

Lecture 2

Part I: Human Nature and Crime

Part II. Forms of Social Control

Part III: Emergence of English
Common Law

Part 1: Human Nature and Crime

Various
criminological
theories assume that
humans are rational
and selfish and/or
prosocial and
altruistic.

What is known about
“human nature”?



“Human Nature”

- Theories of human behavior make assumptions about the most important forces that explain such behavior
- Rational Choice Theory: **Self-interest decisions**
- Biological Theory: **Innate “predispositions”**
- Social Learning Theory: **conditioning and learning**

The Ultimatum Game

- Two anonymous players divide a sum of *real* money. (**e.g., one day's way**)
- First player (the “Proposer”) proposes a division.
- If the offer is accepted by the “Responder,” players get proposed shares.
- **If offer rejected, both get nothing.**

The Dictator Game

- Two anonymous players divide a sum of *real* money. (**e.g., one day's way**)
- First player (the “Proposer”) proposes a division.
- The “Responder” receives any amount sent to them.
- **Unlike Ultimatum, no possibility to reject offer.**

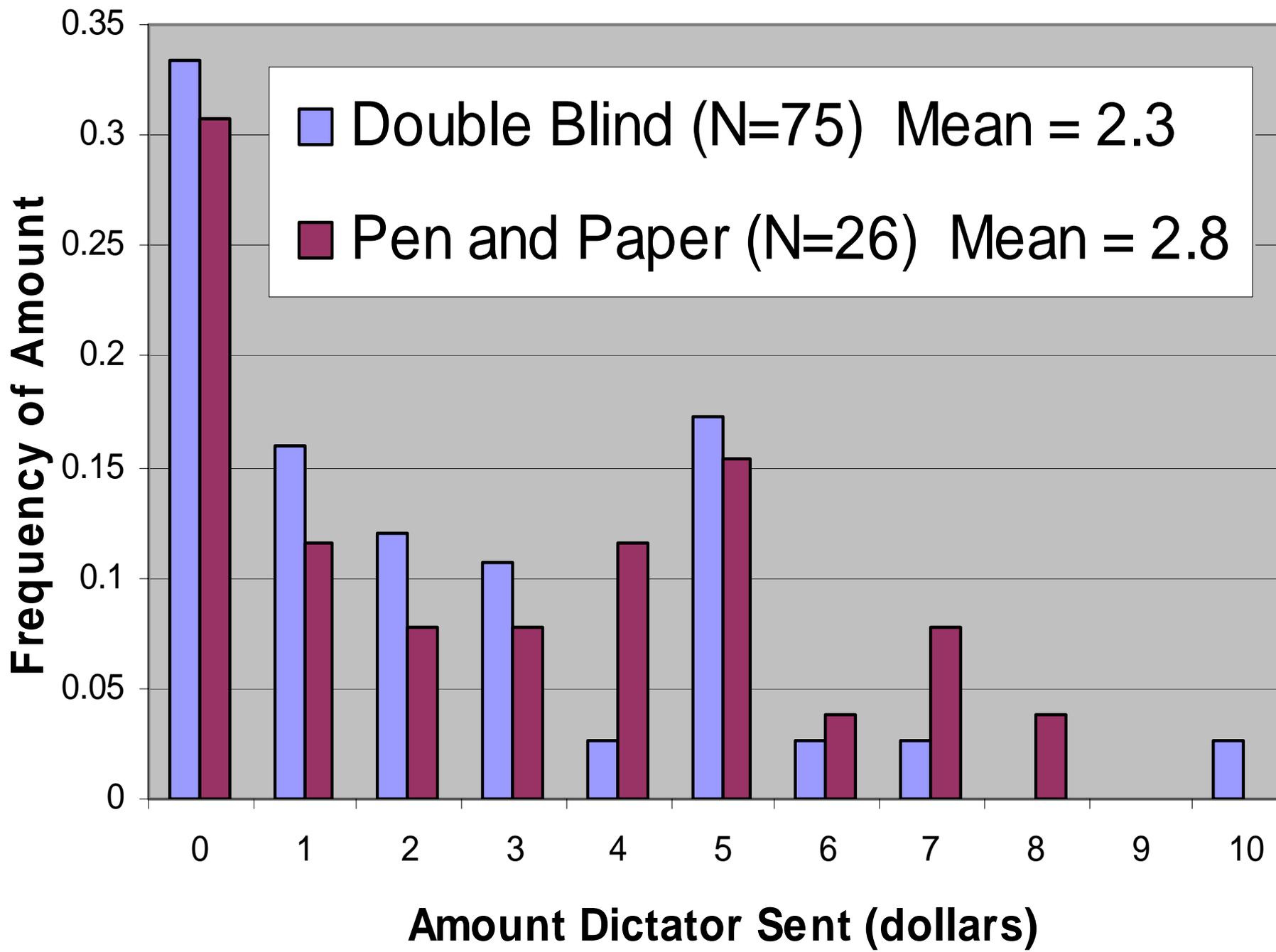
Predictions from Rational Choice Theory

- Player 2 (respondent) should accept **any** offer since something is better than nothing.
- So, player 1 will make smallest possible offer.

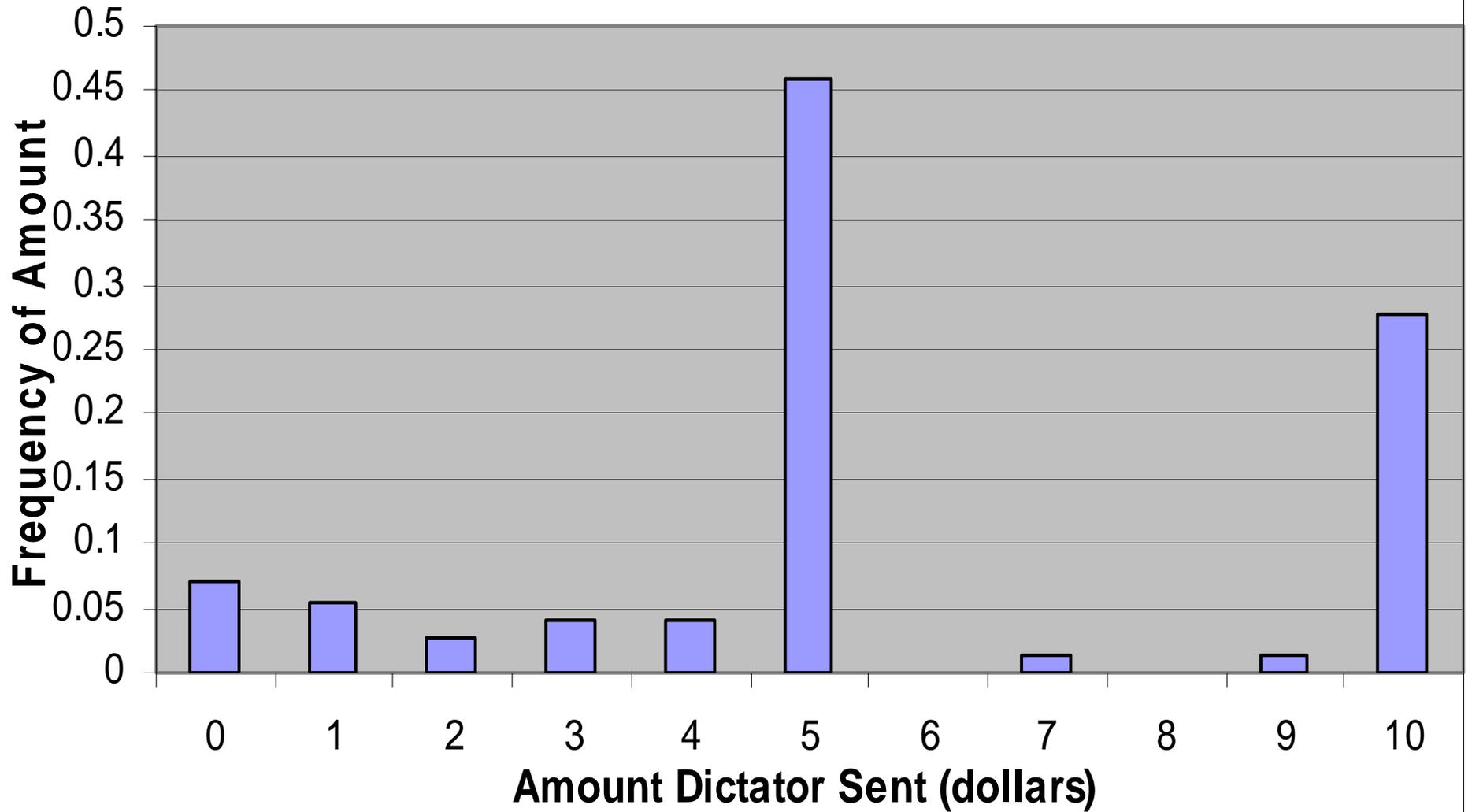
Never happens, anywhere.

Cash splits offered by players in ultimatum games





Mean Amount Sent \$5.70



Robust results from Western university students (e.g., U.S., Japan, Europe)

- Mean offer = 40% – 50%
- Offers < 20% usually rejected
- **Large stakes** (e.g., 1000\$) \Rightarrow 50:50 offers
- What happens in other societies with different cultural rules?

Cross-cultural Project

- Ultimatum Game
- 12 Researchers
- 1039 subjects in 12 countries
- 7 local or regional comparisons
- 3 hunter-gatherers, 6 horticulturalists, 4 transhumant/nomadic herders, 4 small-scale, sedentary farmers

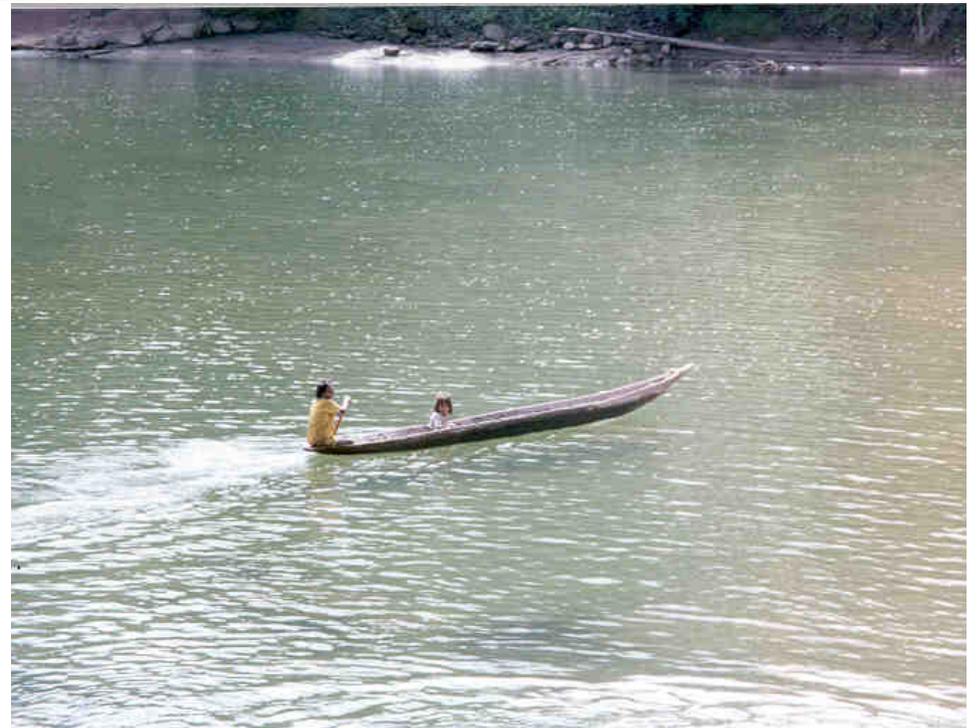
Cross-Cultural Experimental Economics Project





Machiguenga of Peru

- independent families
- cash cropping
- slash & burn
- foraging

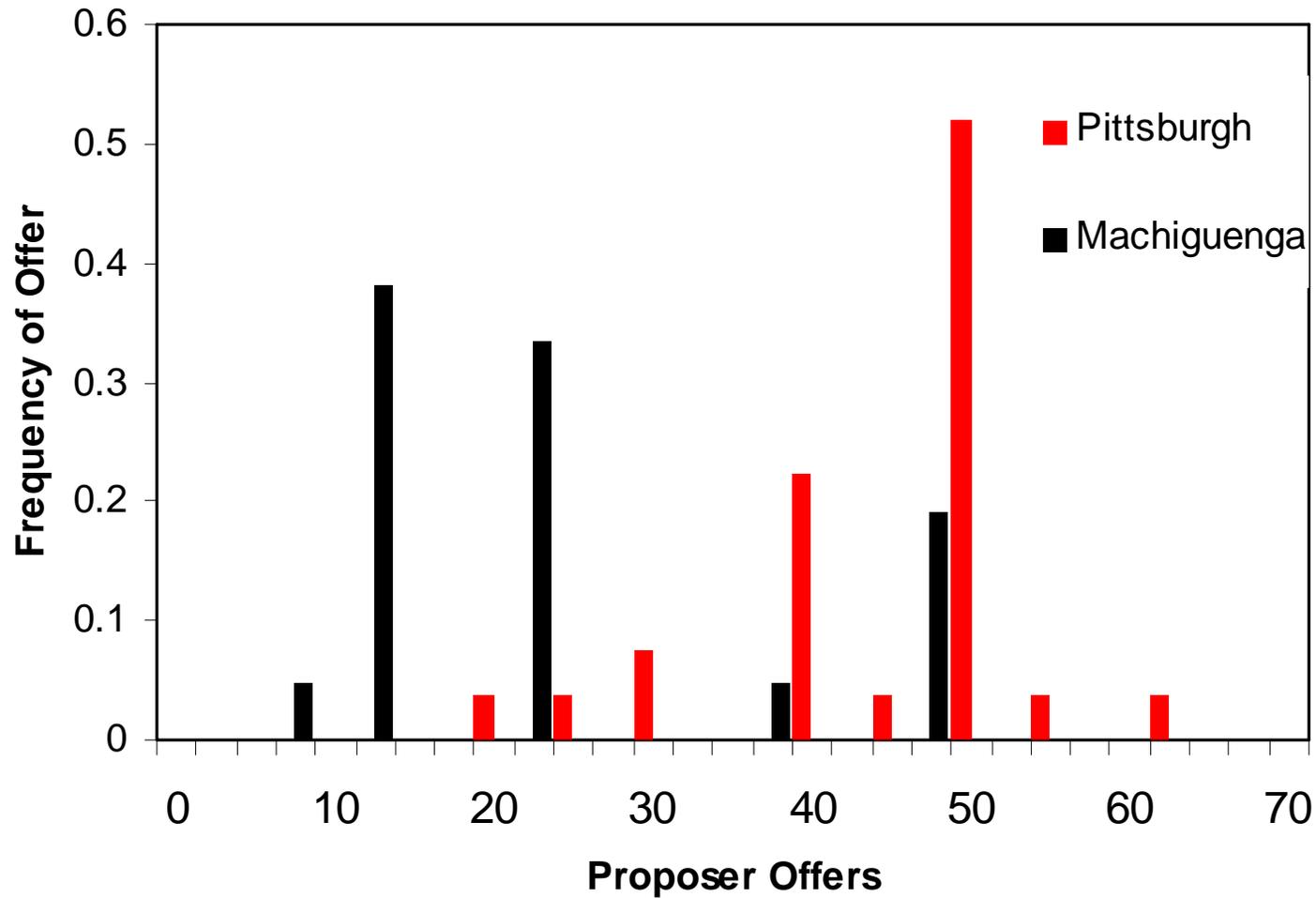




Machiguenga

Camisea, southeastern Peru, 1996

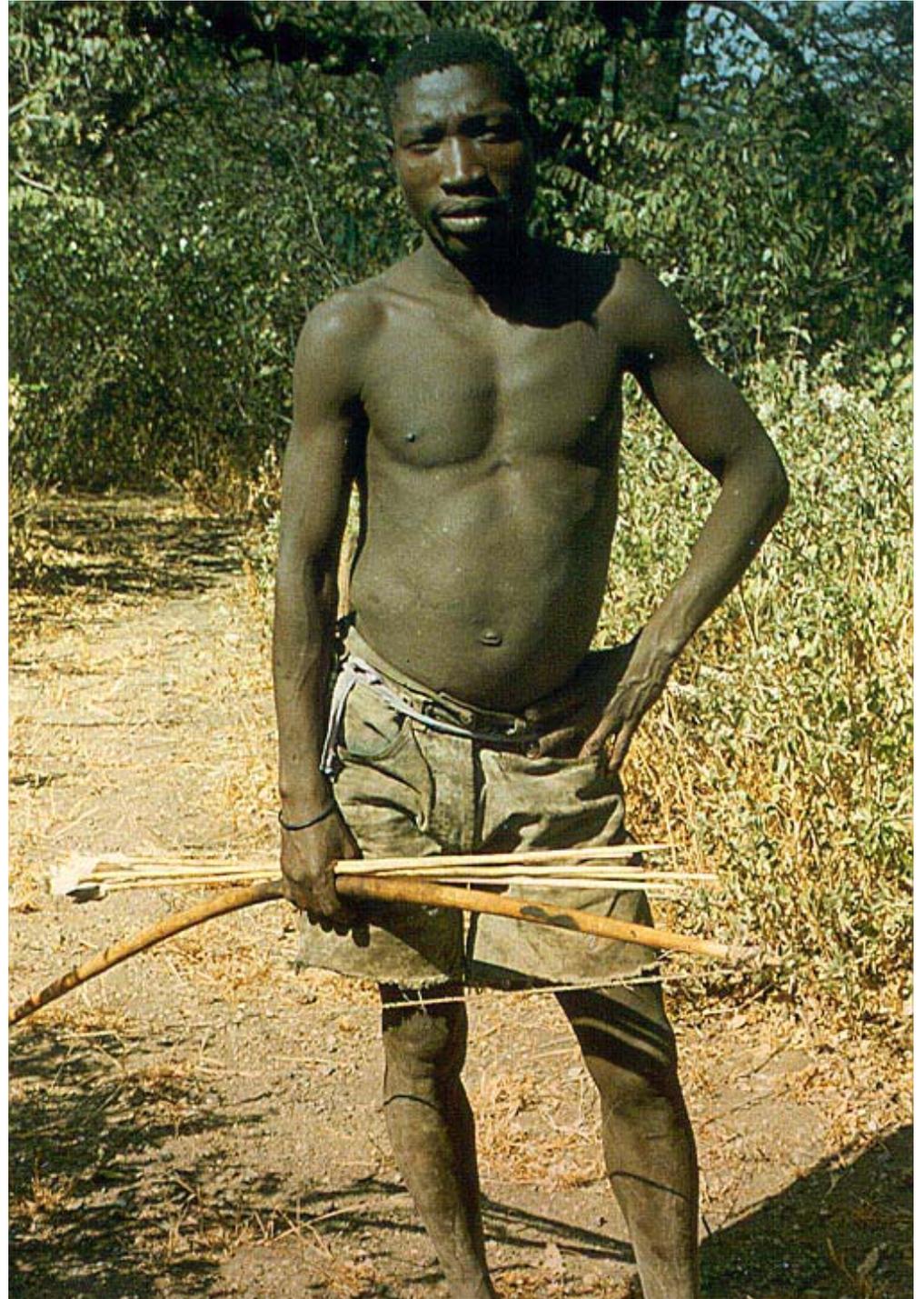
Machiguenga Ultimatum Game Results



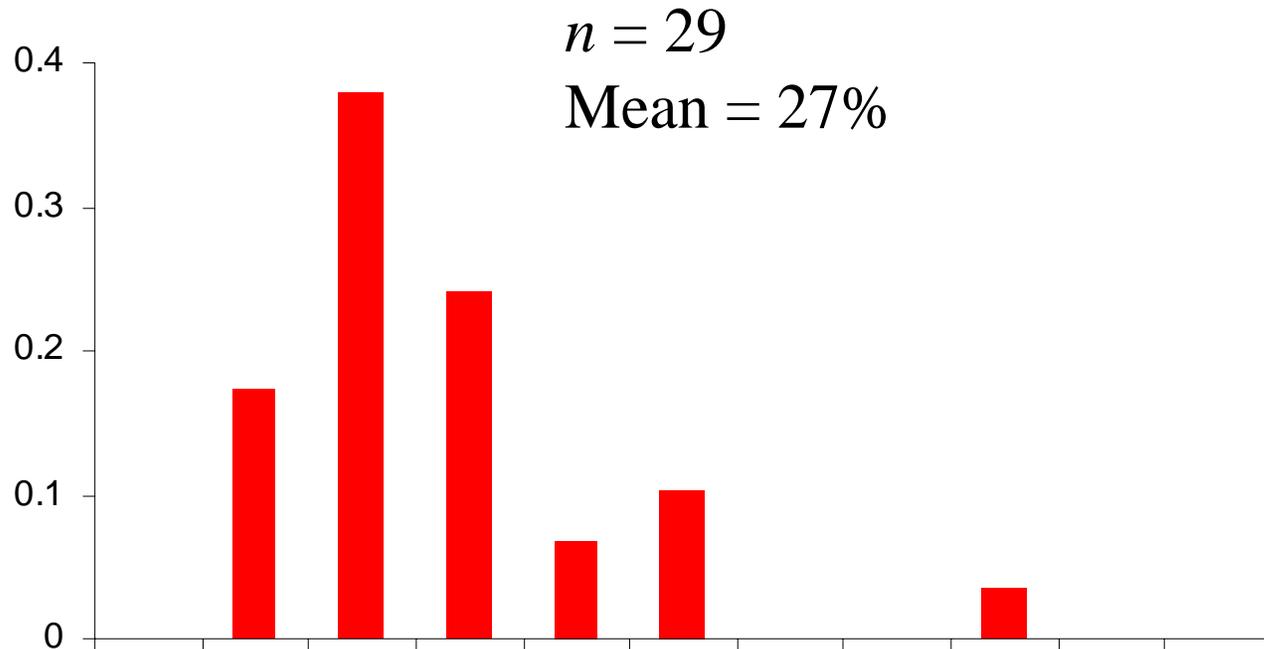
1 rejection among Machiguenga

Hadza

- Hunter-gatherers
- Egalitarian
- No central political system
- Bands: 20–30 people

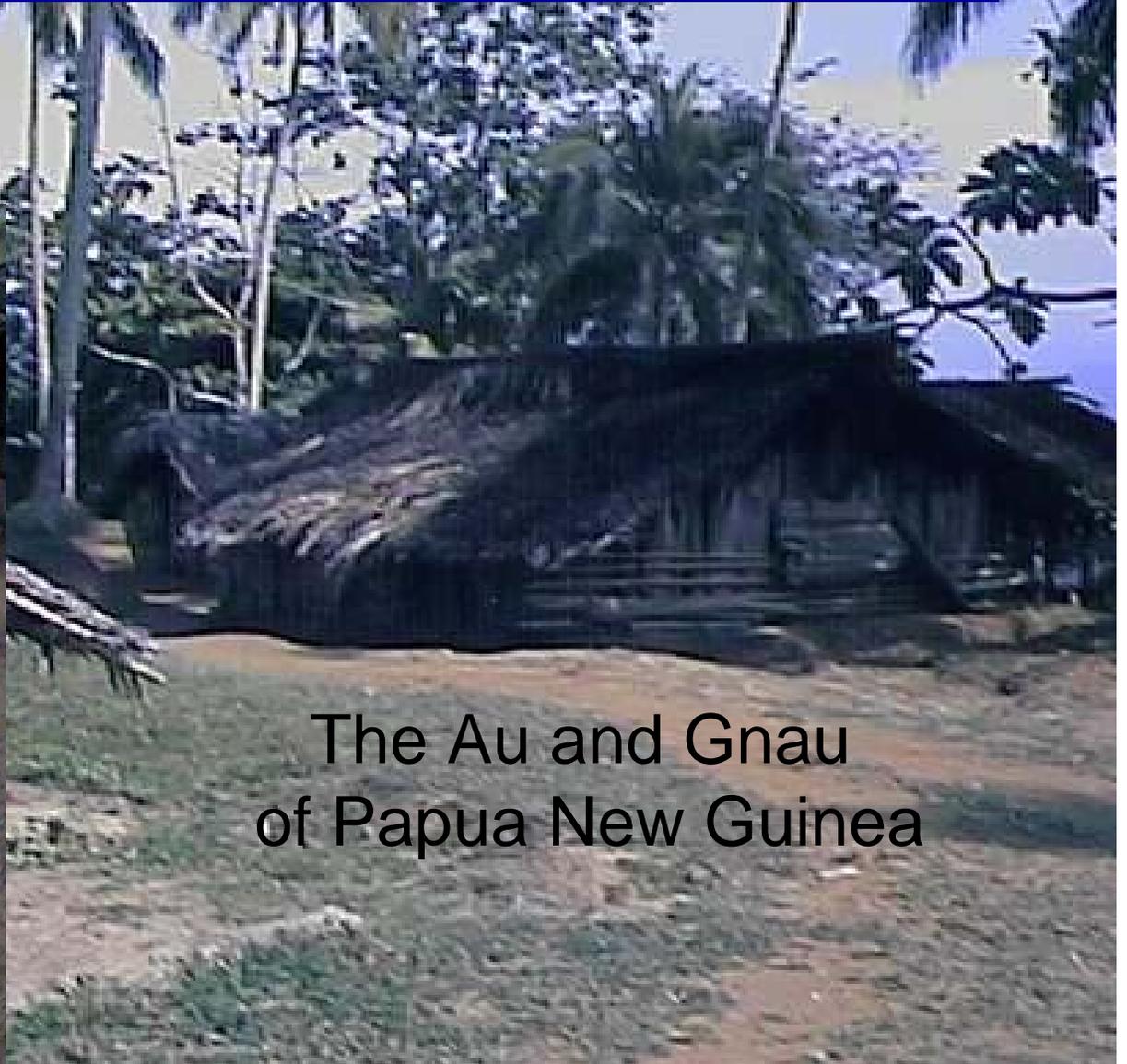


Hadza Ultimatum Game offers



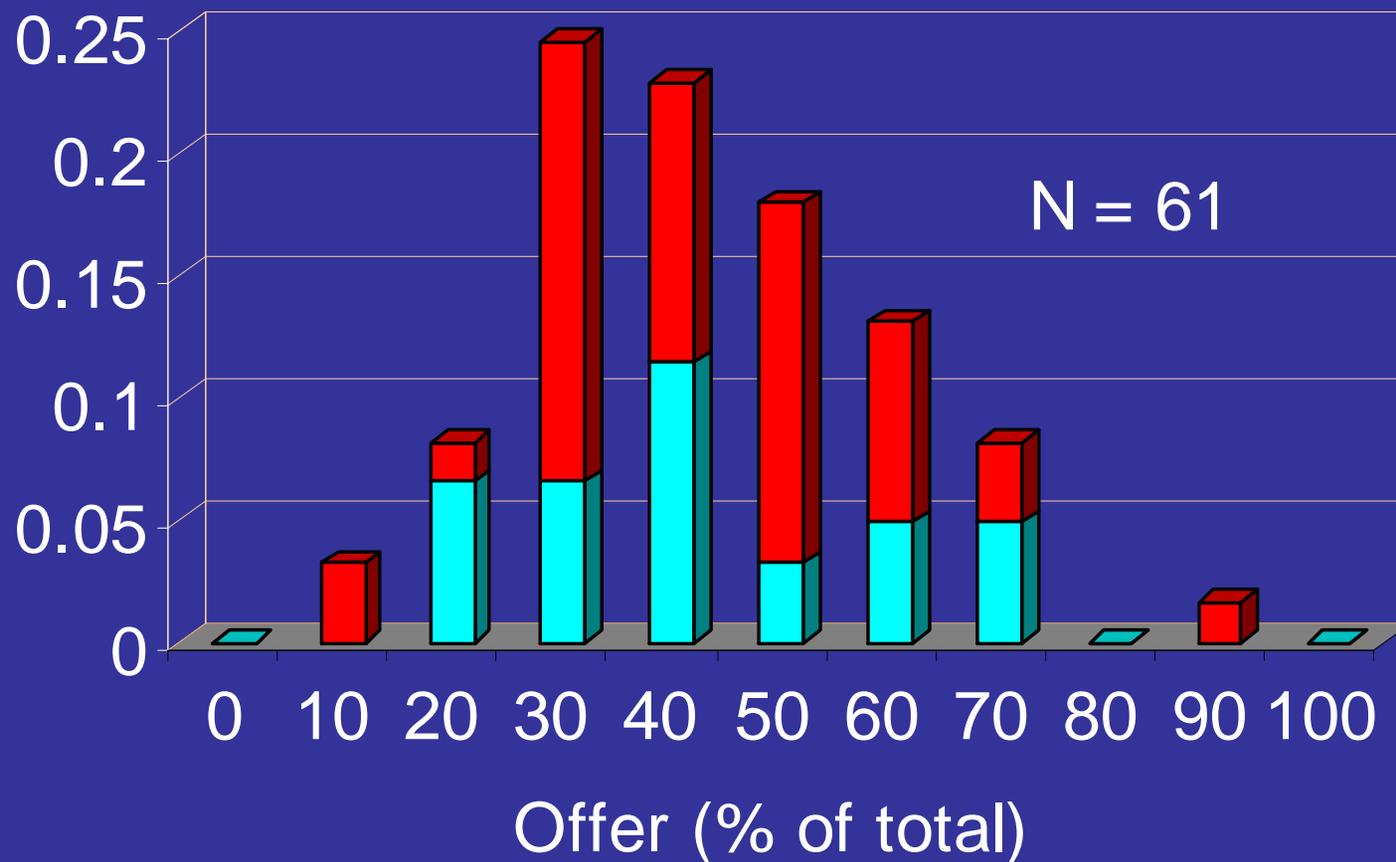
Like the Machiguenga

- Forager-horticulturalists: sago palms, manioc & pigs
- Culture of gift-giving and obligation



The Au and Gnau
of Papua New Guinea

Au and Gnau UG Offers and Rejections (PNG)



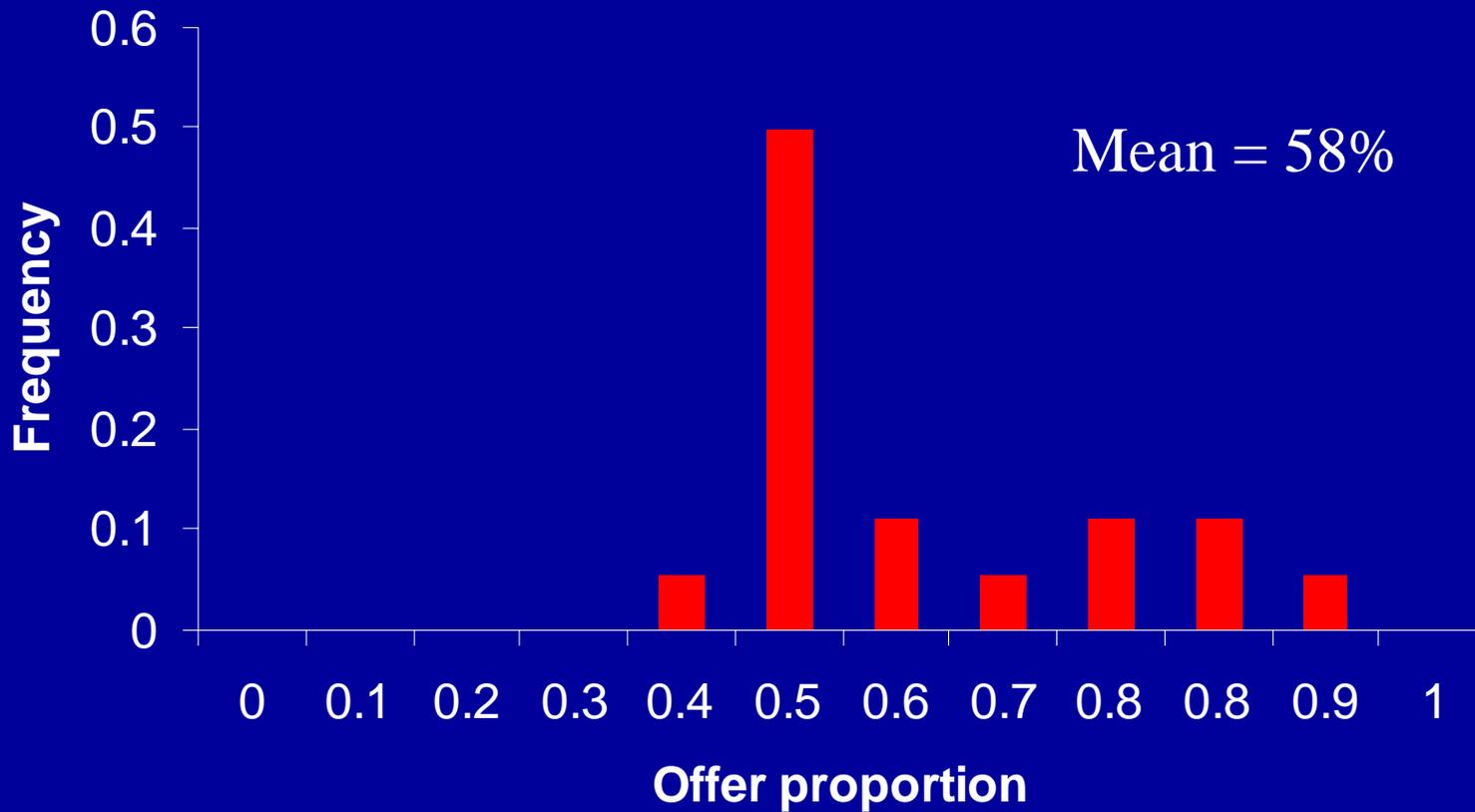
Hyper-fair offers make PNG unique. Makes sense if you 'know' New Guinea

Lamalera



- Cooperative whale hunters
- Trade for agricultural goods

Lamalera UG results



Cross-Cultural Ultimatum Games

Group	<i>n</i>	Mean	Mode	Std. Dev.	Rejections
Machiguenga	21	0.26	0.15/0.25	0.14	0.048
Hadza	55/29	0.33/0.27	0.20/0.50	0.17/0.15	0.24
Tsimane	70	0.37	0.5/0.3/0.25	0.19	0
Quichua	13	0.27	0.25	0.16	0.13 (2/15)
Torguud	10	0.35/0.42	0.25	0.089	0.05 (1/20)
Khazax	10	0.36/0.43	0.38	0.087	0.10 (2/20)
Mapuche	30	0.34	0.50/0.33	0.18	0.065
Au	30	0.43	0.30	0.14	0.27
Gnau	25	0.38	0.40	0.19	0.4
Sangu (farmers)	20	0.41	0.50	0.12	0.25
Zimbabwe (unresettled)	31	0.41	0.50	0.1388	0.1
Achuar	16	0.42	0.50	0.2	0/14
Sangu (herders)	20	0.42	0.50	0.09	0.05
Orma	56	0.44	0.50	0.092	0.04
Pittsburgh	27	0.45	0.50	0.096	0.22
Zimbabwe (resettled)	86	0.45	0.50	0.1014	0.07
Ache	51	0.5	0.50/0.40	0.15	0
Lamalara	19	0.58	0.50	0.14	0.2*

Do individual-level Variables Explain the Variation?

- **Age, Sex and Relative Wealth do not explain any of the variation in proposers or responder behavior (few exceptions).**
- **Group-level variables (ethnicity) explain most of the variation.**
- **Culture seems to be important!**

In-group Favoritism: Do Sukuma and Pimbwe play UG in the same way?



Two Tanzanian Ethnic Groups

Pimbwe



Sukuma



Characteristics of Social Institutions

	Pimbwe	Sukuma
Scope of social institutions	<i>Smaller</i> (village, clans, families)	<i>Wider</i> (cross-cutting ethnic-level institutions; <i>Sungusungu</i>)
Importance of sharing	Stereotyped as being stingy (institutions, economic hardship ?)	Stereotyped as being exceptional generous

Scope of Social Activity in Study Area

Pimbwe wedding



Sukuma Dance Competition



1.) Institutional Scope Hypothesis

Sukuma will make similar offers to Sukuma players living both *within* and *outside* of their local village.

Pimbwe will offer lower amounts when playing with Pimbwe individuals *outside* of their local village (their social institutions encourage sharing within villages rather than between).

Treatments

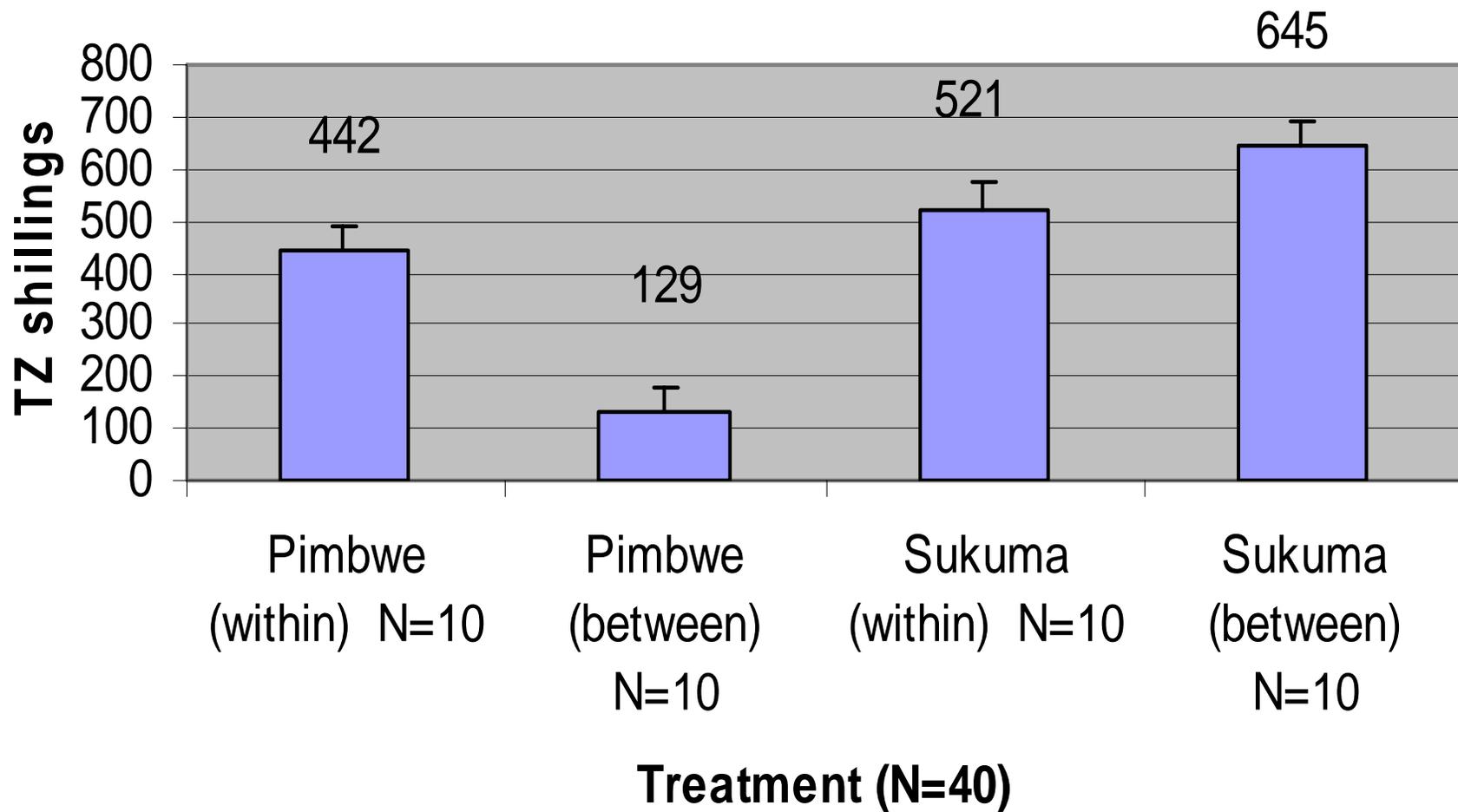
“...you must divide the money with one anonymous (**Pimbwe/Sukuma**) player (**within this village / from Kahama**)

- **Pimbwe** within this village
- **Pimbwe** from Kahama
- **Sukuma** within this village.
- **Sukuma** from Kahama

NOTE: Kahama is 10 km away

Results: Institutional Scope

Mean offers



2.) Magnitude Hypothesis

Sukuma will share *larger* portions of money with their ethnic members than the Pimbwe.

Results: Magnitude Hypothesis

Sukuma offered *more* than half of the money to another Sukuma, and the Pimbwe substantially less

	Pimbwe	Sukuma
Mean offer for <i>within-group</i> treatments	430 shillings	620 shillings

3.) Micro/Macro Hypothesis

Individuals' ethnic affiliation, used as a proxy for institutional rules, will have a larger effect on UG offers than will individual economic and demographic characteristics

Results: Micro/Macro Hypothesis

	F value	Prob. > F	
Ethnicity/treatment	12.38	>0.0001	**
Education	4.76	0.034	**
Bags of Maize	5.85	0.019	**
Age	.28	0.5978	

How much is offer size reduced by each variable?

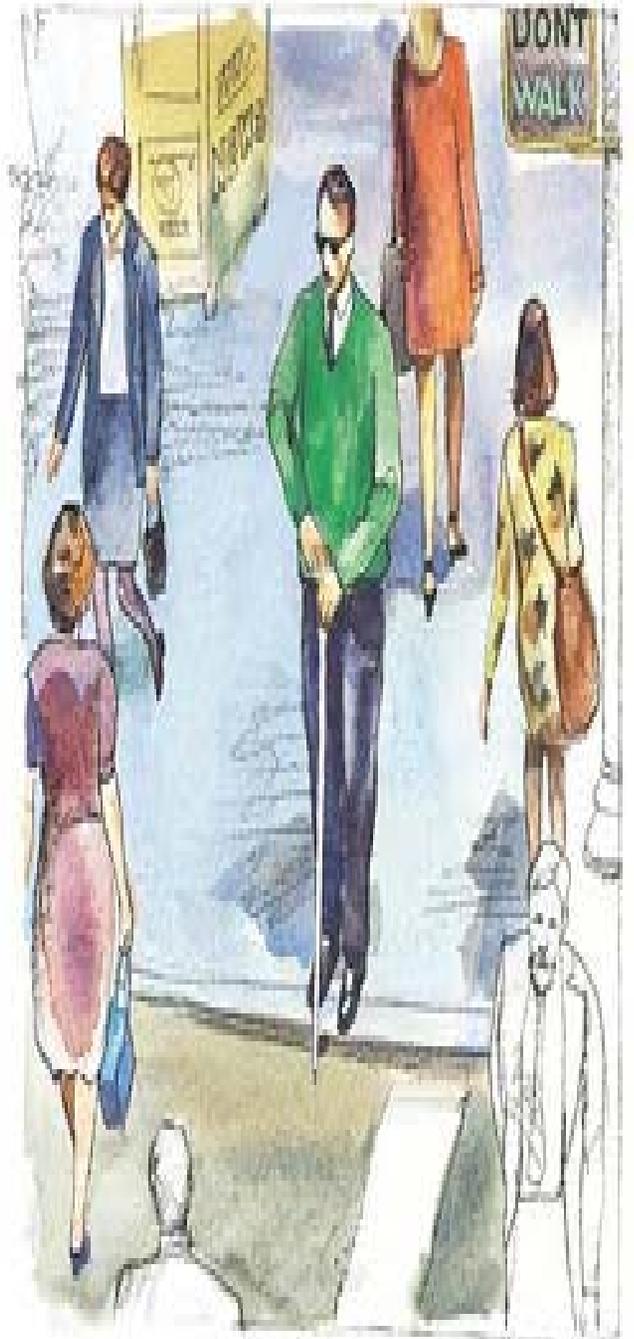
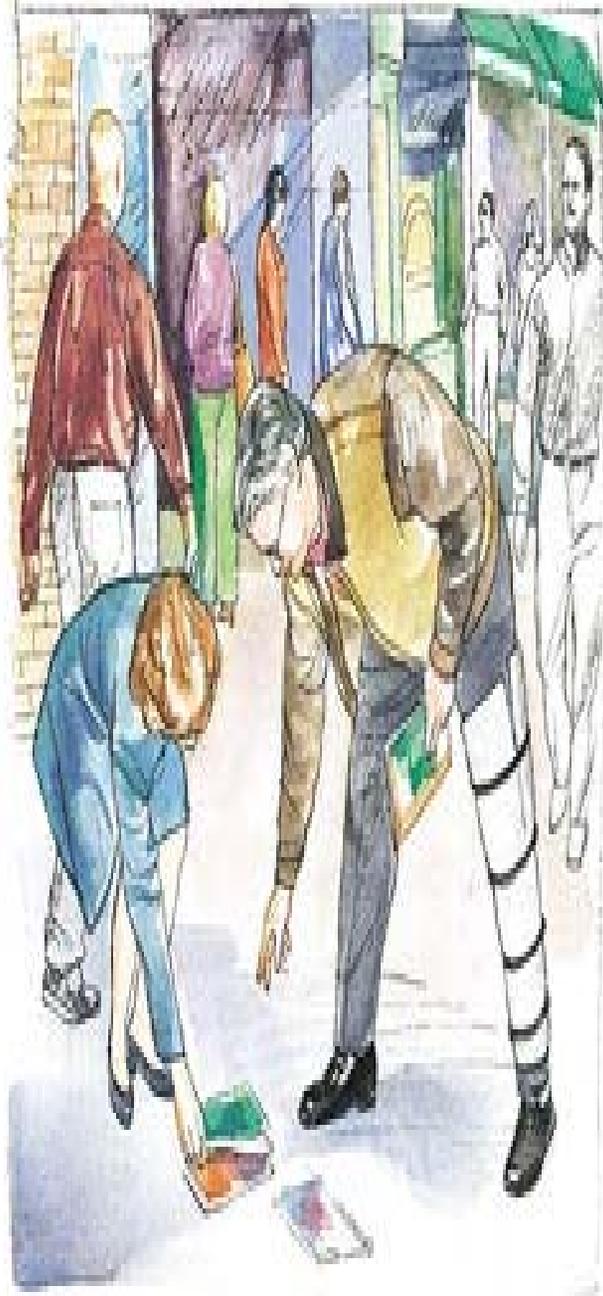
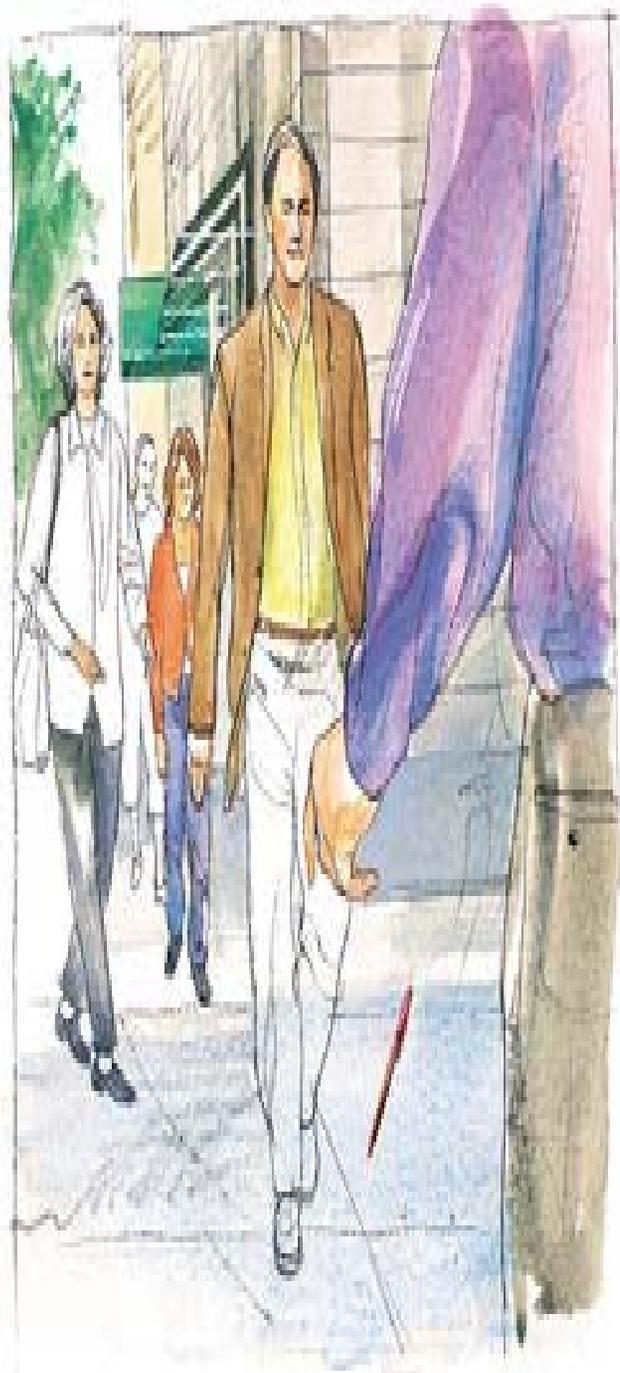
Seventy kilo bag of maize (**4** shilling decrease)

Any education (**143** shilling decrease)

Being Pimbwe (**263** shilling decrease)

Helping Experiments

- Do you help a person who dropped his or her books?
- Do you help blind people across the road?
- Do you help people with leg braces or casts?



Helping varies by culture . . .

Helping in twenty-three cultures

In twenty-three cities around the world, researchers observed how many people helped in three situations: helping a person with a leg brace who dropped a pile of magazines, helping someone who did not notice that he or she had dropped a pen, and helping a blind person across a busy intersection. The percentages in the table are averaged across the three situations. The cities in boldface are in countries that have the cultural value of *simpatía*, which prizes friendliness, politeness, and helping others.

CITY	PERCENT HELPING
Rio de Janeiro, Brazil	93
San Jose, Costa Rica	91
Lilongwe, Malawi	86
Calcutta, India	83
Vienna, Austria	81
Madrid, Spain	79
Copenhagen, Denmark	78
Shanghai, China	77
Mexico City, Mexico	76
San Salvador, El Salvador	75
Prague, Czech Republic	75
Stockholm, Sweden	72
Budapest, Hungary	71
Bucharest, Romania	69
Tel Aviv, Israel	68
Rome, Italy	63
Bangkok, Thailand	61
Taipei, Taiwan	59
Sofia, Bulgaria	57
Amsterdam, Netherlands	54
Singapore	48
New York, United States	45
Kuala Lumpur, Malaysia	40

Adapted from Levine, Norenzayan, & Philbrick (2000).

Helping varies by region of the country . . .

TABLE 10.2 Helping in the U.S.A.

Six types of helping (returning a pen dropped by a researcher who was walking past; helping a researcher with a leg brace pick up dropped magazines; checking for change when asked for change by a researcher; helping a researcher, who was in dark glasses and carrying a white cane, cross the street; mailing a stamped, addressed letter apparently dropped by someone; and average per capita contributions to the United Way in 1990) were studied in 36 U.S. cities. The top ten and bottom ten cities are listed in this table. Although there was a great deal of variability from one helping measure to the next, some overall patterns emerged, including the findings that higher density (population per square mile) and higher cost of living were strongly associated with less helping. *(Based on data from Levine et al., 1994.)*

Top Ten Cities for Helping		Bottom Ten Cities for Helping	
Overall Rank	Region	Overall Rank	Region
1. Rochester, NY	Northeast	27. Salt Lake City, UT	West
2. Houston, TX	South	28. Boston, MA	Northeast
3. Nashville, TN	South	29. Providence, RI	Northeast
4. Memphis, TN	South	30. Chicago, IL	North Central
5. Knoxville, TN	South	31. Shreveport, LA	South
6. Louisville, KY	South	32. Philadelphia, PA	Northeast
7. St. Louis, MO	North Central	33. Fresno, CA	West
8. Detroit, MI	North Central	34. Los Angeles, CA	West
9. E. Lansing, MI	North Central	35. New York, NY	Northeast
10. Chattanooga, TN	South	36. Patterson, NJ	Northeast

Public Goods Game Experiment

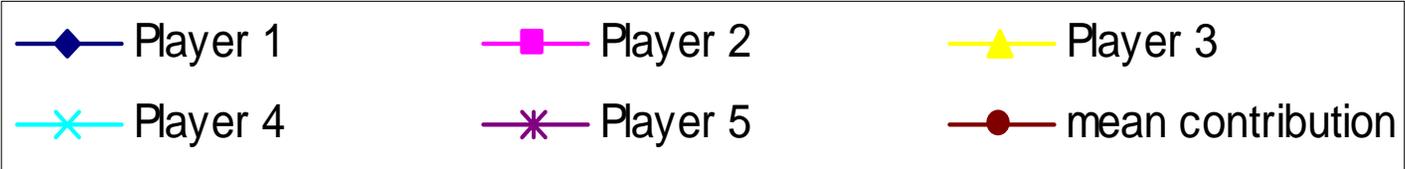
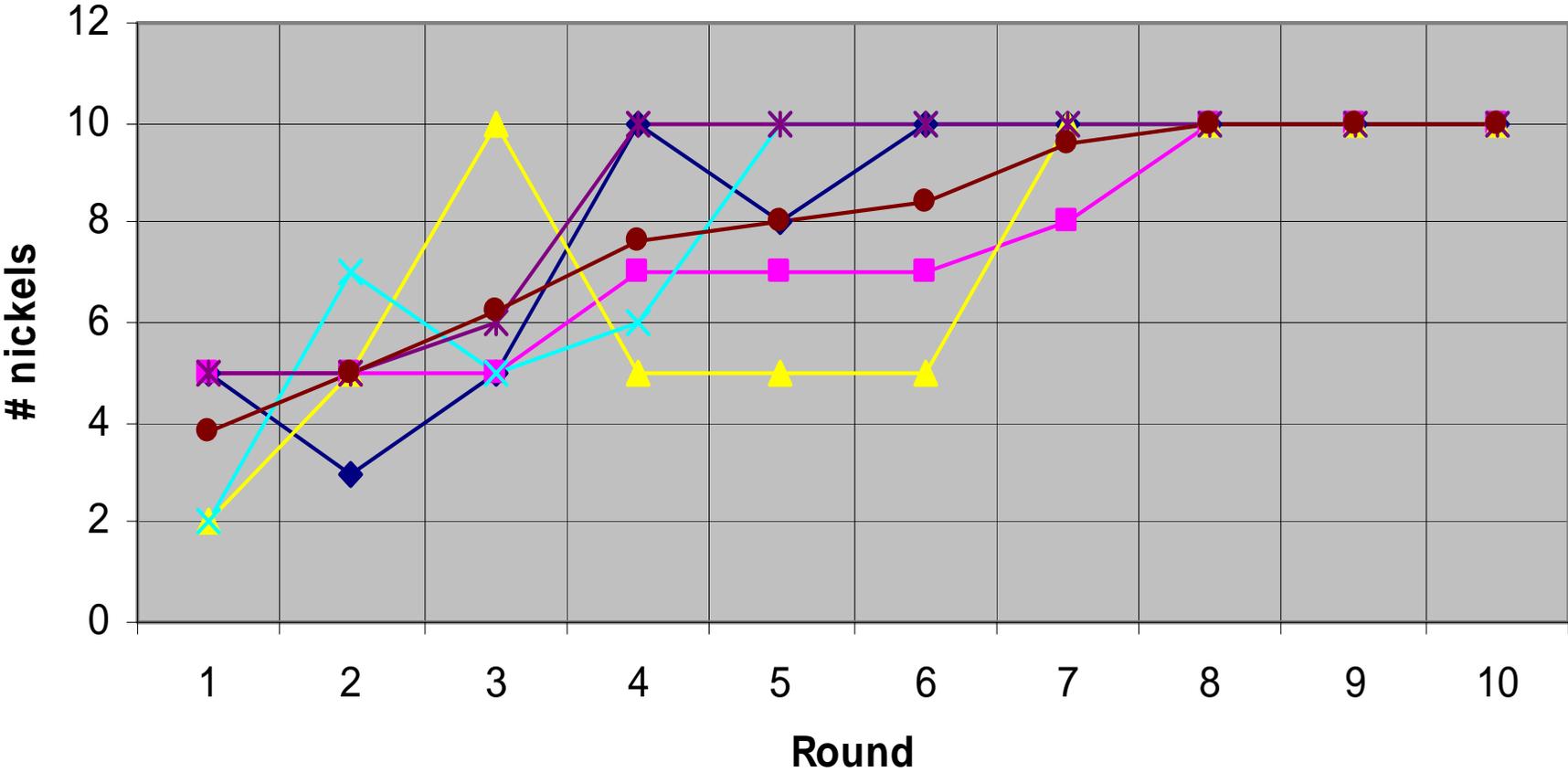
- 1.) Five players sit in face-to-face situation.
- 2.) Each player is given \$5
- 3.) Each round (there are 10 in total), each player can contribute between 0 and 10 nickels (50 cents) to “public account”
- 4.) Money put in public account is **DOUBLED**, and distributed **EQUALLY** to each player regardless of that they contributed.

Public Goods Game

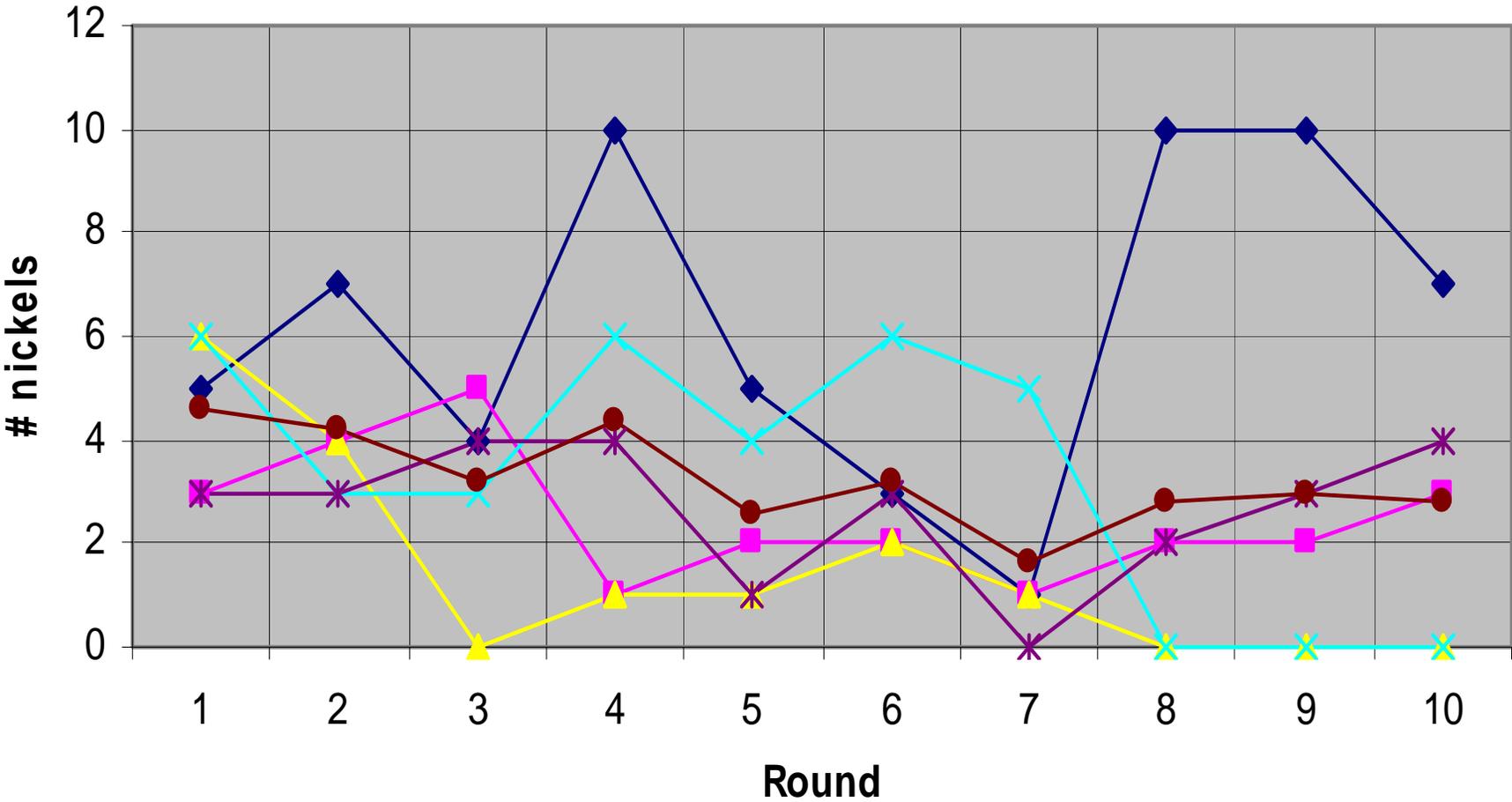
What contribution did you make to the public account?

What factor motivated your decision? Trust, suspicion, generosity, self-interest?

Public Contributions



Public Contributions



What happens when the conditions are varied in the PG game?

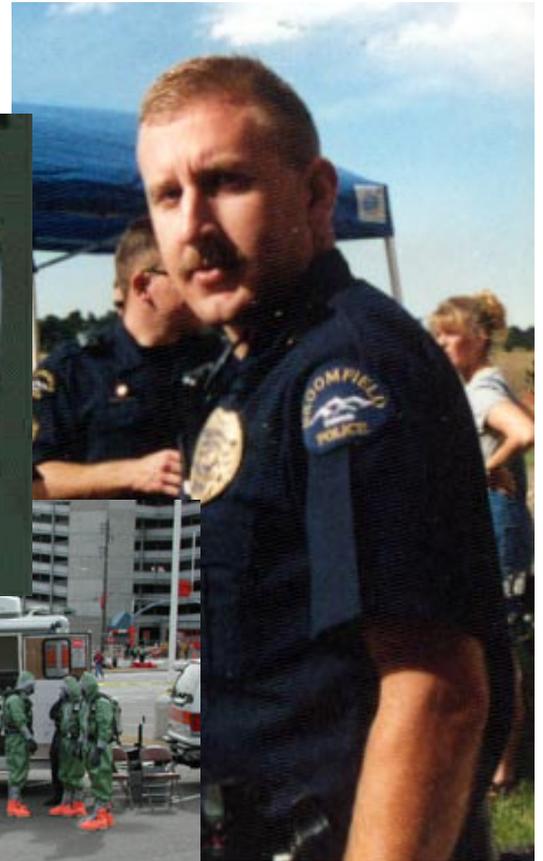
- Allowing participants to talk increases contributions to public accounts.
- Allowing participants to reward and punish each other increases contributions to public accounts

Player Types

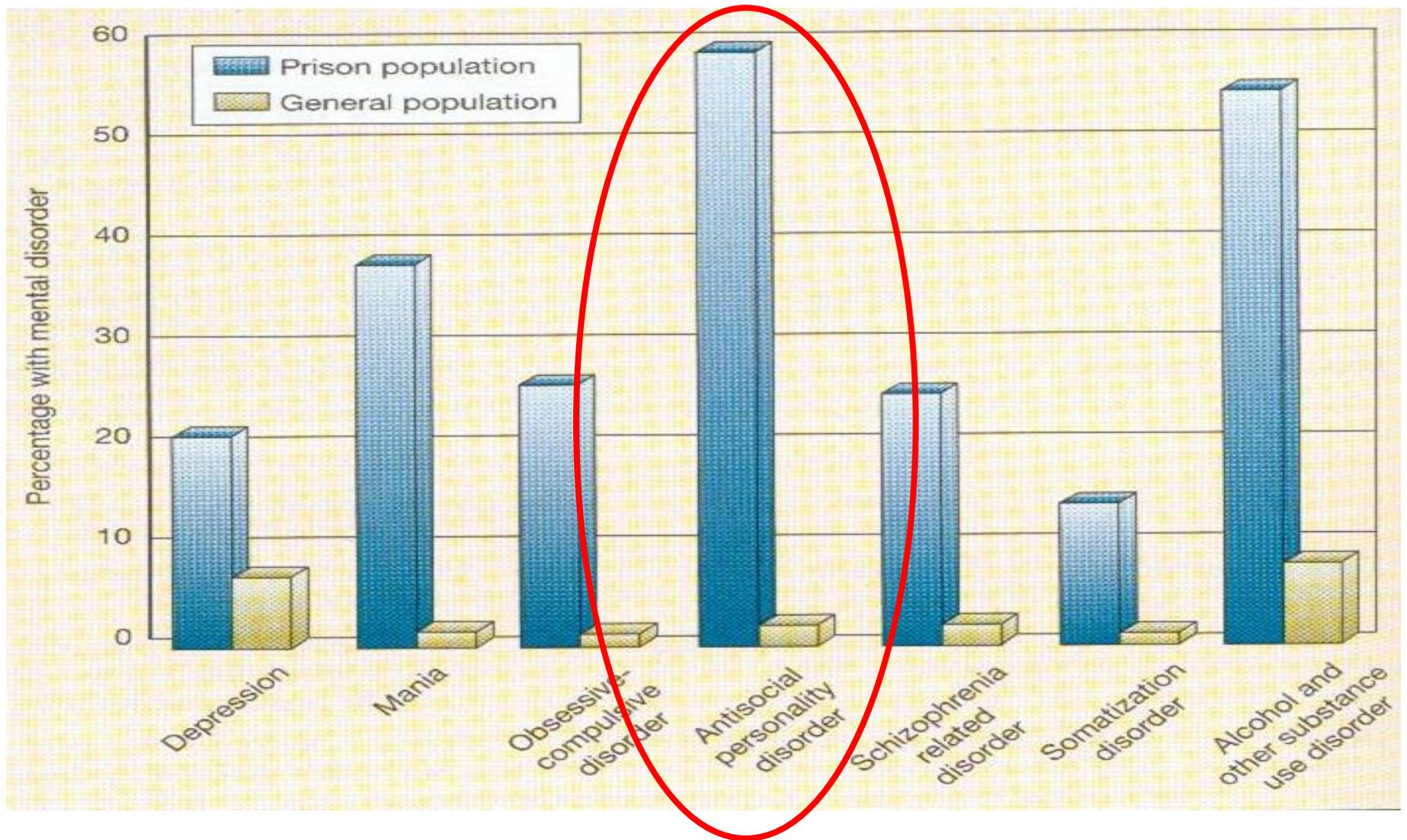
- In many replications of PG experiments, researchers find different types of players. In the most general categorization there are:
- 1.) **Prosocial's** (mother Teresa) they give all their money no matter what (20% or so)
- 2.) **Conditional cooperators** (they cooperate when others cooperate (50% of so)
- 3.) **Competitors/selfish** (they are “stingy” (20% or so)
- 4.) **Manipulators** (they are outright mean) 2-3%

Individual Differences

- Not everyone is selfless...not everyone is selfish!
- Altruistic Personality: aspects of a person's personality dispositions that leads them to help others in a wide variety of situations.
- (e.g., high emotionality, empathy, and self-efficacy)



NCDNR EXTENDS ITS THANKS TO THE MEN AND WOMEN FROM AROUND THE NATION WHO HAVE HELPED OUR STATE DURING THIS DIFFICULT TIME



- majority of criminals (~40-75%) meet criteria for Antisocial Personality Disorder
- APD found more commonly in prisons than psychiatric facilities

Summary of Experimental Games

- 1.) On average, **humans are prosocial**—they share generously in UG and Dictator, and punish at a cost to themselves.
- Relevance to criminology: Without formal police and other enforces, people learn rules and FOLLOW them. Threat of punishment matters (as we see in UG), but even without punishment many people are generous (as we see in Dictator)

Summary of Experimental Games

- 2.) Magnitude and scope of generosity depends on the **cultural rules** of the group.

Relevance to Criminology: Some societies will be more prosocial than other. In addition, people will be more prosocial (and more antisocial) to cultural “outgroups”

Summary of Experimental Games

- 3.) There is substantial **interpersonal variation**. Within a population, some individuals will be more generous and cooperative than others.
- A small proportion of people (2-3%) are deceptive and manipulative, and likely to break rules for their own benefit.

Part II. Forms of Social Control

Review of Social Control Systems

- Rules
- Sanctions
- Actors (Enforcers)

A rule is a *law* if enforced by State actors such as the California State Police or City of Davis Police.

Categorizing Social Control by the Actors Involved

- We will think about social control from the perspective of disputants (and those around them who will enforce rules to resolve disputes and protect property).

Different Types of Social Controllers Defined by Which ACTORS Enforces Rules.

- **Unilateral**
- **Bilateral**
- **Trilateral**

Unilateral Controllers

- **Unilateral:** Disputes resolved personally by the actors involved.
- Negotiation: Disputants work to resolve disputes. Often called “Self-help” justice, and violence often a useful strategy.



Bilateral Controllers

- **Bilateral:** Non-state citizens or family members resolve dispute (third-parties are involved).
- Mediation: third-parties aid in dispute resolution. Can be violent (e.g., mob justice) or peaceful.



Trilateral Controllers

- **Trilateral:** Third-parties resolve the dispute (the dispute is no longer a private matter between disputants and their peers)
- Arbitration: Third-parties such as States have the *authority to mandate* a resolution to the dispute.



Types of Actors Enforcing Rules
Has Varied Historically and
Regionally

The Evolution of Trilateral Social Control

- Hunter-gatherers and other “simple” societies do not have central leadership roles, and thus rely on unilateral and bilateral social controls
- Agricultural societies experienced more inequality, and more potential for crime. Thus, trilateral social control emerges with States.

Replacement of Social Rules (norms) with Laws

- Centralized states replace social rules with laws, and force arbitration on parties involved.
- Social norms are often not written down, and generally more vague than laws (e.g., how many feet should we stand back in the ATM line?). Laws are formal because they are usually clearly stated in written form.

Early Legal Codes: Code of Hammurabi

- Developed 2000 B.C. in area of modern Iraq, written on rock columns.
- Lex talionis (“an eye for an eye”): punishment based on physical retaliation.
- The Laws distinguish between three classes of persons: free men, serfs (also called *villeins*) and slaves.



Code of Hammurabi (282 laws)

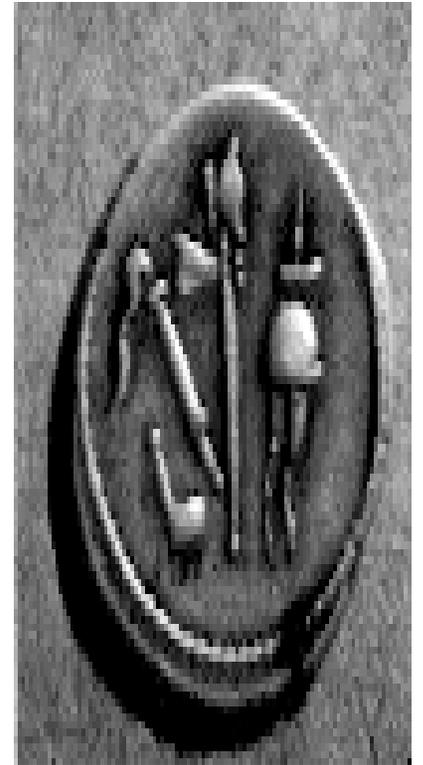
- #15. If any one take a male or female slave of the court, or a male or female slave of a freed man, outside the city gates, he shall be put to death.
- #196. If a man put out the eye of another man, his eye shall be put out.
- #282. If a slave say to his master: "You are not my master," if they convict him his master shall cut off his ear.

Early Legal Codes cont.

- Mosaic Code of the Israelites (1200 BC).
- According to tradition, God entered contract with the tribes of Israel in which they agreed to obey his law.
- Foundation for Judeo-Christian religious teachings and the U.S. legal system.

Early Legal Codes

- Twelve Tables (451 BC) from Roman Law. Originally written on bronze plaques, but preserved through memories.
- Civil and Criminal Laws which gave lower classes more protection from the wealthy classes.



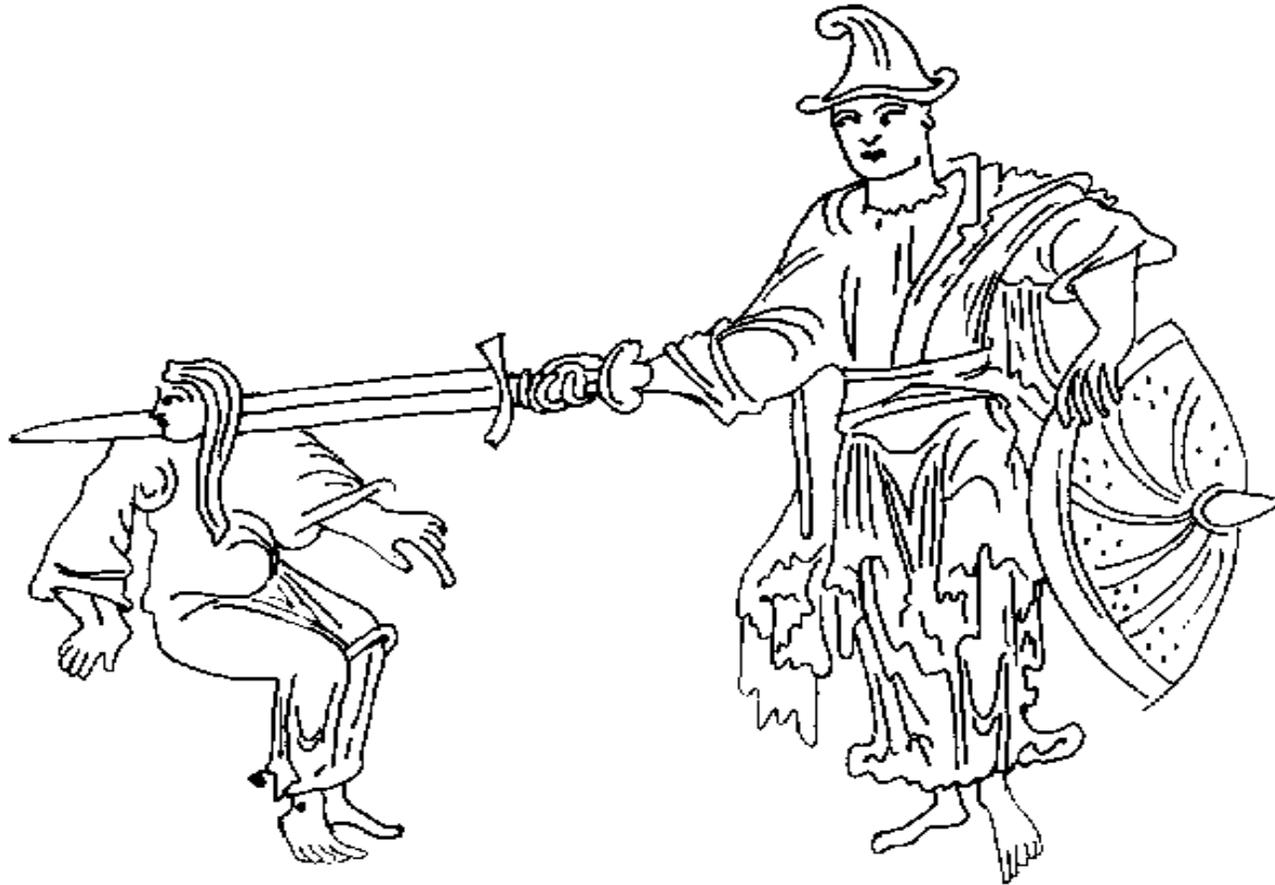
Social Control in the Dark Ages

- Formal Legal Codes lost in the Dark Ages
- Compensation for criminal violations (Wergild)
- Guilt determined by ordeals
- Chaotic forms of law and order (floggings, torture, witch burnings)



Trial by fire was a common practice during the Middle Ages. Guilt was determined by ordeals, such as having the accused place his or her hand in boiling water or hold a hot iron to see if God would intervene and heal the wounds. This painting illustrates an account given by the 12th century historian Godfrey of Viterbo. A count in the court of Holy Roman Emperor Otto the III (890–1002) was accused and executed for adultery with the Empress. Otto forced her to undergo trial by fire. She is shown here holding a piece of red-hot metal that has been heated in the fire at her feet. When her hand is burned, the test “proves” her guilt. Her burning at the stake is shown at the top of the panel.

Part III: Emergence of English Common Law



Justice System before the Normans (pre- 1066AD)



Shires (counties)

Hundreds (shire divided into 100 family units)

Tithings (Hundreds divided into 10 groups).

An early form of administrative centralization as the shire-reeve (sheriff) reported to King. However, laws varied by shires.

Church courts also important for spiritual matters.

Norman Conquest

- Norman Conquest 1066: William the Conqueror
- To control countryside, William replaced local tribunals with royal administrators.
- Resulted in the emergence of centralized legal system and English common law.

Nature of Common Law

- Law applied to all subjects of the land (A CENTRALIZED SYSTEM)
- Judges shared information
- Common law is judge-made, or case law, and founded upon previously decided cases.
PRECEDENT

Common Law as a Constantly Evolving Legal Code: Example of Homicide

- First defined in common law as “the unlawful killing of another human with malice aforethought” (planned crime and killed intentionally).
- Later, expanded by judges to capture the realities of human behavior. For example, killing in heat of passion, negligence, or while in process of committing another crime.

Some Laws Generated from Specific Cases

Case of Rex vs. Scofield.

Scofield charged with putting lit candle in Rex's house with intention of burning it down (but the house did not burn).

Scofield defended that intent is not enough—but he lost (**inchoate crimes**).

Rule of
Thumb?



Common Law Brought to English Colonies

- Common law used in Colonial U.S. However, laws continued to evolve, as new circumstance required. (Arson: burning a house, *or any contents, including burning by the owner*).
- “Legal Pluralism” occurred in many old colonies