

## PART I - EXAM I

### Crimes and Punishments

-criminology started with philosophers debating and critiquing criminal law in Europe during the 18th century

-**Cesare Beccaria** (1773-1794) started with him. Anonymously published “On Crimes and Punishments” which became the first modern day criminal theory, which is used today

-Critique of feudalistic power. Critique of the way punishment was administered at that time in Europe.

#### -What was punishment like back then?

-There was a lot of discretion: Everything was up to the king.

-Small offenses: You could be put to death for just about anything.

-Sodomy, gossip, stealing cabbage, picking up sticks on the sabbath, and talking back to parents can all be punishable by death.

Ex: women subjected to the wrath for wearing clean underwear

-Gruesome: bad death penalty

-Favoritism

#### -On the right to punish

-punishment are justified in punishing its civilians to maintain public safety

-any punishment that is not necessary to maintain public safety, it is unjust

#### -The necessity of punishment

-Human nature. “Why can’t you have public safety without punishment?”

-The unspoken implication is that people are naturally selfish and will take advantage of each other

-Punishment is necessary because people are selfish

-A criminal punishment is a political obstacle

-Punishment is a bond because it prevents people from taking self interest in themselves

#### -On the proportion between crimes and punishment

-Punishment should be scaled precisely to the crime

-Two determinants of severity:

(1) How strong is the inducement to offend (the greater the temptation the bigger the obstacle)

(2) Harm. How destructive to society is the offense?

*-Impunity and Legitimacy:* If the punishment is too severe the judge and juror may not be willing too because they may think it is not legitimate (administer unfair and unjust punishments)

### -Of the Death Penalty

-it is not necessary for deterrence. Life in prison is just as effective or more effective  
-all punishment that is not necessary is unjust

### -General Theory

-people are naturally selfish and they make rational decisions to commit the crime  
-punishment should be calculated by the crime not on who you are or by the king

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### Becker's (1963) Outsiders

- (1) All social groups make rules and when someone breaks it, it is enforced
- (2) Outsiders- people who break the rules

(3) Why do people break the rules?

1st assumption- whatever behavior they did was bad

2nd- the group of people who committed this behavior, there is something distinct about that them that we can study

### (4) Different definitions of deviance

1. *Abnormal behavior (statistical)*
  - a. Descriptive norms (whatever behavior is common-normal) vs injunctive norms (beliefs about what is normally acceptable) - (scientific)
2. *Pathology* - danger that causes harm to the indivs. dominant ways that crimes and rules are defined,
  - a. Overlap- the exact same behavior is okay in one situation and considered criminal in another
3. *Social Pathology*- is the behavior harmful for society. Does it undermine the stability of society? Problem is that it is a political question, stability=status quo
  - a. Irony- things that are defined as bad often lead to good things and vice versa. (ex. Boston Tea Party)
4. *Simple rule-breaking*- if you are part of a religion you can break rules that are part of another society

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## The Contemporary Crime Trends Puzzle

- (1) The basic portrait: young people with guns in cities
  - (a) Explaining the effect of the emergence of crack cocaine
    - (i) Wages go up, less likely to it crime (wages and crime)
  - (b) The need for violence
    - (i) Can't call the cops, so the way you discipline people and deal with competition is through violence (social control)
  - (c) Maximizing utility
    - (i) Worth more to go to work, or to make profit
  - (d) The rise in violence
    - (i) Decline in wages or increased criminal productivity
      - 1) Crack was invented in 1984. Crack as a technological innovation

(2) Documenting the 1990s crime decline

(3) Commonly addressed factors:

-changes in policing and incarceration

-Illicit drug use

(4) Less commonly addressed factors:

-immigration

-compositional and contextual effects

-compositional = kick everyone out who doesn't have a 3.0

-contextual= communities that pick up immigrants do well economically.

-selection= immigrants who come are typically more hardworking, thus crime does not correlate to immigrations

-\*\*Immigration counted for 6% of the crime drop in the U.S.\*\*

(5) Less commonly addressed factors: (Linked to crime)

-unemployment and legal wages

-Alcohol use

-Declining domesticity (living together), increase in divorces

-Abortion= reduced the number of people who will be in their 20s in the 90s.

-Freakonomics said that abortion helped because those were most at risk

(1) teen mothers

(2) Unmarried

(3) poor

- various psychopathologies
- maladaptive behavior
- cognitive dysfunctions
- criminal behaviors

Low Activity MAOA alleles as predictor for gang membership and weapon use in fights

- 42% of men, 17% women had low activity allele
- MAOA had NO effect on women
- Effect on men:
  - men with low activity: 94% in gang, 84% used weapon

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### An Example of a Modern Biosocial Study

#### **\*\*know specific findings from beaver and simmons readings**

- (1) G\*E= genes times environment. Gene is turned on and expressed in a certain way depending on the environment
- (2) Diathesis-stress Perspective= argues that there are dysfunctional risk alleles (version of a gene). And if you are unlikely enough to have one of these alleles, you don't do well in that environment
  - (a) More likely to become depressed as you experience more life events
  - (b) The problem is evolution
  - (c) 40-50% of population have these alleles
- (3) Differential Susceptibility Perspective= adds another side. Yes diathesis perspective is true, but you do better in other environments. Just makes you more sensitive to the environment, better or worse
- (4) Genes and Genetic Variation
  - (a) 5-HTT
    - (i) Serotonin transporter gene- determines how well your brain can transport serotonin (punishment)
    - (ii) *Short alleles* (risk alleles)= less serotonin, less sensitive to pain, punishment. Predispose to depression and aggression
  - (b) DRD4 = dopamine receptimine.
    - (i) Dopamine - pleasure
    - (ii) *Long alleles*- more dopamine available, linked to misbehavior (same as short alleles in 5-HTT)
- (5) Cumulative Susceptibility = idea that you have both of these, a short 5-HTT and a long DRD4 having both together make you very sensitive.

- (1) Consequences of a felony conviction: the development of structural impediments to conventional life
  - (a) Cannot own a firearm
  - (b) Cannot vote
  - (c) Cannot serve on a jury
  - (d) Cannot work in certain state license occupations or companies
  - (e) Cannot get student loans
  - (f) Cannot live within a certain radius of a bus stop or school
- (2) Florida and the withholding of adjudication
  - (a) If you get convicted and sentenced to probation, judge has a choice to label you a felon or withhold adjudication
  - (b) Withhold Adjudication = serve sentence but not label them a felon
- (3) Contingent labeling effects - prior record
  - (a) Labeling effect should matter more to others
- (4) Data:
  - (a) All data on everyone's probation in Florida
  - (b) Dependent Variable = Recidivism (repeat offense within 2 years)\*\*\*
  - (c) Independent Variable = Adjudication
- (5) Key Findings:
  - (a) Being labelled a felon increased the odds of recidivism by 17%\*\*\*
  - (b) The effect of being labelled was largest among people who reached the age of 30 with no record

### Social Threat Theory

- (1) Leading from of conflict theory
- (2) The threat hypothesis\*\*\*
  - (a) As the number of status quo threatening acts or people increases in an area, so to will the level of social control
- (3) Racial and Ethnic Threat
  - (a) Blumer (1958) - Race prejudice as a sense of group position
    - (i) Racial prejudice is a social phenomenon that comes in circumstances
      - 1) The development of a sense of group position in society
        - a) A dominant group
      - 2) Prejudice as a defensive reaction
        - a) When the dominant group senses a threat from a subordinate group, racism erupts