data	32
2.10 Research ethics: rules and conventions	34
2.10.1 Legal framework: the GDPR	35
2.10.2 Code of conduct: the ALLEA Code	36

2.10.3 Internal review boards	37
II MEASUREMENT	39
3 Measurement units	41
3.1 Populations and samples	41
3.2 Representativeness and generalizability	42
3.3 Types of samples	45
3.3.1 Probability samples	46
3.3.2 Non-probability samples	54
3.4 Bias and noise	61
3.5 Sample size	63
3.6 Sample nonresponse and representativeness	65
4 Data collection methods	69
4.1 Introduction	69
4.2 Interviews and questionnaires	70
4.3 Design of interviews, questionnaires and questions	80
4.3.1 Interview design	80
4.3.2 Questionnaire design	81
4.3.3 Types of questions and question design	83
4.4 Interviewing: skills and approach	89
4.5 Observation	90
4.6 Data collection from documents	93
4.6.1 Coding schemes	93
4.7 Relative strengths and weaknesses	96
5 Measurement design	99
5.1 Introduction	99
5.2 Dependent and independent variables	103
5.3 Causality	104
5.4 Interventions and change	106
5.4.1 Threats to internal validity	108
5.5 Types of (experimental) designs	114
5.6 Longitudinal and cross-sectional designs	117
5.7 Vignette studies	117
5.8 Pros and cons of various designs	118
5.9 Natural experiments	119
5.10 Further reading	122
III DATA ANALYSIS	125
6 Quantitative data: univariate and bivariate analysis	127
6.1 Analysis units versus variables	127

6.2	Measurement levels	129
6.2.1	Nominal to absolute measurement level	129
6.2.2	Implications for analysis	132
6.3	Describing the variables	132
6.3.1	Central tendency: the mean, median and mode	133
6.3.2	Measures of variability	134
6.3.3	Graphs for visualizing the variables	135
6.4	Describing the association between variables	137
6.4.1	Correlation coefficients	138
6.4.2	Other measures of association	143
6.4.3	Graphs for describing the association between variables	149
6.5	Duration variables: survival analysis	150
6.6	Wrapping up	157
7	Qualitative data analysis	159
7.1	Introduction	159
7.1.1	The iterative nature of qualitative research	160
7.1.2	Modes of qualitative data collection and analysis	162
7.2	Coding qualitative data	164
7.2.1	Description: first-level coding	165
7.2.2	Analysis: second-level coding, patterns and typologies	170
7.3	Content analysis	173
7.3.1	Systematic case law analysis	176
7.4	Analysing other material	177
7.5	Reliability and validity in qualitative analysis	178
7.6	Wrapping up	179
7.7	Further reading	180
8	Inferential statistics	181
8.1	Statistical testing	182
8.1.1	Day-to-day statistical reasoning	182
8.1.2	More formalized statistical reasoning	184
8.2	Distributions and tests	187
8.2.1	Standard scores and testing	190
8.3	Sampling, significance and power	194
8.3.1	Hypotheses revisited	197
8.4	Theoretical foundations of sampling and testing	199
8.5	Estimation and uncertainty	201
8.5.1	Point estimates versus interval estimates	201
8.5.2	Confidence intervals	202
8.6	Practical limitations in sampling and testing	203
8.7	Wrapping up	204

9 Quantitative data analysis: multivariate analysis	207
9.1 Models	208
9.1.1 Models with dependent and independent variables	209
9.1.2 Model building	210
9.1.3 Model fit	212
9.2 Regression model	214
9.2.1 When to employ regression analysis	214
9.2.2 Simple regression analysis	215
9.2.3 Multiple regression analysis	219
9.2.4 Model fit	221
9.2.5 Tests	222
9.2.6 The workhorse of multivariate analysis	223
9.3 Analysis of variance model	226
9.3.1 When to employ analysis of variance	226
9.3.2 Analysis of variance proper	227
9.3.3 Factorial analysis of variance	232
9.3.4 Tests	235
9.3.5 Model fit	235
9.4 Wrapping up	238
9.5 Further reading	239
10 Three worked ELS examples	241
10.1 Introduction	241
10.2 Experiences with mandatory work programmes: qualitative analysis .	242
10.2.1 Data collection	243
10.2.2 Analytic methods: coding and discovering patterns	243
10.2.3 Answering the research questions	250
10.3 Apologies: systematic case law analysis	253
10.3.1 Data collection	254
10.3.2 Analytic methods: coding	255
10.3.3 Analytic methods: classification and finding patterns	256
10.3.4 Answering the research questions	258
10.4 International sentencing: multivariate analysis	259
10.4.1 Data collection	260
10.4.2 Analytic methods: bivariate data analysis	261
10.4.3 Analytic methods: multivariate data analysis	262
10.4.4 Answering the research questions	265
11 Conclusion: some generic methodological issues	267
11.1 The particular setting of empirical legal research	267
11.2 Correlation is not causation	268
11.3 Replication, triangulation and mixed methods	268
Bibliography	271
Subject index	279