

### **SHOW EVIDENCE of the SYSTEMATIC COLLECTION of VALID DATA**

In your letter (5 Sept 96) you say "Don't be put off by language. Any police officer needs to collect valid data on which rests the evidence related to charges. The evidence needs to be collected with care and needs to stand up to the test in court. This is no different from the academic criteria we can apply to your dissertation."

You're right that, since first coming to the university in 1991, I have systematically collected copies of letters between myself and others as well as some taped conversations and my personal notes or diary entries. It's now possible for me to look back over them to see themes that have stayed with me, not least my concern with criteria for judgement and forms of presentation! Within those documents are my repeated attempts to explain my ideas, my written representation of my emotional reactions to events, my search for knowledge and understanding, and an indication of the educative relationship between you and I.

In the later letters I can see that I've incorporated points from the earlier ones but often in a slightly different way, in that my ideas appear to have been re-considered. I've "wondered" about a lot of things. I've responded to your suggestions, using them to build upon or question my own interpretations, threading them into my own writing or allowing them to influence me. Other times I seem to have overlooked your advice, consciously ignored it, or even challenged it!

I want to spend a moment thinking about what is valid data. I remember coming to the university one day to speak to a director of studies at the time when I had finished my modules and needed to sort out who was to be my supervisor for the dissertation. The director of studies appeared very keen to help me and I was grateful for the suggestions he gave. However, I remember him saying that whatever I chose as the topic for my research, I should cut it down to a tighter focus because experience had shown him that many students tried to do too much. He also advised me to be very strict with the data I collect and not to fall into the trap of collecting too much.

I went away quite bemused in the knowledge that I'm like a squirrel, I'm a collector, I can't throw anything away if I think that it might come in useful one day, so as you might imagine, my study has gradually become more and more cluttered. I couldn't see how I could be ruthless with possible data when I didn't know how useful it would be at some later stage. (It's amazing that my loft hasn't collapsed under the weight of all the "stuff" I've collected over the years that "might come in useful one day"). So my systematic collection of letters (dialogue) wasn't so much intentional as just the way I am. The point I'm trying to make is that I didn't know what would be "valid" at the outset. I didn't know at the outset that this was to become a discussion on our correspondence and the university criteria.

You mentioned evidence that needs to stand up to the test in court. In my opinion there is a difference between evidence for court, and evidence for an educational enquiry. My experience is in the criminal court where the case has to be "proved beyond reasonable doubt" and where a person might be found guilty and indeed in some cases go to prison. This suggests to me a much more final result that comes from the evidence, as opposed to the tentative nature of an educational enquiry which has the potential for further dialogue. In the criminal court there is the feeling of winning or losing rather than taking part. In the civil court the rule is not so strict in that they work on the "balance of probabilities" but

nevertheless there is still this feeling of a battle to be fought and generally there is an aggrieved person or group.

On the other hand there are similarities in that I believe you're asking me to "make a case" by presenting the evidence and explaining its relevance, in order that my case in turn can be answered. In some respects I find this quite difficult as generally I view evidence as being something that is concrete rather than a process that is still progressing and transforming through the current letter. Despite this, I do believe that through my bundle of dialogue, and in particular through this current letter I have shown you a dialectic enquiry in action and I have made out an argument for the possible acceptance of correspondence as a valid means of enquiry and presentation.

With my police head on, I immediately think of the new Criminal Procedure and Investigations Act 1996. Amongst other things, the Act deals with the disclosure of material by the prosecution to the defence. In assessing the implications for the police service, Phillips (1996) says,

*"In general, the Act does not make a significant difference to the responsibilities of the prosecution in providing the defence with **case papers** (my emphasis). Disclosure under the act concerns the obligation of the prosecution to provide the defence at various stages with **material which does not ordinarily form part of their case** (my emphasis)." (p.22)*

The material not forming part of the case is referred to by police officers as "unused material".

As with police evidence, educational enquiry has unused material in the form of field texts. Marion Blake refers to this when, in her reply to Plummer et al (1993), she says,

*"And when it comes to writing up the research text it is by and large the researchers who determine inclusion, emphasis, meaning and significance. That time and space between "writing it down" - the field texts - and "writing it up" - the research texts - fascinates me." (p.23)*

In widely publicised cases, such as that of Judith Ward, the prosecution were criticised for not disclosing to the defence all of the evidence that they had in their possession but didn't intend to use. Had the jury been aware of the content of this unused material, they might have come to a different verdict as it might have thrown doubt on the case. As you might imagine, during the course of a police enquiry, there can be a tremendous amount of unused material, for example, from all the blind alleys that we've gone down before charging the accused or just the odd little notes we may make on a scrap of paper. In response to these criticisms, we got to a stage whereby we were becoming bogged down by the amount of material that we were listing, copying and disclosing to the defence. In contrast, they weren't required to tell us anything about their defence. With so much material disclosed, they had the opportunity to fashion their defence around the information that we provided for them and to use it to cast doubt on the case regardless of whether they originally had a defence at all. The new Act replaces the wide-ranging disclosure with two more narrowly defined tests. The gist of the new tests are that (a) the prosecution has to provide the defence with anything which might *undermine* the prosecution's case, and (b) the prosecution must disclose anything which might *assist* the defence, but this second test is only applied after the defence has set out where they want to take issue with the prosecution and the reason.

This disclosure of prosecution unused material seems to have a different purpose to the disclosure of data in an educational enquiry. In the criminal court we talk of "*proving* a case beyond reasonable doubt" whereas in an educational enquiry I seek to "*contribute* to the dialogue" which in turn keeps it going. Can you now see why I'm sometimes a little confused when you talk about evidence. I think that perhaps you come from the angle of seeing data in terms of its truth which might be different from its value as proof or as a contribution. I'd suggest that this is something that we could explore further at some time. As I've been writing, it's just struck me that when I used to conduct interview skills training, I used to tell the class that our overall aim was to find out the truth and not to prove a case; but by having a prosecution case and a defence case on opposing sides of the court we're led into viewing justice as the need to prove our case.

Once again I think that I've gone way off track and in fact I'm feeling quite tired of "justifying" and "showing evidence", so Jack I need to revert to something that's less business-like so if you don't mind I'll just go and sit in the garden and whiz through the other criteria as quickly but naturally as I can.

From your letter, I understood you to be saying that I had *shown evidence of the systematic collection of data*, but that you wanted me to emphasise some things. Haven't I already done that in the previous two sections of this letter and if so then can we move on?

\* Note: See also pages 69 - 75 for further discussion on validity; including *ironic validity* (Lather 1994), dialectic validity, and authenticity.