


Fall 9-1-1986

Normative And Interpretive Conceptions Of Human Conduct: Decision-Making, Criminal Justice, And Parole

David R. Novack

Follow this and additional works at: <https://scholarlycommons.law.wlu.edu/wlulr>

 Part of the [Law and Society Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

David R. Novack, *Normative And Interpretive Conceptions Of Human Conduct: Decision-Making, Criminal Justice, And Parole*, 43 Wash. & Lee L. Rev. 1243 (1986), <https://scholarlycommons.law.wlu.edu/wlulr/vol43/iss4/3>

This Article is brought to you for free and open access by the Washington and Lee Law Review at Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Washington and Lee Law Review by an authorized editor of Washington & Lee University School of Law Scholarly Commons. For more information, please contact lawref@wlu.edu.

NORMATIVE AND INTERPRETIVE CONCEPTIONS OF HUMAN CONDUCT: DECISION-MAKING, CRIMINAL JUSTICE, AND PAROLE

DAVID R. NOVACK*

INTRODUCTION

In an article that has become a classic,¹ Dennis Wrong asserts that sociologists often have portrayed people as mere puppets manipulated by the invisible strings of society. He is concerned that this characterization is not a function of the actual power of social forces but of the limited vision of certain sociologists.² These sociologists, he fears, have developed analyses tainted by an implicit ideology that assumes that the social world consists of values and norms shared by the vast majority of people who, in turn, have taught them in a relatively trouble-free manner to the next generation.

At the time Wrong was developing his analysis, the theoretical approach being criticized was functionalism. Recently, questions have been raised even more broadly about theoretical approaches that have a normative or consensus orientation.³ In general, the concern is that these perspectives assume, uncritically, that most societal members have a shared or common view of the social world and experience social phenomena in a similar fashion. Critics argue that this conception does not account for the variable ways in which people make sense of their lives. Most importantly, these critics call for an interpretive conception of human conduct, one which acknowledges that social actors understand their environment through an interpretive process that involves imputing individual meanings to various phenomena.⁴

Indeed, it appears that two distinct and apparently contradictory approaches have been used to examine social conduct: normative and interpretive perspectives. In the following paper, the broad features of these two theoretical perspectives will be outlined. Most importantly, we shall then attempt to demonstrate the value of an integrated (normative-interpretive) conception, one which stresses the significance of broad orientational frameworks (the normative model) and the complexities of interpretational processes and imbedded meanings (the interpretive model). Initially, the utility

* B.A., M.A., Ph.D.; Associate Professor of Sociology, Washington and Lee University.

1. D. Wrong, *The Oversocialized Conception of Man in Modern Sociology*, 26 AM. SOCIOLOGICAL REVIEW 183 (1961).

2. Cf. T. PARSONS, *THE SOCIAL SYSTEM* (1951); E. DURKHEIM, *THE DIVISION OF LABOR IN SOCIETY* (G. Simpson trans. 1933).

3. Cf. W. NEWMAN, *AMERICAN PLURALISM* (1973); E. GOFFMAN, *RELATIONS IN PUBLIC* (1971); T.P. Wilson, *Conceptions of Interaction and Forms of Sociological Explanation*, 35 AM. SOCIOLOGICAL REV. 697 (1970).

4. Cf. M. WEBER, *THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION* (A.M. Henderson and T. Parsons trans. 1947).

of this integrated approach will be illustrated through an examination of decision-making in the criminal justice system as a whole. The analysis will conclude with an application to the particular area of criminal justice that is addressed in Keith Hawkins's paper in this colloquium: decision-making in the parole system.

THEORETICAL CONSIDERATIONS

At the core of the normative view is the image of the social system as one that is relatively stable and in which people share the same basic values and beliefs. The meanings of actions generally are taken for granted and individuals are seen as reacting passively to social forces. As part of this orientation, external behavior usually is assumed to mirror a compatible inner value framework. Hence, there is a focus on peoples' actions with emphasis on the social forces responsible for their behavior. Minimal concern is evidenced for possible difficulties in determining the meanings of these social acts.⁵

In contrast, those favoring an interpretive conception believe that people can "know" only indirectly, through inference, since some of the most significant social happenings are formed of behaviors and vocalizations that are understood only through careful analysis of symbol systems whose meanings are often elusive. As Wilson observes:⁶

It is apparent that in the interpretive view of social interaction, in contrast with the normative paradigm, definitions of situations and actions are not explicitly or implicitly assumed to be settled once and for all by literal application of a pre-existing cultural system of symbols. Rather, the meanings of situations and actions are interpretations formulated on particular occasions by the participants in the interaction and are subject to reformulation on subsequent occasions.

In general, those fostering an interpretive view stress the problematic nature of meaning, placing emphasis on conflicting interpretations and interests.

Recently, there have been attempts to integrate these two apparently divergent approaches to sociological investigation. Handel⁷ argues that the normative perspective emphasizes the structural constraints and orientational framework within which interpretive work proceeds. Indeed, making sense of the social world is said to depend on the stability and consensus provided by the broad societal backdrop. This grounding is necessary because a strictly interpretive approach is likely to be atomistic and to fail to examine the interaction within the group, organizational, or societal context. Although

5. D. Wrong, *supra* note 1, at 183-187.

6. Wilson, *supra* note 3, at 701.

7. W. Handel, *Normative Expectations and the Emergence of Meaning as Solutions to Problems: Convergence of Structural and Interactionist Views*, 84 AM. J. OF SOC. 865 (1979). SOCIOLOGY 865 (1979).

Handel's proposed resolution of conflict between theoretical models represents an important breakthrough, he does not discuss specific avenues for exploration that come into focus as a consequence of his insights.

One avenue that warrants examination is the array of meanings imbedded within normative systems. A crucial limitation of the normative framework is the tendency to ignore the vast network of symbols that interactants use to generate meaningful interpretations. Even when people are viewed as experiencing consensus, it is important that their apparently passive interpretations be analyzed.⁸ Otherwise, values and beliefs are likely to be presumed, and possible discrepancies between surface structure and behavior and underlying elements might pass undetected. An important task, then, is to unlock these assumed meanings and, thus, to reveal the true underlying normative structure.

This type of analysis, in substantive form, has been under way for some time. Labeling theorists⁹ have been concerned with explicating the meanings imbedded in labels utilized in conceptualizing and treating phenomena as deviant.¹⁰ Rather than focusing on the phenomenon labelled as deviant, these theorists shift their attention to those who impose the label. In doing so, these theorists reveal the value system imbedded within the label and trace interpretive processes that are utilized by labellers.

Similarly, Erving Goffman,¹¹ through the use of social dramaturgy, generates a view of social life as formed of a series of interconnecting stages on which everyday actors play out parts. These roles are scripted to varying degrees by relatively invisible social forces that need to be explicated. Goffman's work thus can be viewed as an application of both interpretive and normative conceptions. Although there is at least an implicit assumption of consensus in some of Goffman's work, the primary objective of his analysis is to lay bare the underlying structure and normative systems that allow for the possibility of individual and group interpretation and identity. An especially important component of Goffman's approach is the ability of actors to construct a series of performances that appear to reflect a particular belief system but which actually emerge from a different system. This discrepancy can be intentional or unintentional, with the participants themselves often unaware of the orientational structure being utilized. The consequence is that analyses of normative and interpretational systems require a very careful investigation of the meanings that lie within social settings and interactions.

8. A likely source for the development of normative *versus* interpretive conceptions is the inability to see that although people act and think in similar ways (a normative view), there are interpretive processes in operation.

9. Cf. E. SCHUR, LABELING DEVIANT BEHAVIOR (1971); K. ERIKSON, WAYWARD PURITANS (1966); T. SCHEFF, BEING MENTALLY ILL (2d ed. 1984); R. QUINNEY, THE SOCIAL REALITY OF CRIME (1970).

10. Labeling theorists who are most sensitive to normative considerations (e.g., E. Schur, *supra* note 9) underscore the importance of extending interactional labels to broader group and societal contexts.

11. E. GOFFMAN, *supra* note 3; THE PRESENTATION OF SELF IN EVERYDAY LIFE (1959); STIGMA (1963).

NORMATIVE AND INTERPRETIVE CONCEPTIONS: CRIMINAL JUSTICE

Having examined the general character of these two conceptions and stressed the theoretical value of an integrated model, we wish to weigh the usefulness of a combined approach in the study of the criminal-justice system in general and the parole system in particular. Our specific focus will be on the nature of decision-making in these two realms, stressing the limitations of what we consider to be the prevalence of an implicit normative model and the insights to be derived through an integrated framework.

The broad problem of decision-making in criminal justice is addressed effectively by Keith Hawkins' paper in this colloquium. Hawkins' particular concern is that the image of decision-making in formal adjudication is often confused with the actual procedures utilized in processing cases. In general, Hawkins addresses the discrepancy between legal formalism, with adjudication based on codified law as the norm, and legal realism, with discretion through negotiation at various steps as the practice. As he observes:

The great bulk of what I am treating as legal decisions are not solemn adjudications by judges, but are decisions made by lesser, and less visible, individuals: lawyers, policemen, probation officers or other social workers, or a host of administrative officials in regulatory bureaucracies. The decisions made here are not usually the product of adjudication, but of negotiation.

Hence, the primacy of actions by judges and juries, then, is replaced frequently by secondary decision-makers in various bureaucracies. Thus, actions taken in courtrooms often are, in actuality, the formal ratification of a series of decisions already made in other contexts.

Incorporating the language of our theoretical formulation, Hawkins raises serious questions with regard to the assumed presence of a normative (or what he refers to as a rationalist) approach in decision-making. First, Hawkins is skeptical of the normative assumption that there is identity between the system as it is designed and as it actually operates. In refuting this view, he observes that the appearance of discretion (negotiation) raises serious questions that flaw this assumption. In fact, additional support for Hawkins's damaging criticism can be found in Goffman's social dramaturgical approach. Goffman provides the potential for two scenarios: (1) viewing interactants in the criminal-justice system as actors intentionally constructing performances that generate the appearance of adjudication (but might actually be the product of negotiations)¹² or (2) viewing these same actors as unwittingly engaging in practices that are the unintentional product of conflicts generated by various interests (e.g., judges, defense and prosecuting

12. Decision frame appears to have, in general, the same meaning as "underlying normative-interpretive structure," since Hawkins defines decision frame as "the structure of knowledge, experiences, values, and meanings which the decision-maker shares with others and brings to a choice."

attorneys, and judicial system bureaucratic requisites).¹³ As Hawkins stresses:

There seems to be little awareness that information may well not be neutral or objective, but may instead be deliberately or unwittingly contrived by suppliers or creators of information in artful ways to produce certain effects upon decision-makers' behavior.

Consequently, there is a need for an interpretive (or what Hawkins refers to as a naturalist) approach that reveals both the actual underlying normative system (which is not necessarily supportive of formal adjudication) and the network of interpretations that allow the system and people within it to engage in meaningful conduct. In addition to learning more about the form and content of decisions in criminal justice, the interpretive conceptualization can be a heuristic device to expose the reification of certain assumed practices: in this instance, adjudication. In contrast, the strictly normative approach stresses the expected result and often examines decision-making in a manner that is likely to reaffirm the assumed norm (e.g., observing scenes in the courtroom where adjudication typically takes place, not in the attorneys' offices where plea bargaining creates the prearranged script that is officially enacted in court). A frequent consequence of this expectation is the illusion that adjudication is actually taking place. In contrast, an interpretive framework can be utilized to reveal this collective fiction (actors giving credence through their combined actions to the appearance of adjudication). The interpretive approach, moreover, provides insights as to why facades exist and allows the fleshing out of other value patterns that might be operative but are masked by normative expectations and appearances. The interpretive approach can serve, as well, to identify the mechanisms that allow for the transformation of carefully orchestrated appearances into "fact".

It is crucial that the importance of both normative and interpretive models be recognized in studies of criminal justice and parole. As stressed earlier, a normative framework, by itself, blinds individuals to the meanings that they and others impute to their actions and to competing value systems. On the other hand, an interpretive approach, used in isolation, will not result in identification of overt and covert normative systems. Instead, there will be a tendency for social scientists to be overly descriptive and to analyze meanings within limited situational contexts, without grounding them within broader value frameworks.

In discussing the combined normative-interpretive model and its specific application to criminal justice, two matters appear to be of particular concern: (1) the nature and presence of discretionary practice through negotiation and (2) interest groups that promote a facade of adjudication. Negotiation occurs largely as a function of pressures within the judicial bureaucracy and from competing interest groups. Walker,¹⁴ for instance, stresses that limited police enforcement and judicial resources coupled with

13. Cf. J. EISENSTEIN & H. JACOB, *FELONY JUSTICE* (1977).

14. S. WALKER, *SENSE AND NONSENSE ABOUT CRIME* 16-17 (1985).

a modicum of consensus over the seriousness of various crimes generate a "wedding cake" (layered or tiered system) approach to criminal justice. Although the system is formally envisioned as handling all cases in a standard manner, Walker notes that crimes are frequently divided, through negotiation, into four layers of importance: celebrated cases, serious felonies, less serious felonies, and misdemeanors. In fact, discretion is exercised at numerous points during the life of a case, from arrest¹⁵ to grand jury indictment, to trial (and possible plea bargaining), to sentencing, and finally to possible imprisonment (with probation or parole).

Especially relevant to the combined approach is the concern that the normative (rationalist) perspective is frequently blind to deviations in the system that are, in fact, routine features. Hence, there are competing normative or decision-making frames. There is the formal systems model (stressed in the 1967 President's Crime Commission report) and the "wedding cake" model. Further, there are competing interests (and therefore decision frames) within the system. As noted earlier, these competing forces include the often conflicting interests of judges (with varying perspectives on jurisprudence), defense and prosecuting attorneys, and politicians.

Regardless of the normative approach employed (e.g., formal system or "wedding cake" model), however, it is important to recognize that negotiation tends to be exercised in a stable, predictable manner. Hence, although it takes place in informal settings, apparently unencumbered by sets of strict rules, negotiation tends to conform to structural and normative constraints that must be examined and rendered visible. That discretion (through negotiation) depends on a stable base of understandings is demonstrated clearly through plea bargaining. As Hawkins observes, "It is difficult to envisage how plea bargaining . . . could operate effectively in the absence of a high degree of familiarity between defense and prosecution lawyers about how each regards certain forms of offense and offender."

Therefore, normative frameworks can be both substantive (as with our two models of criminal justice) and a matter of form (as with adjudication and negotiation). Analyses based on a recognition of these various normative structures likely will result in a clearer understanding of the criminal justice system in general. Additionally, they will help to identify underlying criteria defined and expressed by groups within the system, criteria such as the seriousness of crime, the nature of evidence, and the meaning of criminal intent.

What we have just described is not only normative (or a variety of value positions) but interpretive as well. Whether there is a focus on a decision frame that relies on standardized rules and procedures (and here it is possible that there may be a more deeply rooted value system in operation but not identified) or on one that is informal and possibly not easily recognized,

15. Cf. I. Piliavin & S. Briar, *Police Encounters with Juveniles*, 70 AM. J. OF SOC. 206 (1964). OF SOCIOLOGY 206 (1964).

there is interpretive work underway to create a meaningful world. Even with a formal organizational frame,

to claim that one is dispassionately following a rule is to take for granted the interpretive work surrounding fact finding, and to assume that the facts assembled are relevant to the application of that particular rule, quite apart from the judgments made about the rule itself, its nature, and relevance (Hawkins).

Through a synthesized normative-interpretive perspective, then, the emerging picture reveals a formal decision-making facade, with attendant rules and procedures to bring about adjudication. Behind this illusion, there are a series of decision frames that reflect both competing interest groups and limited resources within the criminal justice system. The consequence of these elements is a system that resorts to discretion in order to negotiate outcomes. These practices are exercised by representatives of various agencies within this massive set of interconnected bureaucracies. It is also evident that the image of formal adjudication is, to some extent, a sacred entity that certain interest groups wish to preserve. To explain, adjudication is both an expression and a sign of commitment to justice. This ideal is based on the principle of equal treatment under the law for all individuals.¹⁶ Justice, then, is evidence of a democratic system. Without a set of standard rules and procedures applied to everybody in an objective fashion, there is no formal adjudication. Without adjudication, justice is rendered problematic. And if justice is illusory, then the fundamental assumption of the United States as an egalitarian society is threatened. If there is some validity to this explanation, then representatives of the state have a vested interest in preserving the illusion. In using a strictly normative approach, they can describe the present system as being essentially the same as the ideal system.

It should also be remembered that students of the criminal justice system who incorporate a normative approach may, to varying degrees, have a vested interest (e.g., research grants) to maintain.¹⁷ In this way, they are able to reaffirm the presence of a system that appears to be applied to all people in an equitable manner. "Indeed, decisions may well appear to be simple discrete matters because the structure of the legal process requires them to be presented, described and sent forward for consideration in that form. It may also be the case that decision-makers sometimes have an interest in making them appear so" (Hawkins). Thus, the illusion of adjudication through formal decision-making might well fulfill a fundamental ideological need.

NORMATIVE AND INTERPRETIVE CONCEPTIONS: THE PAROLE SYSTEM

At this juncture, we wish to narrow our focus to one area of criminal law and justice, the parole system. This realm is especially germane to the

16. Cf. D. HAY, ET AL., *ALBION'S FATAL TREE* 32 (1975).

17. Cf. A. Goulder, *The Sociologist as Partisan: Sociology and the Welfare State*, 3 *THE AMERICAN SOCIOLOGIST* 103 (1968).

present paper because of questions raised regarding whether the actual criteria utilized by parole boards are as they appear. Indeed, the assumption that the likelihood of recidivism is the key criterion for judgment is at odds with the oft-noted importance of parole as a form of administrative control over inmate populations.¹⁸ As Hawkins observes, discretion in parole decisions, while seeming to look to the future to predict post-prison behavior, often involves looking back on the inmate's actions within the institution. In this view, the board's decision is influenced heavily by the needs of the prison as a bureaucracy, utilizing parole as a system of sanctions to reward or punish institutional conduct. At times, minimal attention is allegedly paid to the seriousness of the crime committed (resulting in the incarceration) or to the probability of future criminality after release. A normative-interpretive model can contribute to our understanding by revealing the official decision frame as well as underlying discrepant ones. Moreover, the model can serve also to highlight possible reasons for such discrepancies, underscoring, for instance, conflicting interests, pressures, and ideologies.

At first glance, parole board decisions appear to conform to a decision frame similar to the adjudication that is presumed at earlier stages of the criminal justice process. Indeed, it appears that boards use standardized methods to grant or deny parole based on their prediction of the likelihood of recidivism. However, in actual practice, other orientational structures or normative frameworks are implemented. First, board decisions are frequently negotiated outcomes. Pressure to utilize negotiated outcomes is necessitated by the manner in which inmate case records are generated, as well as pressures created by prisons as bureaucratic institutions with limited resources and a need for order.

With regard to the construction of case histories,¹⁹ parole board members must rely on the "facts" to render judgments. However, individual cases represent the accumulation of data based on criteria that are considered relevant by members of correctional facilities. Inmate misconduct (known as a "ticket"), for example, is a key element in the case record. Apart from the resulting focus on behavioral conformity within the prison, the likelihood of "tickets" being written and the types of offenses involved are results of decisions that affect the form and content of prison misconduct reports. To illustrate, parole boards must recognize:

that the ticket is the outcome of an organizational activity which can be employed by [prison] superiors as an index of productivity and commitment. Boards must not only know their institutions, they must know their staffs. . . . [Hence], a parole board is as much

18. D.J. ROTHMAN, *CONSCIENCE AND CONVENIENCE: THE ASYLUM AND ITS ALTERNATIVES IN PROGRESSIVE AMERICA* (1980); K. Hawkins, *Assessing Evil: Decision, Behaviour and Parole Board Justice*, 23 *BRIT. J. OF CRIMINOLOGY* 101 (1983).

19. D. Sudnow, *Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office*, 12 *SOC. PROBS.* 255 (1965).

ratifying a decision already reached by others, as it is making a decision of its own" (Hawkins).

Thus, discretion impacting on parole decisions is, in effect, exercised by prison officials at various levels, extending from reprimanding inmates to influencing the types of statistics that constitute a case record. Most importantly, through such discretion, guardians of prisons can act as *de facto* negotiators, thus affecting the adjudicatory decisions of parole boards.

Negotiation is involved at another level as well. Although board members are expected, in a relatively narrow manner, to render judgments as to the likelihood of recidivism, they actually engage in extensive interpretive work, relying on a number of criteria. Such factors as an inmate's security status (e.g., minimum security), special punishments, and the number and recency of "tickets" (and their meanings within a particular prison) are incorporated routinely into actual board decisions.

These various criteria reflect a fundamental underlying distinction between two decision frames: administrative and rationalist (positivist) models. When parole board members evidence concern about an inmate's suitability for release, they are frequently taking into account the consequence of their decision on effective prison management as well as making a judgment on the inmate's rehabilitation. Hence, it is necessary to examine these two competing normative frameworks to ascertain how board members resolve the potential conflict between responding to the needs of the prison as a bureaucracy and to their own official position of determining whether an inmate is prepared to re-enter society.

In focusing on the administrative frame, the pressure that parole boards often experience to become an extension of prison management must be emphasized. For instance, two of the major uses of boards are their control over inmate freedom and the uncertainty that inmates often experience with regard to board decisions. Unlike "good time" (which is usually granted in advance), parole cannot be taken for granted. Recent changes in the operation of prisons render this role even more important.

With the greater relaxation of prison regimes in general, however, and increasing use of the less overtly physical methods of security and control, prison staff have been led to depend more and more upon the active cooperation of their inmates actually to run the prisons. [And as one warden notes], they release, that is the parole board, they parole a number of men every month from this facility . . . now this gives us a tool as managers of this large prison to use and capitalize on, that is that very strong desire for freedom (Hawkins).

Moreover, other related considerations arise, for parole boards are likely to experience pressures associated with limited prison funds and space. For instance, a recent judicial decision in Tennessee mandated a reduction in the state prison population and forbade the housing of new inmates until overcrowding could be eliminated.

A central problem for members of parole boards, then, is the general pressure exerted upon them to respond to the bureaucratic needs of prisons. This is especially evidenced through their inclusion, often unwillingly, as a sanctioning body to enforce conforming behavior within the prison community. This difficulty becomes particularly significant because the board is obliged to render independent judgments with regard to the probability of recidivism. Members are expected to utilize a rationalist, positivist decision frame. In this normative orientation, assessments are made as to whether the inmate evidences rehabilitation associated with the crime that resulted in his incarceration. Parole hearings serve, therefore, to examine intra-prison behavior for clues signifying the emergence of a reformed individual. In practice, it is quite easy for distinctions between these two decision frames (rationalist and administrative) to become blurred. When an inmate appears before the board with a series of misconducts, it is difficult to determine whether a subsequent decision to deny parole is a function of board concern for the problems which the individual presents to the prison administration (i.e., the administrative frame) or of an inability to adjust to society and hence to need further time to be rehabilitated (i.e., the rationalist frame) (Hawkins).²⁰

Given the similarity in reasoning behind decisions utilizing administrative and rationalist frames, it is easy to see that the official rationalist framework tends to be visible while the administrative one often represents a hidden agenda. It is doubtful whether this is consciously done; it is far more likely a function of the board members' commitment to the legitimacy of an independent parole system that is expected to be responsible to society, not to prison officials. If parole board members are indeed committed to the rationalist frame but pressured to respond to administrative concerns, then we would expect them to couch their decisions in rationalist language whenever possible. Inmates would, of course, be wise to present themselves to the board as reformed individuals so that members can then release them not primarily as well behaved inmates but as rehabilitated persons. As Hawkins observes:

The unruly inmate who spends time in the general population and succeeds in keeping himself free from tickets displays himself to the prison community not only as *compliant* but thereby as *improved*, this visible evidence of change for the better making a decision to release seem reasonable. The concern for the *appearance* of rationality is so strong that the appearance of compliance is enough.

Careful interpretive work is necessary to expose the underlying administrative rationale. It is particularly difficult to observe this decision frame

20. It is important to note that although boards persist in using prison behavior as a measure of probable conforming behavior upon release, there has actually been little research on this subject. One might even argue that adjustment to the exigencies of prison life and its pathology might bear little relationship to the ability to be a law-abiding person in the broader society.

because parole board members as well as inmates have a vested interest in playing the rationalist game; the board members are able to maintain their collective and individual identities as competent persons predicting likely rehabilitation and the inmates are able to secure their freedom. Given the stakes, it might be especially useful to interview prisoners (and not primarily parole boards) to determine the relative importance of administrative and rationalist frames. The reason for interviewing prisoners is that one suspects that the parole board member is committed to the idea of rationality because of the implications that this belief has for his self image: the idea of rationality is thus likely to render him partially blind. By way of contrast, the inmate might be better able to see both decision frames since his freedom is, in part, dependent on his capacity to present himself in such a way as to fulfill the identity needs of the board.

The normative-interpretive approach serves, then, as an important model for examining both the criminal justice system as a whole and the parole system in particular. Indeed, this perspective enables investigators to explore the complex manner in which human beings navigate the social world, attempting to render the world meaningful in a way that allows individual and group identities to remain intact. Moreover, this approach also reveals the need to study competing normative elements instead of relying on the assumption that only one framework exists in each situation. An application of this model to decisions in the area of criminal justice and parole exposes an array of such structures. More broadly, the normative-interpretive approach forces individual investigators to examine more closely the normative model as a whole, for without the broad value network and orientational structure provided by normative systems, interpretations cannot take place. It is crucial to stress, of course, that these various insights would not be possible without recognition of the underlying meanings and competing normative frameworks which become visible through an interpretive orientation. Finally, through our brief examination of normative elements in criminal justice and parole, we hope that we have demonstrated the utility of an integrated normative and interpretive model in identifying these structures, accounting for their existence, and specifying the manner in which they operate in dynamic interaction.

