

## OF NUMBERS AND NARRATIVE

Paper prepared for presentation at the Law & Society Annual Meeting,  
Amsterdam, June 1991.

Kathleen Daly, Department of Sociology, Yale University  
*Please do not quote without permission of the author.*

In his essay on storytelling, Richard Delgado (1989) describes how a job candidate for a law school position -- a black man named John Henry -- experienced racial discrimination in the hiring process. As Delgado's story unfolds, we meet another character -- Professor Vernier, who is a faculty member at the law school. Both Vernier and then the judge responding to John Henry's job discrimination complaint use a set of "neutral" evaluation categories which undercut Henry's claim of racial discrimination.

Henry's "outsider" story of racial discrimination is retold by the professor as simply a problem of Henry "not measuring up" to law school standards. And, subsequently, Henry's account is "officially devalued" by the judge. This is how Delgado describes the judicial order dismissing John Henry's case: "Putting the facts in the linguistic code required by the court sterilized them. The interview was abstracted from its context, squeezed into a prescribed mold that stripped it of the features that gave it meaning for Henry. It lost its power to outrage" (p. 2428).

Delgado's observation of how stories are "retold" in a legal context has parallels in the social sciences. One point I want to make is that in the simple act of counting and classifying events, a different story (perhaps more "sterilized") is told about those events. For those of us in the social sciences, we should be asking whether, in our efforts to say something about aggregates of people, we lose the drama of their lives. It is not just that texture or detail is lost, but that the power of the story and the power relations in a story seem to disappear.

The problem of quantification is not new: the social science world has long been divided between those who want to count and classify and those who want to analyze meaning in interaction. There is a “cross-over” contingent (I include myself in this group) who want to combine the strengths of both approaches. But our aim of using “multiple methods” or of joining “numbers with narrative”<sup>1</sup> is not without problems.

What also sparks my interest in “numbers and narrative” is a conversation I had with Martha Fireman about the direction of U.S. feminist socio-legal scholarship (and perhaps U.S. feminist work, more generally). My impression is that the “textual” or “linguistic turn” in feminist academic work has come to dominate the production of knowledge. Data are “out,” text is “in,” and some see no reason to distinguish the two.

Although much can be learned with story-telling, narrative, and interpretive approaches in the reconstruction of knowledge, I worry about what these approaches cannot do, which leads me to my second point: in a literal and figurative sense, we should be asking, what do these stories add up to? For research on law and legal process, my concerns are, what does it mean to focus on one or several “celebrated cases” -- whether trials or persons? Unless we give readers a sense of the typicality of a case or variation across cases, I fear we are engaging in a feminist form of sensationalism or anecdotalism.

Now, let me join the concerns raised in points 1 and 2: (1) quantifying stories takes the power out of them and (2) individual stories may be powerful, illuminating, or instructive; but what do they add up to, or what is their range or variability? I want to show the tradeoffs between quantifying stories and focusing on individual cases or narratives by drawing from my research in analyzing materials from the New Haven felony court.

### **Research experiences from the New Haven felony court**

*Methods and materials.* My approach was to select a smaller set of cases (the “deep sample”) from a larger group of cases (the “wide sample”) of defendants

---

<sup>1</sup> Although I was not conscious of it at the time, the title of my paper borrows from Light and Pillemer’s (1982), whose discussion focuses on combining quantitative and qualitative evidence in reviews of the research literature.

convicted in the New Haven felony court (1981-86). For the deep sample, I selected 40 men and 40 women who were accused and convicted of the same or nearly the same set of charges for the major types of felonies. I obtained the Pre-Sentence Investigation reports (PSI's)<sup>2</sup> and transcripts of the remarks made at sentencing for these defendants. With this methodology, I can make claims with some confidence about the "typicality" (or not) of particular types of offenses, and I can compare men and women who have been accused and convicted of "like offenses," at least in a statutory sense. Also, in analyzing the wide and deep samples, I can contrast the statistical analyses of sentencing with the stories behind the statistics.<sup>3</sup>

*Analyzing the materials.* To illustrate points 1 and 2, I will give some examples of what happened to me in moving from numbers to narrative, and then, what I learned in coding the narratives.

*1. Early phase: from case numbers to real lives.* During the first months of reading the PSI's, I recall the surprise I had reading them. The nature of the offense was far more dramatic and mundane than I expected. Also vivid in these early days was how my "case numbers" were transformed to real people and real crimes. I became absorbed with the details of, say, Toni's life (a working-class Italian woman who tried to hold up a jewelry store) or Edie's life (a middle-class elderly black woman who stabbed her 90-year old stepmother one morning), along with 78 other men and women.

*2. Next phase: data reduction.* There is a turning point in research like mine when you have to pull away from the detail. I focus first on the defendants' biographies, and then on the nature of their offenses.

(a) Biography. I wondered, how similar or different Toni's and Edie's life were from the other deep sample women? (And the same for the deep sample men.) So, I began to classify and count, creating categories in which to place their experiences. Did

---

<sup>2</sup> A PSI is a document of 3 to 4 single-spaced pages, which is written by a probation officer to guide the judge at sentencing. It contains sections describing the offense, the victim's and offender's version of what happened, the defendant's criminal and social history, and probation officer's sentence recommendation.

<sup>3</sup> My general focus for the research is on how gender and race structure court officials' justifications for punishment; and how "equality" and "justice" can be measured in the penal process.

they grow up in a single-parent family? Did they finish high school? Did they have problems with drug or alcohol addiction?

In this act of “data reduction,” I began to see what I was doing with the stories of individual cases: I was squeezing the power out of the biography, and I was removing the “click” that crystallized the meaning of the crime.<sup>4</sup>

There is something to be gained from this “abstracting work.” I can tell you what percent of the deep sample of women and men were abused as children, and I can tell what percent of the women have been abused by boyfriends or husbands. I can also tell you what proportion has a problem with drugs or alcohol, what percent grew up in economically rough conditions, and the like. But in reducing the detail and individuality of defendants’ lives to these categories, much of the “truth” of their lives lies elsewhere.

(b) Crime. In analyzing the nature of the offenses, another set of problems emerged. To compare the character of men’s and women’s lawbreaking, I developed a coding scheme to check the presence or absence of particular elements in an offense. Here I’ll use my analysis of robbery cases to illustrate what happened.

My first reading of the robbery case narratives gave me the impression that men’s and women’s robberies were different. There were differences in the gender composition of robbery groups (i.e., when men and women worked in groups, their accomplices were male); in addition, the crime narratives also suggested something more dangerous about the men’s than the women’s robberies.

Then I coded the robberies using a checklist with elements such as, was a weapon used? Was the victim a street person or someone working in a shop? Did the defendant play an active or less active role? I was surprised with the results after coding the cases since they challenged my earlier impression that men’s and women’s robberies were different. I found that women were as active as the men; they were as

---

<sup>4</sup> Parenthetically, I note that the PSI narrative and the sentencing remarks can do this as well: the “click” of the story is taken away; the reason for a crime is wrested from a defendant’s account. It is made incomprehensible, and hence more reprehensible. This is similar to the concerns raised by Delgado about the “official” story.

likely to use weapons in the robbery, and the amount taken in the women's robberies was, on average, *higher* than that of the men.<sup>5</sup> What happened in moving between the narrative and my effort to quantify the narrative? Why was the narrative telling one story (women's robberies seemed less dangerous than men's; there were gender differences), while my coding scheme suggested a different story? (men's and women's robberies were rather "similar")?<sup>6</sup> I can reconstruct what happened -- my coding scheme was useful in checking for and in counting up the presence or absence of certain case elements, but it could not by itself make sense of the "seriousness" of the robbery -- or what I term the gestalt of the harm.

To wrap up with some concluding observations.

It is useful to see the parallels between the way in which the law or legal officials "retell stories" and the way in which social science approaches to counting and classifying do the same. Delgado emphasizes the ways that a plaintiff's story of harm is "discounted" by legal (and other) official accounts. I am interested in how social scientists "retell stories" by our efforts to describe the range and variability across "many stories" of harm.

In moving from the statistical abstraction of the wide sample of cases to the texture and detail contained in the narratives of the deep sample, I am convinced of the need to flesh out the "stories" of defendants' lives and the character of the lawbreaking which is behind the statistics. But an equally important move is in the other direction, that is, going from the stories to methods of comparison and summary, and thus to an ability to describe variation (and similarity) across cases.

My analysis of the robbery cases leaves me with this concluding thought.

---

<sup>5</sup> Apart from the gender composition of robbery groups, the other difference I noted was that more women than men knew the victims of their robberies. Victim-offender relations, though important, were not determining in imparting the sense of seriousness of the robbery

<sup>6</sup> These questions are important to consider in *any* analysis of how group life is "gendered" or how gender difference is read into accounts of social phenomena. It may also help to understand why individual narratives may yield stronger gender imagery than quantifying elements from many narratives.

I wonder if narrative allows a reader to “see more gender” or read more “gender difference” (or other differences such as class, race, age) into a story in comparison to forms of quantification, which may impose a more neutral reading on a story. If so, then we should begin to understand why distinctive forms of feminist knowledge are emerging, and we should become more discerning of the tradeoffs in analyzing text and data.<sup>7</sup>

## References

Delgado, Richard (1989) “Storytelling for oppositionists and others: a plea for narrative.” *Michigan Law Review* 87: 2411-41.

Light, Richard J. and David B. Pillemer (1982) “Numbers and narrative: combining their strengths in research reviews.” *Harvard Educational Review* 52: 1-26.

Harding, Sandra (1986) *The Science Question in Feminism*. Ithaca NY: Cornell University Press.

---

<sup>7</sup> In saying this, I am suggesting that Harding’s (1986) conceptualisation of feminist knowledge debates may be too simple and unidimensional. Differences across the disciplines in the range of materials used and questions asked invite an additional set of issues about methodology and interpretation. These issues are not about epistemology *per se*, but are more about modes of and rules for presentation.