CJS/SOC 321 Glossary

adjudication: the resolution of disputes or conflicts by referring the issues to a court or a similar process

arbitration: the resolution of a dispute by turning it over to an impartial third party with the power to make a binding decision

appellate courts: those that don't conduct trials but rather only hear appeals from the decisions of lower courts. They don't take or hear evidence themselves but only consider evidence already presented in lower courts

balancing test: a legal rule requiring the interpretation and weighing of multiple factors

bright line rule: a legal rule that is based on one criterion and leaves no room for interpretation

cartel: a group of producers who come together to monopolize a market

constitutive: having the power to enact, appoint or establish

courts of original jurisdiction: courts where litigants try cases, they are not courts that hear appeals of decisions made by other courts

covariates: other independent variables in a statistical model

critical legal studies: an approach to the study of law that rejects the notion of law as “objective” but rather believes that law reflects political, social and economic values, usually the dominant ones in society

deterrence: attempting to reduce crime (or other misbehavior) by making potential perpetrators fear the consequences

double jeopardy: the constitutionally prohibited practice of trying someone more than once on the same charge

dummy variable: one that takes the value of zero or one in a statistical model to attempt to capture some categorical variable that is expected to have an impact on the dependent variable

elasticity: a measurement of how much one variable changes in response to a one-unit change in another variable. For example how much the quantity of beer demanded will decrease if the price of beer increases by one percent

felony: a serious crime punishable by death or imprisonment, often currently defined as a crime punishable by imprisonment for a year or more

flow variables: variables that can be measured only over a period of time

hegemony: leadership or dominance, especially by one country or social group over another

incapacitation: preventing criminals from committing more crimes by taking actions that make it impossible for them to do so

justiciability: the question of whether a dispute or issue is one over which a court would have jurisdiction. Courts can only consider justiciable issues

legal brief: a document summarizing a party's view of a particular case and summarizing the evidence supporting that view

legal realism: the doctrine (associated with Oliver Wendell Holmes) that judges cannot just interpret law but in practice must formulate it

linear interpolation: drawing a line between two data points and assuming the data points falling between the two we have would be on that line

litigant: someone who initiates or is party to a court action, whether criminal or civil

marginalism: a mode of economic analysis that compares the benefit of the last dollar spent on a given activity with the benefit of that dollar if it were spent on a different activity

mediation: the attempt to resolve a dispute by involving an impartial third party who does not have the power to issue a binding decision but who will help the disputants come to a voluntary resolution

misdemeanor: a crime punishable by less than a year of imprisonment

moral entrepreneur: an individual, group or formal organization that seeks to influence a group to adopt or maintain a norm. These are people who take the lead in labeling a particular behavior or spreading the label of that behavior in society

natural law: law based on reason and the nature of human beings

one-shotter: a person or group that interacts with certain aspects of the legal system rarely or only once

present discounted value: the current value of a stream of incomes (or benefits) and/or costs that extends out into the future

reciprocal relationship: one in which causality runs in both directions between the variables

repeat player: a person or group that interacts with certain aspects of the legal system on a regular or even systematic basis

risk neutral: a person who is willing to take a fair bet (one in which the average payoff is equal to the average cost). This contrasts with risk averse (someone who avoids risk and thus won't take a fair bet) and risk loving (someone who is willing to take an unfair bet in the hope of a large payoff)

robust results: statistical conclusions that are similar when different methods and/or different data sets are used. Such results are much more likely to be correct than others

snowball sampling: a non-random sampling technique in which sample subjects suggest or recruit additional subjects. Also called chain sampling or referral sampling

standing: the question of whether a potential litigant is directly affected by an issue and thus is able to become a litigant with regard to that issue. Parties who are not directly affected may not become litigants

stock variables: variables that can be measured only at a given point in time

unintended consequences: when a legal or other action or change has results which were not anticipated and may not have been desired

utility maximizing: choosing the outcome that gives one the most satisfaction given the constraints and their personal preferences