

Introduction to Theory

Some criminological facts

Crime is decreasing

- Many people think it is but because the media portrays crime so often, society is seen as unsafe

Most people are victimized by people they know

- It's uncomfortable to think that we can be harmed by people whom we trust
- People are less likely to be reported if the person was victimized by someone they know

People over 65 have the highest fear of victimization but the lowest likelihood

- They see commercials that instill fear and feel as if they are disadvantaged
- Those between 18 and 24 have the highest rate of victimization
 - They are more likely to be exposed to places where crime takes place

People of all social classes commit crimes

- It is more likely that a person from a lower class who commits a crime is caught and committed

Violent crime does not inflict the most harm on people in society

- Corporate (aka suite) crimes can affect more people than conventional (aka street) (i.e. the Pyramid Scheme, or false advertising for food or products)

Crime and Deviance

Is relative to...

- Time
 - It is not static but fluid and ever changing
 - Something can previously be considered a crime but is not today
 - Ex. prior to 1983, if a husband forced his wife to have sex, it was not a crime
- Place
 - Laws are different for different regions, countries, or cities
 - Ex. chewing gum is illegal in Singapore but not in Canada

Do we use theory in everyday life?

- Predictions, generalizations, and speculation are part of everyday life and these are parts of theories
 - Basing actions/thoughts on previous experience
- Ex. theorizing a break up
- Not strictly academic

Why do we have crime?

- Media exposure
 - Could cause desensitization
- Agents of socialization
 - Upbringing/environment (strain theory)
 - Social class
 - Exposure to crime at a young age
 - Abuse
 - Peer pressure (differential association theory)
- Biological factors
 - Mental disorders

What is theory?

- A particular way of looking at something or make sense of a situation or behaviour
- Explains how 2+ events are related to each other and the conditions under which that relationship takes place
- Theory is
 - A hypothesis
 - A generalization
 - An explanation
 - Simple
 - Complex
 - Abstract
 - Concrete
- Theory is not
 - The truth
 - The answer

Why do we have theories?

- To explain and understand crime so we can apply them and hopefully decrease crime
- Has a way to treat and rehabilitate criminals
- To implement fair punishments to get justice
- To control crime by predicting and describing it

Assumptions in criminological theory

- Level of abstraction
 - **Macro**
 - Most abstract
 - Focus: social structures and society at large

- Paints a picture of how the world works and fits society into that picture in order to explain crimes
- Does not focus on specific criminal behaviour
- Example of a macro theorist: Emile Durkheim and Karl Marx
- **Micro**
 - Focus: on the individual
 - More concrete
 - Tries to explain exactly why individuals participate in criminal activities
- **Bridging**
 - Does not fit neatly into either micro or macro
 - Might think of the social structure that leads an individual to commit crime
- Basis of society
 - **Consensus**
 - Based on the assumption that there is a general agreement of people in society
 - Would believe that social institutions all work together for the good of society and that citizens would understand what is right and wrong
 - **Conflict**
 - Does not see society through an optimistic lens
 - Society is divided by conflict and social relations are based on an imbalance of power
 - Have vs. have nots
 - Institutions operate in order to uphold the power of the upper class
- Individuals
 - **Active**
 - Individuals possess free will and are able to make their own choices
 - **Passive**
 - People behave due to certain forces that push them
 - Could be biological, psychological, or environment
- Kitty Genovese
 - Murder victim in 1964
 - 37 witnesses saw the murder but didn't call the police
 - Researchers claimed that she was not saved because of the **diffusion of responsibility** (everybody assumes that somebody else is going to or has already helped during the situation)

Systems of Reasoning

- Inductive
 - Observe and analyze
 - Explanation theory
 - Researchers observe how people behave
 - Social researcher analyzes data and create a theory based on their analysis

- **Howard Becker**
 - Analyzed jazz artists smoking weed
 - Theory: you have to learn how to smoke through steps
 - Step 1: learn the technique
 - Step 2: you have to learn how to recognize the symptoms in order to feel the high
 - Step 3: you have to associate the symptoms to something pleasurable in order to get high but if you experience negative symptoms, you won't
- Deductive
 - Explanation theory
 - Simulation of a situation where someone needs help
 - Test
 - Verify or refute
 - The Experiment
 - Independent variable: researcher manipulates
 - Dependent variable: measured
 - Prisons are often violent institutions but does the prison setting itself play a part in generating violence and disorder?
 - The Stanford Prison Experiment
 - Split 28 men into prisoners and guards
 - Guards became unnecessarily violent towards the prisoners
 - Terminated after only 6 days (supposed to last 6)
 - Done by Phillip Zimbardo
- Correlation: systematically measuring 2+ variables and assessing the relationship between them
 - Researcher looks at things that already exists and determines how they are related
 - Can be positive or negative
 - Positive: both variables move in the same direction
 - Ex. greater education = higher income
 - Negative: variables move in opposite directions
 - Ex. more classes skipped = lower grade
 - **Spurious correlation:** the apparent but false relationship between 2+ variables that is caused by some other variables
 - Ex. a research study found that having a pet in childhood is correlated to a reduced likelihood of one becoming a juvenile delinquent

Evaluating Theory

- **Quantitative validation**
 - Approach to assessing a theory that is based on measuring and assessing
 - Numerical

- **Testability:** the ability to test a theory may take more time and the researcher will have to wait to be able to test it
- **Reliability:** when other people do the same test they will receive the same results
- **Qualitative validation**
 - The substance of a theory
 - **Logical soundness:** theory does not propose illogical relationships and it is internally consistent
 - **Tautological** reasoning: theories should not only be based on this
 - Circular reasoning: saying the same thing in a different way
 - **Validity:** the quality of measuring precisely what one intends to measure
 - Ex. measuring religiousness cannot be achieved by seeing how many people go to church because not everyone goes because they are religious therefore
 - Time order problem: when you think something came first when it really came after
 - Ex. people smoke weed because they don't think they're going to get arrested
 - Making sense out of two or more opposing facts
 - Sensitizing ability
 - Focus attention on a new direction of inquiry
 - Conflicting facts are categorized by a theory to help us make sense of things (labelling theory)
 - Ex. Marx's theory of class - forces us to look at situations differently
- Knowledge is context bound
 - All knowledge must be understood in context
 - Political context: who was in charge?
 - Socio-economic context: what is going on socially? What is going on economically in that time period?
 - The Intellectual context: where did the theorist study?
 - Personal context: how the theorist saw the world based on who they are and how they were raised

The Demonic Perspective

Witches

- Salem Mass: 1600s
- Salem witch story began in the reverend's house
- 3 women were put on trial and asked
 - "Are you a witch"
 - "Have you seen Satan"

- "Explain the odd behaviours of the girls"
- The three girls: **Tituba**, **Sara Good**, and **Sara Osburne**
 - Tituba confessed to being a witch, unlike the others

Salem Witch trials

- 3 women were sentenced to death by being burned at the stake
- Accused had to testify
 - Refusal = guilt
- Not immediately informed of charges
- Anyone could testify against him/her
 - Was not told who accusers were
- No supporters
 - No legal assistance
 - No witnesses to testify on their behalf
- 5 types of evidence to convict
 1. Trial by clever test: reciting prayers, if they messed up then they were considered a witch
 2. Individual testimony
 3. Physical marks of the devil
 4. Spectral evidence: individual had a dream or vision that a person was a witch
- Profit industry
 - Witch hunting became a lucrative industry
 - The more names, the more \$\$
- Confessions
 - Tituba confessed
 - Goal of inquisitor was to extract a confession in order to bring the accused back to the faith (confession was a form of penance)
 - Could result in the accused being forgiven or their soul being saved
 - Inquisitors better educated than their subjects and trained in questioning
 - Using leading questions and intimidation
 - Accused were not clever enough/too nervous to answer questions
 - Use of torture
 - Confessional devices
 - **The Head Crusher**: individual is asked if they are a witch by inquisitor and if they don't give an answer, the headgear gets tighter
 - **The Inquisitional Chair**: person is immobilized and interrogate as the chair pierces the skin and elicits heat
 - **Iron Spider & Cat's Paw**: grabbed the fleshy parts of a person's body
 - **Judas' Cradle**: individual is hoisted up above a pointed stool and is dropped
 - **Strappado**: person is hung from their arms and hoisted and dropped; weights could be added to make the impact more dramatic

- **The Rack:** person is stretched out so the accused's arms and legs are torn off; additional tools could be added to the body (ex. Pincers, hot iron, etc...)
- Lead to false confessions
- Punishments
 - **Breaking on the wheel**
 - Taking a rod and breaking every bone in the accused's body so the demons would be released
 - Shame and pain
 - Some punishments didn't always involve death
 - **The Hag's Harness:** for people who talked back; metal spike that went into someone's mouth so when they moved, the spike would pierce their tongue; where we see the importance of informal social control
 - **The Ducking Stool:** person would be hoisted on a chair and paraded around town then repeatedly dunked in water in order to purify them; meant to embarrass and expose someone's impurity
 - Symbolic punishment
 - Rationale behind punishments: "eye for an eye" (Exodus 21:23-25)
 - **Lex Talionis:** justice and retribution
 - Rationale
 - Rooted in Christianity and Biblical law
 - Penance through physical pain
 - Nothing sacred about the body; main concern is the soul
 - If they confessed, their soul would be saved and they could go to heaven
 - Restore order of the world
 - Maintain balance
 - **Cosmic consequences:** a crime will impact everybody and everything
 - Eliminate evil spirits through death
 - Breaking the bones = release of demons
 - **Deterrence**
 - Punishments conducted in public spaces as a warning/a lesson
 - Can be general (to society) or specific (to an individual)
 - Affirm authority of the Church
 - Social control
 - Ride society of undesirables/deviants

Witchcraft in Context

- Provides an explanation for misfortunes
 - Reflects knowledge of the time
- Maintain status quo

- Protect privilege
- Challenging authority = heresy
- Divert attention
 - Focus is transferred to the witches
 - Church becomes indispensable as they hold the power to defend the people from evil
- Scapegoat
 - Target powerless or threatening groups
 - Discourage rebellious behaviour

Modern Day Witch Hunts

- A witch hunt occurs any time a group of people are persecuted unfairly
- Ex. Mackenzie King's discriminatory campaigns against the Chinese immigrants who moved to Canada to build the railway
- Socially constructed problems
 - **The moral panic:** an intense feeling expressed in a population about an issue that appears to threaten the social order
 - Recurring moral panic often involves drugs
 - **Moral entrepreneurs:** the individuals who start the moral panic
 - In the example above, it was Mackenzie King
 - **Folk devils:** individuals who are targeted by the moral panic
 - In the example above, they were the Chinese

Assumptions of Demonology

- Idea that the world is a battlefield of good and bad supernatural forces
- **The Inquisition:** name of the time
 - Catholic church had large amount of religious and political power
 - The church using the court to enforce their beliefs
- **Heretics:** anyone who goes against what the church says
- **Deviance = sin**
 - Deviance has cosmic consequences
 - If someone acted against the norm then they were acting against the church and God
- Being a witch was a transgression against God
- Anyone who was deviant caused the cosmos to change

Two Paths to Demonic Deviance

1. Temptation
 - Belief that individuals can be tempted and if they don't have enough willpower/truly don't want to stop then they will give in

- Person is seen as having a choice and making a decision when they choose to give in to temptation
 - Temptation implies intent and person chooses to go astray
2. Possession
- Devil has taken over persons mind and body causing evil behaviour
 - Once they are possessed they are no longer seen as responsible for their actions
 - Temptation is to active and possession is passive

“The Burning Times”

What groups were particularly vulnerable to the witch hunts?

- **Heretics:** people who had different opinions and/or went against the church
- **Women**
 - 1000's were burned in squares
 - “Women’s holocaust”
 - Were healers and counsellors
 - **Midwives** were among the most targeted because
 1. They helped ease women’s pain while giving birth which is against God’s will (based on the story of Adam and Eve)
 2. They provided birth control
 3. They performed abortions
 - If a woman cured without study, they were a witch
 - Rise of the male medical profession was then guaranteed as women could not go to school
 - Testimony of male doctors sent many women to their death
 - Reproductive issues was a major factor
 - Birth control and abortion were sins
 - Those who spoke up wore the mask of shame
 - Men were told to beat their wives as charity for their souls
 - They could not gather in groups or say a word against men
 - Roots in misogyny
 - Woman is the temptress and the cause of the fall of society (as dictated in the scriptures)
 - Sexuality was the root of all evil and women were the obstacle to men’s enlightenment
 - Most vulnerable: widows, spinstress, homeless women, old women (hags - one with wisdom)
 - Even children were executed
 - Women started to gather secretly but those who went out at night were considered evil
 - Women were more susceptible the the Devil’s charm
- Pagans
 - Their rituals honoured the Earth

- Based on customs as opposed to belief (this went against the Church's values)
- Goddesses turned into Saints
- Religion of the elite versus the popular religion (the religion of spirits and nature)
- Joan of Arc: condemned as a heretic and a witch by the same Church that elevated her to Sainthood
 - Heard voices that led the French to battle
 - Faith deeply rooted in the traditional religion
- Anyone who appeared helpless or mischievous

What factors made the witch hunts happen?

- Religious persecution
 - Confrontation of the Church's messages/ideals
- The Spanish Inquisition
- Rigidity of the Church
- Social upheaval
 - Fear of anarchy/rebellion
 - Those who demanded reformed were enemies of God
- **The Black Plague**
 - Priests said it was God's punishment for the sin of humans
 - People turned to the village wise woman for comfort
 - Women were immune to the plague so women outlived men and could not find husbands
 - In a **patriarchal society**, this was a difficult thing to come to terms with
 - They became independent and therefore suspicious and envied
 - Women became the scapegoat
- The Renaissance and Reformation
 - A time of rebirth and learning
 - Dawn of the scientific revolution
 - Telescope was invented
 - Relied on the techniques of questioning witches in the burnings
 - Emergence of **capitalism** and **bureaucracy**
 - Each witch trial involved meticulous bookkeeping and there would be money in that
 - Money came from the accused through their assets
 - Lawyers and judges flourished

Trials

- Women were stripped of their clothes
- She is shaved as hair carried power
 - Braids were supposed to contain man's fate
- She had to approach the inquisitor walking backwards so as not to give the evil eye
- Accused is most likely not as knowledgeable than the judge so they would be dumbfounded

- Most could not handle the pain
- They were tortured 3 times
 - 3rd degree: would be virtually impossible to survive
 - If she gave in, she would name 8 neighbours and tell the story of how she kissed the goat

Extra Information

- Victim toll was originally 9 million, based on Etienne Leon's Histoire de l'Inquisition en France
 - However, the real toll is around 40-60 000, 75% of which were women
- Many believed the village cunning folk, the herbalists and midwives, were the victims
 - In reality, these people were the accuser of malefic magic
- New research had to be done about the Burning Times as it was seen as an actual era by many
 - Gerald Gardner and Margaret Murray were the first sources of the Burning Times paradigm
 - Found that Pagans played the victim and were not as targeted by the witch hunt as previously claimed
 - This led to the repression of the religion and its inability to become a mainstream faith
- The witch hunts were not an ongoing event but were sporadic and different to each country
- Every woman gave the same story about having sex with the Devil because interrogators all posed the same questions in order to get the same answers
- **Malleus Maleficarum**: Hammer of Witches is a book that projects the fear of men and their sexual repression

The Age of the Monarchy

The Early Middle Ages

- England broke up into principalities
 - Princes held sovereignty within their borders
 - Each village had their own system
- Not much communication; not many people could read or write
 - Laws were localized
 - Information travelled slowly
- William of Normandy won the battle over King Harold
 - He awarded his officers and supporters land/power to govern in his name

The Rise of the Monarch

- Absolute monarchy
 - Power to rule land freely with no laws in force
 - Local autonomy taken away in exchange for peace and safety (people agreed to this)
- Society based on feudalism
 - Lords: have the power
 - Serfs: individuals who work on the land under the power of the Lords
 - Had to get permission from the Lords for everything
 - Conflicts between the Lords were solved by having the serfs battle each other
- Lord's courts were developed
 - No more serf battles
 - Beginning of an organised justice system

Emergence of the King's Courts

- Re-defined private wrongs as crimes against the state
 - Ex. if someone assaulted another individual, they would be charged by the state
- Established by King Henry II
 - He streamlined procedures and made them faster
 - Courts gained in popularity
- **Circuit judges**: replaced informal methods of seeking justice based on local practices
 - Created Common law (aka judge made law)
 - Not created by King Henry (he facilitated it) but by the judges
 - Importance of Common law: gives consistent and unbiased judgements
- **Stare decisis**: deciding cases on the basis of situations of similar facts
 - Set precedence
- First written laws: Code of Hammurabi

The Divine Right of Kings

- Kings inherited his authority from God
- If any commoners questioned the King, they were also questioning God
 - Therefore, they could never go against his actions or they would be charged with heresy and treason
- Form of social control

Trials by Ordeal

- Aka trials by torture
- Person would publicly declare their innocence in front of God and then endure the trials
 - If they succeeded, God intervened so they were innocent

- **Trial by heat**
 - Done with hot iron or hot water
 - If a person held a hot iron and their wounds healed after 3 days, they were seen as innocent
- **Trial by cold water**
 - Individual has their hands and legs tied
 - They are dropped in water and if they sink, they are innocent
- **Trial by battle**
 - Only for people of higher status
 - Individuals would joust to the death
 - Whoever prevailed was innocent
 - Often, the accused would hire people to battle for them (similar to how rich people can afford better lawyers)
- **Trial by cursed morsel**
 - Only for clergy
 - They would be forced to swallow food with a feather
 - If they didn't choke, they were innocent
- **Trial by wager of law**
 - The accused would be given the opportunity to go into the community to find 12 people who can attest to his/her character
 - Evolved into **trial by jury**
 - **Grand assize**: a body of men who are summoned by the king to discover who in the community have committed a crime; duty was to obtain the people and bring them to the King's court
 - **Petit assize**: once they are brought to the court, this group decides if the accused is guilty or innocent
 - A jury could be put on trial if the judge or King didn't like the verdict
 - Crime of perjury
 - Judged before a jury of 24
 - Three different types:
 1. **Exchequer**: where people take any financial issues
 2. **Court of Common Pleas**: would hear disputes between the King's subjects but didn't directly involve the King
 3. **King's Bench**: composed of the King's advisors; highest court in the land where all criminal cases are heard

King's Justice: Royal Cases

- All crimes became against the King's peace
 - Accused would be charged with treason
- Massive criminalization of previously non-criminal acts
 - Ex. taking fish from ponds became illegal

- Reason: King made money from taking control over land; the more crimes, the more revenue for the King
- **Bloody Code:** the number of crimes punishable by death increased greatly
 - Almost every crime was punishable by death, even theft or destruction of nature
 - Reasons:
 1. The wealthy and the royal were unsympathetic to commoners who committed crimes; they saw them as being lazy and sinful so they didn't deserve mercy
 2. The rich were trying to control the poor
 3. The death penalty would serve as a deterrent
- A demonstration of power
 - Public executions were spectacles and were meant to impress the masses
 - Also served as entertainment
 - Power of the King's mercy
 - He would take or grant life and lessen the pain
 - The accused could admit guilt and plead mercy to God and, therefore, the King
 - Protected emerging economic, social, and political systems
 - Citizens could never question the King's authority

The Use of Torture

- Objective of torture
 - Elicit confessions
- Justification
 - State needs to protect the community from the wrath of an angry God
- Suspected of crime
 - Half-proof required: only the slightest amount of incriminating evidence was needed to constitute guilt
- Inquisition
 - Questions asked under oath while enduring physical pain
- Stages of torture
 1. **Preparatory:** attempting to achieve the objective of the admission of guilt
 2. **Preliminary:** inquisitors try to get the accused to give names of accomplices (the more names, the more money to be made)

England

- One could avoid torture by consenting to a trial by jury
- Refusal of trial by jury meant subjection to "pressing"
 - **Pressing:** accused would be isolated and starved; weights would then be put on the individual until they admitted guilt
 - People would die within hours while others would last days

- This was chosen because one would not want to die a guilty man as their assets would be taken away (especially since juries usually convict)
- Someone of a higher class would be beheaded while commoners would be hung
- **Gibbeting**: method of displaying the executed criminal's body
 - Positioned in highly populated locations as a way of deterring criminals
 - Would be left on display until their clothes started to rot or their bodies started to decompose
 - Other times, the accused's body would be cut up into pieces and placed in different locations
- **Corporal punishment**: punishment of the body
 - Stocks and pillories: individuals would be placed with their hands and head locked while people threw things and yelled at them
 - Flogging: an individual would be beaten and whipped while tied to a post in front of the town; shameful as wounds would remain for awhile
 - Branding: symbolic; combination of physical pain and public humiliation; branding would be reflective of the crime committed
 - Banishment or exile: individual would be removed of his property and prohibited of returning home; challenging physically and psychologically as they were branded as outsiders
 - Transportation: form of banishment in a structured way; the convicted was obligated to go to the British colonies to serve a period of indentured slavery; when the North American colonies declared their independence, a crisis arose of what was to be done with all these convicts
 - Lead to the use of hulks (large ships converted to floating prisons) where the conditions were horrific
 - ¼ convicts would die on these ships

“Braveheart”

What characteristics of the King's justice/King's court/age of the monarchy are illustrated in this video?

- Flogging
- King's mercy
 - Begging for the King's mercy
- Use of torture
 - Execution and public humiliation
 - As entertainment
 - Public executions
 - Style: up and down, stretching (w/horse)
- Execution style: beheading
- Separation of body parts (of the accused)

Classical Criminology

Life During the 18th Century

- Shift from feudalism to capitalism
 - Moving away from an absolute monarchy
 - Power taken away from King towards a modern nation-state (and the bourgeoisie)
 - More democratic
- Protestant Reformation
 - When Martin Luther presented the idea that man is capable of interpreting the Bible without a Pope
 - Power of the Church starts to weaken
- Social changes
 - Population growth = denser distribution and diversity
 - Need for new forms of social control as a result of...
 - Diminishing social bond
 - Less sense of connectedness/familiarity
 - More strangers means more people do not care about public humiliation

The Enlightenment (1650 - 1800)

- Aka the **Age of Reason**
- Time of philosophy and philosophers
 - **Voltaire**
 - **John Locke**
 - **Thomas Hobbes**
- Moved away from religious explanations to scientific ones
- Looked at problems involving politics and social living
- **Secularism**: separation from religion
 - Church's authority should not be accepted without question
- Reason is idealized
- Doctrine of free will
 - People have the ability to make choices and their fate is not predetermined
- **Rationality**: people can anticipate the consequence of different actions and can calculate the most beneficial outcome
- Natural rights exist
 - Everyone has rights that need to be protected by the State
- Humans are **hedonistic** (people want to maximize pleasure and minimize pain)
 - Rewards (money, fame, revenge, etc...) might be greater than the risks (incarceration, death, bad publicity, etc...)

The Social Contract

- Unwritten agreement shared by everyone in a society in which they give up some freedom for security (and the greater good)
 - The binding glue of society
- Society should work for the people
- When people work freely under some laws, it provides a happier life than anarchy
 - Individuals will restrain themselves in order to live in an amicable environment
- What is a crime?
 - Anything that breaks the social contract
 - Will result in punishment based on demonstrable social harm
 - The greater the harm, the more punishment there will be
 - If there is no victim, there is no crime
 - Seriousness of the crime is measured by the harm
 - Ex. homosexuality
 - According to classical theorists, there is no crime
 - According to the demonic perspective, it goes against God and is therefore a sin and should not be allowed

Critique of Criminal Justice in the 18th Century

- Capital punishment
 - Negatively affected the citizens due to its gruesome
 - Judges reluctant to convict due to severity of punishments
 - If they don't convict people, they can't deter
 - Limitations of effectiveness
- Transportation
 - When convicts were sent to the colonies for indentured slavery
 - Ended with the American Revolution
 - What to do with all the prisoners?
- Jails
 - Money industry
 - Breeding grounds
 - Everybody was housed together (women, men, children, minor and major offenders)
 - Moral breeding ground: led to corruption
 - Physical breeding ground: disease would spread rapidly
 - **Capital punishment:** punishment leading to death (execution, hanging)
 - **Corporal punishment:** punishment on the body (branding)

Cesare Beccaria

- 1738 - 1794

- Part of the Academy of Fists
 - Where he would discuss politics and philosophy
- Was appalled by the horrific conditions he saw in jail
 - Wrote the **Essay on Crime and Punishment** in 1764 to critique the current system
 - Wrote it anonymously to avoid persecution
- Radical ideas
 - Argued that the current system punishing criminals was completely barbaric
 - Unwritten laws, secret trials, and biases were cruel and inhumane
 - Believed crime was not a problem of bad people but of bad laws
 - People are inherently good and just need to be discouraged from committing crime
 - Reforms needed; rational system needed for controlling crime

Jeremy Bentham

- 1748 - 1832
- **Utilitarianism**: the greatest good for the greatest number of people
 - Ties in with the social contract
 - When bond between society and people is broken, a crime has taken place
- Hedonistic calculus (factors behind crime)
 - Intensity: how intense is the pleasure?
 - Duration: how long will the pleasure last?
 - Certainty: is pleasure guaranteed?
 - Immediacy: how soon will one obtain pleasure?
- Punishment has to be rationally calculated
 - Punishment must be slightly more severe than the harm done by the act
 - Ex. if a robbery gives an individual 6 units of pleasure, than the punishment should be 7 units of pain
 - Why not have harsh punishments?
 - If it is too severe, it is going to encourage more crime

Punishment

- Goal of punishment: to deter
 - Specific deterrence: targeting an individual in order to prevent them from committing the crime again
 - Ex. restitution (repayment; ex. fines)
 - General deterrence: to deter everyone in society
 - Ex. sex offender registry (available to the public)
- Does it deter?
 - Yes
 - Humans are rational and will weigh the consequences

- Fear of pain will stop people from committing crime
- The public humiliation will deter
- In some cases, specific deterrence works better than general (for adolescents)
- No
 - It is reactive, not proactive
 - People think they're invincible
 - People do not think they will get caught
 - Depends on the person, not everyone will interpret punishment the same way
- There's no right answer
- Effectiveness (based on classical theorists)
 - In order for punishment to deter, it must have 3 main components
 1. **Certainty**: if a person engages in crime, they will be caught and punished
 2. **Swift**: punishment must follow in a timely fashion; if not, the individual is not going to make the connection between the negative behaviour and the subsequent consequence
 3. **Proportionate**: punishment has to suit the crime; has to give one unit more pain than the crime gave pleasure
- 3 strikes legislation
 - An individual gets 3 chances for leniency
 - After the 3rd chance, the person gets jail for life
 - Focus is on the act, not the circumstances
- Reforms for laws
 - Laws must be written, widely available, and understandable
 - Must apply equally to all
- Reforms for punishment
 - Judges determine guilt, not punishment
 - Punishment is determined by legislator
 - Emergence of a democratic state
 - Focus is on **actus reus** (the guilty act) only
 - Implications: judges are only concerned with the crime and not the person's intentions (**mens rea**)

The Death Penalty

- When was capital punishment abolished in Canada?
 - 1976
- Positives
 - Can serve justice to the victim/family of the victim
 - For heinous crimes, it fits
 - Prevent them from escaping or being released and committing the same crime
 - Is the ultimate general deterrence

- However, states that have the death penalty have a higher crime rate than those who do not
- Negatives
 - The chances of putting innocent people to death is too high
 - Gives someone the right to take away someone's life
 - Does not necessarily serve as a deterrent
 - Suffering in jail is a better punishment than the death penalty
 - Hypocritical
 - Killing is wrong so the State is going to kill you
 - Does not always provide (associated) victims with any justice
 - More expensive than jailing someone (in North America)
 - Someone can be on death row for a long time and the costs of legal fees and housing are high
 - Can create more victims
 - The criminal potentially has a family
- Bentham and Beccaria would be against this punishment
 - Why?
 - It goes against the social contract (people do not give up the right to life)
 - Barbaric and illogical to stop violence with violence
 - Not proportionate
 - Not a general deterrence (it does not leave a lasting impression)
 - Long, continuous punishments are more effective (so, incarceration)
 - Society needs disciplined workers through prisoners

Changes in the Administration of Justice

- Abolishment of torture
 - Punishes people before they have been convicted
 - Was not within reasonable limits
- Right to a speedy public trial and presentation of evidence
 - Publicly so the days of secret trials would stop
 - Favour of the trial by jury
 - Summary (should not span over 18 months to be tried) vs. indictable offenses (should not span over 30 months to be tried)
- Improved prison conditions
 - Prisons are important but need to be reformed
 - No more charging the prisoners or abusing them
- Classification of offenders
 - Separation of people within prison
 - Females and males would be separate as well as young and old

Critiques

- Only convicting someone based on actus reus and not mens rea
 - No mitigating or aggravating factors
- Believe that humanity is inherently rational
 - Humans do not always behave rationally (ex. If they are under the influence or have a mental illness)
- Only focusing on crimes with demonstrable victims
 - They wouldn't care about crimes against environment
- They assume people know that they are going to get caught
 - But nobody thinking they are going to get caught
- If the theorists have certain punishments for certain crimes, they are assuming that these consequences will affect everyone the same
 - Ex. fining a poor person is different than fining someone who is rich

Neoclassical Theory

- Certain factors might inhibit the exercise of free will
- Legal defences
 - Not criminally responsible on the account of mental disorder
 - Under duress
 - Self defence
 - Mistake of fact
- Mitigating and aggravating factors

Marxist Criminology

Karl Marx

- 1818-1883
- Personal context
 - Born into Judaism but converted to Christianity due to anti-semitic behaviours around them
 - Later came to reject all types of religion
 - Friend put forth ideas of Jesus being a myth and was seen as a danger to the State (had similar thoughts to Marx)
 - Held extremely controversial views in regards to society and faith
 - Marginal social location
 - His social position in life was an outsider because he was a wandering scholar
 - Economically poor
 - Found ways to subsidize his income through his writing and research

- Not concerned with the behaviours of the poor
 - Allowed other people to see the poor differently; they are not the main source of crime
 - Shifted attention towards the upper classes and their role in committing crime
- His theories have sensitizing ability (getting us to see things in a way we haven't seen before)
- Critical theorist (works outside of the system); takes a macro macro approach
 - Also a conflict theorist (believes in the inequality of classes)
- Social context
 - Industrial revolution
 - Unemployment
 - Children must work now
 - Poverty
 - Divide between the people who own the factories and the people who work in them
 - Urbanization
 - 3 classes
 1. Bourgeoisie (capitalists): own the means of production
 2. Proletariat: the workers who have to sell their labour powers
 3. Lumpenproletariat: the unemployed; impeded the revolution that needed to happen
 - Emergence of capitalism
 - **Capitalism**: economic system of wage-labour and commodity production for sale and profit
 - Characteristics
 - Maximize profit
 - Capitalists only pay workers a piece of the profit they are selling items for (creates a surplus)
 - Private ownership
 - Competition
 - Fordism
 - Ford company decided to go with the older model over the newer model even though the newer model would save 180 more lives
 - Older model was cheaper to produce, but had a faulty engine
 - When this was found out, nobody went to jail and Ford is still producing cars

The Conflict Perspective

- The focus on the unequal distribution of power in society
 - Imbalance of power can be based on race, class, gender, etc...

- For a conflict theorist, conflict between groups is driven by the unequal access to resources in society
- The law in both its codification and its application is not neutral but reflects the interests of and benefits the powerful segment of society
- Society is made of groups based on political and economic power
 - Powerful ones make the laws so they work in their favour
- Law = the mechanism for the bourgeoisie
- Criminal justice system works against certain groups

The Consensus Perspective

- People in society work together and agree on the system
- The law is the codification of dominant social values and its application to benefit the majority
 - Law is fair and works for everybody equally
- Criminal justice system benefits the majority of people

Level of Analysis

- Macro approach
 - Focuses on social structures
 - Does not explain why
 - Impact that large social structures have
- Critical theory
 - Questions existing social arrangements
 - Does not accept everything at face value or the status quo
 - Willing to be controversial
 - Questions asked by critical theorists
 - Why are some groups in society more targeted/labelled?
 - Who decides that marijuana is illegal but tobacco is?
 - Who determines the severity of crimes and their subsequent punishment?
 - This leads to the big question: who sets the rules?

Crime and Its Causes

White Collar vs. Corporate crime

- White Collar
 - Committed by people in professional, higher position jobs
 - For their own benefit (often, financial gain)
 - **Economic crimes**
 - Examples
 - Fraud

- Insider trading
- Tax evasion
- Attention is not put towards this type of crime
- Corporate crime
 - Slightly different than white collar crime
 - **State crimes**
 - Done to enhance profit for their business
 - Taken from their competitors
 - Cutting corners in order to save money
 - Examples
 - Illegal dumping
 - Unsafe work environments
 - Unsafe products
 - Price fixing
- Not seen as serious problem because...
 - It's not as interesting as street crime
 - It's kept secret
 - Amount of evidence needed to convict these criminals is too much
 - Hard to convict people guilty of these crimes
 - Trials take a long time
 - Could take years for victims of these crimes to actually be impacted
 - Companies often settle outside of court so attention is not brought to them
 - People charged of this crime have money to make it go away

Street crime

- Often committed by people of lower classes
- **Subsistence-related crimes** (to supplement one's income) and **socio-cultural crimes** (linked to anti social behaviour; ex. vandalism)
- Involves drugs, rape, or murder
- Seen as a major problem in society
 - Offender gets a long sentence (compared to corporate crime)
- Biased towards minorities, young people, and lower class people
- More focused on due to...
 - Media exposure
 - Stereotypes
 - Interest and excitement
 - Effects are immediate
 - Easier to convict
 - Trials are cheaper

Causes

- Capitalism makes crime inevitable

- Institutionalized inequality
 - Reserve army of labour (the large pool of unemployed workers)
 - This means bourgeoisie can exploit workers by paying them less and putting them in more dangerous work conditions
- The Proletariat experience leads to crime as a result of
 - Poverty
 - Powerlessness
 - Alienation
- 4 types of alienation (alienated from)
 1. **The process:** individual does the same movement all day long; no imagination or intelligence required; workers are simply a part of a machine
 2. **The products:** worker does not get to keep the product
 3. **Fellow workers:** worker does not get to talk with one another or work cooperatively
 4. **Himself:** the worker is not able to achieve a “species being” (full human potential)

Marxism and Crime

- Capitalist values
 - **Competition**
 - Proletariat is fighting to survive against each other
 - **Consumerism**
 - Material goods = happiness
 - **Greed**
 - The more one has, the more one wants
 - **Individualism/egoism**
 - Person gain and individual achievement is emphasized
 - No focus on the greater good
 - These values cause crime
- Crime serves functions
 - Assigns blame to street crime and divides working class
 - Diverts attention
 - Towards moral panics and away from serious, upper class crimes
 - Crime is economically useful
- The **justice system** operates to protect the rich and powerful by
 - How crimes are defined
 - Ex. 5g of crack will get you the same punishment as 500g of cocaine → lower class are more likely to use crack while higher class use cocaine
 - How laws are enforced
 - Focus is shifted to street crimes rather than corporate/white collar
 - How lawbreakers are punished
 - Upper class criminals get lighter sentences and better jail environments
- Creation of laws can target certain groups/individuals

- Ex. being homeless is not illegal but various acts associated with living on the streets are
 - Panhandling is illegal (exceptions made for certain groups, such as organizations or students doing fundraisers)
 - Staying in certain areas is illegal
- Punishments are out of proportion
 - Ex. a \$500 fine is given to homeless people for panhandling and should you get caught again, it increased to \$1000 or imprisonment of less than 6 months

Solution to Crime

- The proletariat must gain class consciousness
- They must then have a revolution
 - Proletariats need to bond and overthrow the capitalists
- Capitalism needs to be eliminated
- New social order needs to be established
- Emergence of communism
 - In a communist society, crime would be eliminated because it would be a classless society where everyone is equal
 - People can then achieve species being

Types of Consciousness

- Two types
 1. **Class consciousness**: self awareness of a social class and its capacity to act in its own rational interest; class knows what is best for them as a whole
 - The higher class have this and it leads to the exploitation of the lower class and the proletariat fall for it
 - Proletariat does not realize that they are being exploited because they do not have class consciousness
 2. **False consciousness**: inability to clearly see where one's own best interests lie
 - The proletariat has it
 - The lower class is not acting in their own self interest and are prevented from realizing their own needs
- "Religion is the opiate for the masses" - Karl Marx
 - Religion is used as a drug to **sedate** the proletariat in order to better control them
 - Religion provides an illusion/**distraction** for the poor
 - Religion is a **band-aid solution**
 - It does not make the problem go away but makes one feel good in the moment
 - Exemplifies false consciousness

Critiques of Marxism

- Solely based on economic determinism
 - Marx believes that a person's behaviour is only influenced by their social position and socio-economic standing
 - Capitalism is the blame for everything
 - This is too reductionist and simplistic
- Overlooks distinctions that exist between people with regard to their own agency
- Only focuses on two classes
 - Is there really only one ruling class?
 - One would argue that social positions are much more diverse
- There are advantages to capitalism
 - Competition breeds excellence
 - More effective for generating wealth than a socialist or communist society
 - Standard of living and quality of life has increased
- Too idealistic
 - Revolution is unlikely
- Application of communism
 - Unrealistic as communist countries can still be repressive and crime will still occur
 - The removal of private property can lead to bribery in the black market
 - Many capitalist societies have low rates of crime

Bhopal Gas Tragedy

- Occurred in Bhopal, India
- High percentage of gas struck without warning and caused hemorrhaging and blindness
 - People were ready to die in the streets
- Deaths rose to at least 2000
- Assessing fault
 - Technology risks could have been avoided had technology been used
 - Instead, inadequate technology was used and this led to the catastrophe
 - Union carbide ignored the audits that indicated problems in the plans
 - Later, they worked hard to find a scapegoat
 - Safety systems had been disabled
 - Water curtain was undersized
 - Pressure valve was not working
 - Refrigeration has been turned off to save money
- Union carbide is able to avoid any criminal charges
 - Leader (Warren Anderson) was briefly detained but was quickly released on bail
 - The organization ignored the summons and claimed that Indian courts had no hold on them

- Were sued for 300 million dollars but settled for around 40
 - That's around 500 for each victim and not everyone has received compensation
- Two decades of suffering
 - People are still suffering from toxicity of gas leak
 - Rates of cancer and tuberculosis have been rising dramatically
 - Babies were born handicapped or disabled
 - Many people affected by illness became unemployed
 - Poverty increased
 - Union carbide refuses to release information about the gas leaks
 - Little girls exposed to the gas cannot find grooms as adults since nobody wants a gas survivor with diseases

The Emergence of Prisons

Ideologies

	Reasons for Crime	Ways to Stop Crime	Focus of Corrections
Conservative	Social disorder and lack of societal control	Reassert traditional values and put emphasis into the social institutions that uphold society (religion, family, etc...) Making punishments more punitives	Should be on victims and innocent citizens Believe people commit crime out of free will, so prison has to deter people from engaging in illegal acts
Liberal	*rooted in positivism Social injustice (i.e poverty and racism)	Implementing more social programs Offering resources that meet the needs of the disadvantaged	Should be on the offender (easier to change a person than an entire system) Rehabilitating the offender so the crime does not occur again
Radical	*rooted in Marxism Capitalist exploitation	Abolish capitalism Establish a new social order involving communism	Should be on society as a whole and the system The justice system is

			used to repress the lower classes so the system needs to be fixed so it is equal
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Precursors to Prison

- Jails were previously used to hold people awaiting trial and corporal/capital punishment
 - Used as contemporary confinement
- Jails used for punishments has only been around for less than 300 years
 - Came around the end of the 18th century
- Prisons are federal and used for people serving 2+ years
- Precursors
 - **Dungeons:** small stone cells used to hold criminals awaiting trial or execution
 - **Clerical penance:** where a wayward clergy would go for solitary penance; reserved for religious people
 - First model of prisons
 - **Workhouses/bridewells:** where convicts would go to work
 - Used to suppress idleness and teach people work ethic
 - Originally used for poor people
 - Provided employment but environmental conditions were harsh
 - Made a small amount of money doing small tasks
 - **Debtors prisons:** for people who could not pay their taxes or rents
 - Similar to workhouses but focused on people with financial issues
 - Would stay in the houses and work until their debt was paid off
 - Made money but everything went towards their debt
 - **County gaols/jails:** where convicts were sent to await punishment
 - No classification system
 - Corrupt and privately run for profit
 - Jailors were not trained/educated so they would charge prisoners for unfair things
 - Ex. they would put handcuffs on a prisoner and charge them to get it taken off
 - **Begging wall:** where prisoners went to beg for money for bail
 - Moral/physical breeding ground
- Punishments prior to prison
 - Transportation
 - Issue: America became independent
 - Death penalty
 - Issue: overused and people would side with the convict
 - Flogging

- Issue: people started seeing it as inhumane and degrading
- Fines
 - Issue: affected the poor more than the rich

Prison as Punishment

- Shift from punishments of the body to the mind
 - Deprivation of liberty
 - Taking someone's freedom should cause universal discomfort; does not discriminate
- The Age of the Enlightenment
 - Belief that with the right discipline, people would be trained
- Classical theory
 - Theorists wanted punishment that was certain, swift, and proportionate
 - Against the death penalty, so this was a better method of punishment
- Industrial Revolution
 - Larger population + informal methods of social control = find new ways to punish
 - Need for workers increased
- John Howard and Elizabeth Fry
 - John Howard
 - Both wrote on the reformation of prison
 - Commented on sections of prison (i.e nutrition, housing, weight of the chains, etc..)
 - Wanted clean prison environments and healthcare
 - Believed in training of guards
 - Huge religious component; religious services should be provided because without it, convicts' rehabilitation would be hindered
 - Inmates must be kept busy
 - Elizabeth Fry
 - Focused her attention on female convicts
 - Visited offenders in prison
 - Concerned with how many mothers were in prison
 - Wanted to ensure they were well prepared
 - Focused on giving skills and education in jail
 - Very religious and believed there should be a chapel in prison
 - John Howard Society
 - Focuses solely on males
 - Works with convicts in order to rehabilitate them
 - E. Fry Society
 - Focuses solely on females

Moral Architecture of the Prison

- Projection of how the world should be
- Moral uplifting of population (prisons should...)
 - Remove sources of temptation
 - Impose discipline
- Criminal is a rational being who can be trained
- Prison is proportionate to the crime as it is flexible
- Why were prisons originally called 'penitentiaries'?"
 - Was a place where people would express regret and would reflect

First Models of Prison

- First prison built in Canada: **The Kingston Penitentiary** (1835)
 - Shutdown in 2013
 - Based on the Auburn model (silent association) but maintained features of the Pennsylvania model (social isolation)
 - Used solitary confinement and corporal punishment
- **The Pennsylvania Model**
 - 19th century
 - Convicts would stay in solitary rooms
 - Based on **social isolation**
 - No communication between offenders to reduce contamination/temptation
 - Contact would be with the Chaplain
 - Way for convicts to express sorrow and regret
 - Caused high rates of suicide
- **The Auburn Model**
 - 19th century
 - People were put in a very small cells but were only there to sleep
 - For the day, they would be integrated into the regular inmate population
 - System based on **silent association**
 - They would eat, shower, and work with other inmates, but there was no communication at all
 - They could not exchange a gesture or word at all
 - No singing, dancing, running, or whistling
 - **Lockstep shuffle**
 - Group of identical prisoners walking in a line at the same time
 - Purpose: used to erode any sense of self
 - Goal: to control the mind

Purposes of Early Prisons

1. To punish

- Prisoners had to perform boring and repetitive tasks
 - Diet was limited and had little taste
 - Sleeping accommodations were uncomfortable
 - Corporal punishments were enacted behind closed doors
 - Acts that were punished with whippings: laughing, talking (6), and threatening (24)
2. To repent
 - Based on reflection
 - Removal of temptation meant that the prisoners could connect with God
 - Prisoners would be given a Bible
 3. To teach
 - To become a cooperative worker
 - Industrialists needed people to engage in obedient labour
 - Prisoners would learn to be docile and conform
 4. Resocialization
 - Change the way criminals think through discipline
 - Lead to the reintegration of offenders and lessen recidivism
 - Strip convicts of their identity and then build it up in a different way
 - Removal of individuality and privacy
 - Includes routine and a regiment

The Panopticon

- Created by Jeremy Bentham
- Structure is unique
 - Idea is to build a central tower with tinted windows (guards could see out but the inmates could not see in)
 - Cells faced the central tower
- Easier for inmates to get caught
- Known as the “**all seeing eye**”
- Maximizes security and discipline (one would be rewarded for conformity)
- In theory, the inmates would constantly obey the rule and use every minute of their time while awake
- Contributes to punishment in 3 ways
 1. **Lateral surveillance** and all seeing, 24/7 surveillance (prisoners are always watching each other)
 2. Isolation (from social interaction and any form of communication)
 3. Restricted view based on situation of the cell (thought to change the perception of the prisoners)
- Should create a particular punishment experience

Post WWII

- Shift towards rehabilitation and treatment
- The **medical model**
 - The belief that an offender is physically, mentally, or socially ill
- Reliance on experts
 - To classify illness
 - To diagnose illness
 - To understand/treat illness
- Justifies repressive strategies
 - Anything can be used as a defense in the name of medicine or science
 - Inmates would undergo experiments without their consent due to medicine ruling
 - Prisoners in the 60s were given doses of hallucinogens to see the impact
- Led to **solitary confinement** in order for scientists to see the effect of sensory deprivation
 - Aka. **administrative segregation**
 - Does this violate section 12 → our right to be free of cruel and unusual punishment
 - Who would go into solitary confinement?
 - People who are a danger to others
 - People who are in danger from others
 - People who are a danger to themselves
 - People who have committed a serious infraction/engaged in misconduct

Incarceration Today

- What country has the highest rate of incarceration?
 - United States
 - (Canada has the 4th highest rate)
- Countries that have low rates of incarceration
 - Norway, Denmark, Finland, and Sweden
 - Also, India and Japan
- Case: **CPDRC** Dancing Inmates in the Philippines
 - Positives
 - Teaches cohesion and provides inmates with an outlet
 - Gives prisoners a goal
 - Helps them integrate into society and have beneficial social interaction
 - Portrays inmates as less scary
 - They learn how to work together
 - Gives them a bit of freedom so they aren't totally trapped
 - Negatives
 - People should be punished, not rewarded for bad behaviour

- Glorifies prison society/prisoners and might cause recidivism
- People think these prisoners are being exploited
- People do not see behind the scenes and some think it is cruel and unusual punishment
- Number of adult correctional institutions: 216 jails/prisons
 - 43 under federal
 - 173 under provincial
- How much \$\$ does it take to incarcerate a federal male prisoner/year in maximum security?
 - \$117 000
 - For minimum security: \$90 000
 - For a woman: \$211 000 (because there are fewer female inmates, it costs more)
- **Total institution:** a place where people are isolated from the rest of society for a set period of time and come under the control of officials who run the institution
 - Ex. military schools, boarding schools, an asylum, rehab centre, or a nunnery/monastery
 - Risk
 - **Institutionalization:** one loses the ability to think independently

Carleton County Gaol

The Use of Architecture as Punishment

- Ottawa used to be a logging town and therefore had a lot of crime
 - This led to the construction of jails as there were many convicts
 - Wanted a domineering and scary jail built where many would see
- Built in the center of town to be a warning for all the citizens
 - By **Henry Horsey** in 1862
- Closed in 1972 (when it was considered inhumane)
 - **No working bathrooms** or window panes
 - Used the honey bucket system
- Capacity = 150 prisoners
- Maximum security facility
- Known as Canada's most effective prison
 - Only 1 escape from the prison

Governor's quarters

- Where the governor and his entire family would live
- Intricately decorated and had lots of space with **many entrances and exits** (for freedom)
 - Working toilets and fireplace included (heat)
- Half the size of the entire jail

- Located in the front portion of the building

Main block

- 60 small cells
- 30 large cells (mostly for people on death row due and debtor's prison)
 - Very narrow and not lit
- 6 solitary confinement units
- **No heat**
- Located at the rear portion of the building
- 4 floors, massive stone walls, and technologically advanced (objects that allow us to accomplish something else)
 - The way in which the building was structured accomplished maximum security
- Iron-double locked doors on either end
 - Limited escape because one needed to get 4 different keys
- Drum ceilings
 - Allowed surveillance to all the prisoners because voice echoed
- Hanging chamber on the eastern end
 - Only a handful of public hangings that actually occurred
 - Hangings were social events

Stairs

- Stairs were a trapped space
 - New innovation
- If you were to get out of your cell, there were iron-double locked doors on each end of the stairwell
- Identification holes
 - Holes in the stairs so the guards could see people's feet on the stairs
 - Additional surveillance
- Had suicide bars
 - The State could kill prisoners and had ownership of their lives
 - If prisoners were to commit suicide, it would show lack of control
 - Protected the guards as prisoners could not throw guards down the stairs

The Hole

- Solitary confinement
- First thing seen when prisoners entered
 - Worked as a deterrent
- People were brought down to the hole and stripped down naked
 - They were put spread eagle and hooked on the ground
 - Door was closed and locked

- Molasses and honey was spread on the prisoners because it attracted bugs and rats
- Total isolation and humiliation
- Would be used up to 6 weeks at a time and 23 hours a day
 - 1 hour was allowed for the prisoner to go out to the yard

Death Row & Gallows

- At the end of death row was a red door entered to preparation room
 - Rope had to be stretched in order to allow one's neck to be broken quickly
 - Red signaled something bad would happen
- Transition down the line (the March of Death)
 - The walk of shame a death row inmate would do before being executed
- Suicide watch
 - Area where doors isolate one from seeing anything but a small area
 - Guard positioned in front of the cell 24 hours before their execution
 - Showed the inmate that they didn't have freedom
- Gallow doors shaped like a chapel
 - Because God is watching
 - The inmate would repent for their sins
 - Symbol of the connection at the time of church and State
- The beam
 - Unofficial, non public hanging area
 - Based on rumours
 - This beam has no structural point in the building so many people thought it was used for hangings
 - There were crushed floorboards and rope notches on the wooden beam
 - Back of prison had more than 140 unmarked graves
- The Leisure Yard
 - Gallows visible from only yard
 - Many bodies were found here
 - Where work detail took place
- All of these elements meant a constant **threat of harm** to prisoners

The Emergence of Positivism

Auguste Comte

- 1798 - 1857
- Three stages of society's evolution
 1. Theological
 - Heavy emphasis on the supernatural and religion
 - The demonic and monarchy eras fall under this stage

2. Metaphysical
 - Transition stage between first and third stages
 - Discourse of ideas replace supernatural ideas
 - Focus on secular explanation and emergence of philosophy
 - The age of enlightenment and classical criminology fall under this stage
3. Positive
 - Highest and most enlightened stage
 - Focus on the scientific method and observation
 - Start to ask the question “**why**” rather than “**how**”

What is Positivism?

- Developed during the second half of the 19th century in Europe
- We can apply the same tools from natural science to the social sciences
- Method
 - **Scientific:** based on a collection of observable facts
 - The universe can be uncovered through observation
 - Must be objective
 - Cause and effect relationship
 1. The presumed cause comes before the presumed effect
 2. The cause and the effect are correlated to one another
 3. The correlation between the cause and the effect should not be spurious
- **Paradigm**
 - A framework that shares a set of assumptions
 - Within one, we can have different theories
 - Ex. feminism is a paradigm (the umbrella) which has branches, such as radical feminism
 - Positivism is a paradigm and within it, there are three different branches
 1. **Biological** positivism
 2. **Psychological** positivism
 3. **Sociological** positivism

Characteristics

- Determinism
 - Behaviour is determined; an individual has no agency since there are internal/external factors that cause them to commit crime
 - **Hard determinism**
 - When confronting situations, there is no choice
 - An all encompassing force that overpowers free will
 - **Soft determinism**
 - Aka conditional free will
 - Allows for constrained free will

- In any circumstance, people have choice but they are limited
- Differentiation
 - See criminals as being different from non criminals
 - There are body and mind differences between the two groups
- Focus on actors
 - In contrast to classical criminologists who focused on the act
 - Idea that people's contexts and intentions should be looked upon
- Offenders can be cured
- Reliance on experts
 - Certain people have specialized knowledge when it comes to treating or curing criminals
- Crime is caused by multiple factors

Why did Positivism Dominate?

1. The classical school did not locate the causes of crime
2. Crime was increasing
3. Promised a solution
4. No limits on treatment
 - Some treatments that were used were harsh but not questioned as they were being done to cure people and in the name of science
5. Could utilize existing institutions
6. Did not question the status quo

Problems with Positivism

- Overpredicts crime
 - Not everyone exposed to, for example, poverty are going to become criminals
- Fails to consider exceptions
 - Underestimates higher class criminals
- Hard for social scientists to be completely objective
- People may be subject to cruel and inhumane experiments
- Try to make crime black and white
- Assumption of difference
 - Is there necessarily a difference between those who have been labelled as criminals and those who have not?
- Ignores criminalization process
- Belief in a normative consensus
 - They take the consensual worldview
 - Assume that most people agree on and share values
- The discourse of non responsibility
 - Criminals do not take responsibility because they blame their situation on other factors
- Legitimization of experts

- Experts may have interest in claiming what they do
- Ex. the more diagnosis that doctors give, the more money they make
- Outside the realm of the public

Biological Positivism

- Questions asked
 - Are criminals born bad or do they learn it?
 - Why do criminals exist?
 - What makes criminals different from non criminals?
- Believe the cause of crime is biological inferiority
 - A criminal's innate physiological makeup that distinguishes them from non criminals
- Biological factors can be measured using the scientific method
 - **Craniometry**: measures a person's skull which supposedly conforms to one's brain size
 - Their brain size would relate to their inferiority (a larger skull meant superiority)
 - **Phrenology**: measuring different parts of the brain were responsible for different behaviours
 - If one area was used most, the bigger it would be
 - Believed that the areas would grow and show on the skull
 - They identified 26-35 special faculties of the brain (ex. If the erotic faculty was pronounced, one would be more likely to commit a sexual assault)
 - 3 regions of the brain
 1. Intellectual faculties
 2. Moral sentiments
 3. Lower function (associated with criminal behaviour)
 - In a healthy and non criminal, one's brain would balance all three regions
 - **Physiognomy**
 - Belief that people's personality shows in their face
 - If one's face is similar to that of an animal's then they are more likely to commit crime
 - The less attractive you are, the more guilty you are
 - Any physical imperfection was a mark of the devil

Cesare Lombroso

- 1835-1909
- Founder/Father of the Positive School
- Interested in psychiatry, psychology, and the anatomy of the brain
- Physician in army and prison
 - Had access to soldiers and war criminals (studied over 3000)

- Also studied criminals in prison
- Measured the bodies of the soldiers and war criminals to see if there is a difference between the non criminal and criminal
- Tried to isolate the factors that cause criminality
- Influenced by Charles Darwin
 - Who wrote the *Descent of Man* and the *Origin of Species*
 - Prior to Darwin, people believed in the religious explanation but now we have the evolutionary explanation (we are descendants from apes)
- **Social Darwinism:** different people in society are at different evolutionary stages; some people are more evolved and developed than others
 - Those who are undeveloped are more like their ape ancestors
 - Saw people of Western societies as more evolved
 - White upper class Northern Europeans were the most evolved
- **Eurocentrism:** focus on the European culture; the practice of viewing the world from a European perspective with the implied belief that it is superior
- **Ethnocentrism:** one culture judges another based on their own standards and believes that they are superior to others
- **Atavists:** The Born Criminal
 - **Atavism** is the theory
 - Criminals are born bad
 - Criminals are biological evolutionary throwbacks and they shared characteristics with inferior races, the prehistoric man, and primates
 - Have defective genes and are inferior
 - They cannot change it because the difference between them and non criminals comes down to internal factors
 - They live by their instincts and cannot learn to follow rules
 - The ones who commit the most serious and violent crimes in society
 - More likely to commit crimes multiple time
- To prevent or reduce crime, we must identify the atavists
 - We can find this by looking for **stigmata** (physical manifestations of atavism)
 - Does not cause atavism, it is just the overt signs
 - Some stigmata: a projecting, square jaw; high cheekbones; flat or upturned nose; abnormally large or small ears; hawk like noses; fleshy lips; scanty beards and baldness; excessively large arms; wrinkles; extra body parts; and being ambidextrous
 - An individual must have 5 or more stigmata to be a born criminal
 - Criminals are more likely to get tattoos as it is a reflection of their insensitivity to pain
- Some critiques
 - His theories were sexist
 - Believed that soldiers were non criminals (they could have been but were never caught)
- Expanded criminal typology (new classifications)

- Criminal by passion
 - Not every criminal is atavistic
 - People can commit crime due to triggers
 - In the heat of the moment
- Insane criminal
 - Individuals who commit crime because they lack empathy
 - In this groups are the imbeciles and the alcoholics
- **Occasional criminal (3 sub categories)**
 - a) **Pseudo criminal**: commits crime due to self defense or under duress
 - b) **Criminaloid**: group of people who can be swayed easily when given the opportunity
 - c) **Habitual criminal**: their environment predisposes them to criminal behaviour

William Sheldon

- Created the **Theory of Somatology**
- Looked at body types
 - Extreme **endomorph**: has a lot of fat on the body; has wide hips and narrow shoulders
 - **Viscerotonic**
 - They are lively, outgoing, and jolly
 - This person likes to be social and eats a lot
 - Extreme **mesomorph**: harder, more defined body; muscular with broad shoulders and narrow hips; strong forearms and thighs; little body fat
 - **Somatotonic**
 - They are aggressive, egoistic, and rebellious
 - Look out for themselves and more courageous
 - Extreme **ectomorph**: leaner and thinner; high forehead and thin face; little fat and muscle; tall
 - **Cerebrotonic**
 - Shy, withdrawn, introverted
 - More creative
- Used a scale
 - A 7 1 1 meant an extreme endomorph whereas a 1 1 7 would be an extreme ectomorph
- The ectomorph is most likely to be the criminal

Charles Goring

- Intellectual incompetence
- Wrote "The English Convict" (1913) as a response to Lombroso
- Goal: assess Lombroso's theory
- Research: compared convicts to non-convicts

- Compared incarcerated people to unconvicted people (people in university, in the army, or worked)
- Method: scientific
- Issue: not all non-criminals are innocent; some might commit crime but have not been caught
- Findings
 - Criminals did not possess stigmata
 - Criminals had below average intelligence (where we got the term **“feeble-minded”** for mentally inferior)
 - Based on impression of the interviewer
 - Strong correlations between the criminality of parents and their children’s subsequent criminality
 - Genetics determine criminality
- Conclusions: Lombroso’s original theory of atavism and atavists did not exist
 - Criminals are mentally defective due to genetics
- Recommendations
 - Sterilization and eugenics
- Critique
 - Failure to measure environmental influences and overemphasize heredity
 - Only studied males
 - If criminality is inherited, why are females not as impacted?

Richard Dugdale

- 1874
- Method: general pedigree studies
 - Reviewed 7 generations of the Jukes
 - Of this group, he found that 140 were criminals, 70 were murder victims, and 40 women had STD’s
 - Estimated that this family alone cost society 1.3 million dollars (today, 20.9 million dollars)
- Assumption: behaviours that are genetically determined should be stronger amongst family members than strangers
- Conclusions
 - Initial: criminality is inherited
 - Changes later: criminality is an aspect of feeble-mindedness and that is inherited, not criminality
- The problem: feeble mindedness
 - Theory: feeble-mindedness is inherited; all criminals are feeble-minded but not all feeble-minded people are criminals
 - Explained criminals’ inability to learn from prosecution
- Solution

- Society must stop assisting feeble-minded people which allows them to reproduce
- Critique
 - He focused mainly on the idea that people who are criminals are mentally inferior
 - How do you determine one's intelligence?
 - What about higher class crimes?
 - Had not way of differentiating between normal intelligence and abnormal

Alfred Binet

- French psychologist who developed the intelligence test
- Thought that intelligence could be calculated by measuring heads
- Guilty of **researcher's bias**
 - Process where the scientist performing the research ends up influencing the results in order to get a certain outcome
- His students did a blind study and when they did, they noticed no difference in IQ between head sizes
- Developed an intelligence test in 1904
 - Goal: to identify children who had learning problems
 - Developed tools to ascribe mental age to individuals
- Mental age
 - Age associated with the last tasks performed involving basic reasoning skills
- IQ
 - Chronological age divided by mental age x100
 - Average score is 100
- Intentions
 - Intelligence is not innate and static
 - It is able to be nurtured with the proper tools and training
 - Identifying children who need special help
 - Focused on providing assistance
- Dangers of IQ testing
 - Does not take into account the different types of learning (verbal or auditory)
 - Does not take into account child's test taking abilities (might have anxiety)
 - May not accurately show how well an individual does know the material
 - May be culture biases
 - You are being judged on how quickly and accurately you can complete a test
 - Can have a negative effect on children's self esteem
 - Depends on the teacher's methods

Henry Goddard

- 1866-1957
- Was a teacher at a training school for the feeble-minded
- Administered IQ tests to residents

- Found that no one scored above the mental age of **12**
- Mental age 13-25 = the **useful**; normal cut off for intelligence and have enough intelligence to work at semi skilled jobs
- Mental age below 8 = the **idiots**; not concerned with them because they are no threat since they are so feeble-minded and did not do anything
- Mental age 8-12 = main focus; **morons**; pose the biggest threat as they are seen as potentially dangerous
 - They can slip through the cracks and reproduce, passing on the inferior gene
- Study of the Kallikaks
 - Studied the lineage of Martin Kallikak
 - Soldier and young man of a good family
 - At a bar one night, he met a barmaid who was deemed to be feebleminded and they produced an illegitimate son
 - His son was named "Old Horror"
 - His offspring were degenerates
 - Martin then has a legitimate relations with a Quaker
 - They marry and start a family
 - From this lineage, all of the descendents were deemed to be normal
 - Based on this study, he concluded that intelligence is passed from generation to generation
- Findings: criminals are feeble-minded and immoral
- Cause: 2 recessive genes
- Solution: selective breeding, segregation, and sterilization
 - Believed IQ is static and innate (completely opposite of Binet)
- Goddard on immigration
 - Research: IQ tests administered to new immigrants
 - Would send women to give tests to people coming fresh off the boat
 - Wanted to make sure we were not letting in any morons
 - Findings: many immigrants are morons
 - Things that impacted these findings: immigrants did not understand english, there was a culture bias, and the immigrants were tired, hungry, and distracted
 - Recommendation: we must regulate the entrance of immigrants
 - This led to the Immigrant Restriction Act of 192
 - However, he thought that some immigrants served a function which is labour that no one else wanted to do
- Additional studies and revisions
 - Administered IQ tests to army recruits of World War I
 - Found that $\frac{1}{3}$ of them tested at a mental age less than 12
 - Society thinks highly of the soldiers that represent their country and there was a huge backlash to Goddard's research
 - Revisions
 - Intelligence is not innate and static

- Lowered criteria of what determined feeble-mindedness from 12 to 8
- Society does not need to segregate all the feeble-minded people in institutions
- Implications
 - **The Mental Hygiene Movement:** general consensus that since people were feeble-minded, there is not much that society can do to fix them; therefore, society should stop spending money on them
 - This meant there was a need for experts to decide who is defective
 - Led to a need for institutions to hold these feeble-minded people
 - Result is sterilization
 - Eugenics
 - The manipulation of the processes of evolutionary selection, in order to improve a particular genetic stock or population
 - **Sterilization Act** in BC and Alberta: act implemented during the early 20th century; between 1928 and 1972, these laws resulted in 3000 individuals being sterilized
 - **Buck v. Bell** (1927): upheld the use of sterilization (on children) based on parents' IQ scores

The History of Mental Illness

Ancient Times

- Trephination: when an individual is acting bizarre, they would drill holes into the person's skull in order to release the demons and spirits
 - Rooted in ideas of supernatural explanation
 - If the person survived this surgery, the demons would be released and the abnormal behaviour would disappear
 - Individuals would then wear the piece of skull as a protection against the demons
- Religious rituals
 - Believe that someone is behaving weirdly because they did something against God
 - Goal is to drive out the spirits
 - Use of exorcisms
- Ancient Egyptians
 - Their treatment of the mentally ill were more advanced than other early societies
 - Believed that people who were mad could be helped if they engaged in recreational activities (i.e concerts, painting, or exercise)
 - Focused on people achieving sense of normalcy
- **Humoral theory**
 - An excess or deficiency of any **humor** directly influences temperament and health
 - 4 humours associated with an organ and a temperament

1. **Blood**: associated with the liver; courageous and care free
 2. **Yellow bile**: associated with the spleen; ambitious and leader qualities, restless and easily angered
 3. **Black bile**: associated with the gall bladder; more serious and analytical, also experiences lack of sleep
 4. **Phlegm**: associated with the brain and lungs; calm and thoughtful, patient and peaceful
- Procedures used
 - **Vomiting**: idea that if one can induce a state of shock to get another to vomit, this will release all the impure fluids away from them (would use the **spinning chair**)
 - **Purging**: using laxatives or enemas
 - **Bleeding**: bleeding through cuts so the toxicities could be released
 - **Cupping**: procedure that was introduced almost 3000 years ago and still used today as a therapeutic tool
 - The mentally ill and their families
 - The care of the mentally ill was left up to the family
 - So, lots of these people were abused and constrained by their relative
 - For many families, this meant their reputation would be tarnished, they might be guilty by association, and they were seen as an unwanted burden for their families
 - They would be caged, locked away, or under the care of a third party
 - Often, families would abandon them and they would have to fend for themselves on the streets
 - Stigmas of the mentally ill were negative and people believed that if one member of the family was inflicted with it, the rest of the family were too
 - Thought mental illness was genetic

Development of Asylums

- Asylum: an institution designed to hold mentally ill people
- Management of problem populations
 - Prevented disturbances in society
 - Lifted burden off of ashamed families
 - Done involuntarily
- No treatment; just removal
- Staffed by untrained individuals
- Patients were treated like animals
- **Bedlam**: one of the most famous asylums; became the name for asylums in general
 - Patients were caged and chained, starved, and if they acted out, they would be punished corporally
 - No natural light
 - People would be able to pay a fee to watch the patients

- Patients were seen as animals, not humans
- **Philippe Pinel** (1745 - 1826): one of the most significant asylum reformers; director at a hospital in Paris where he eventually took control
 - Hypothesis: mentally ill patients would improve if they were treated with kindness and consideration
 - Ensured abuse was eliminated and promoted healthy living
 - Leading figure in the **Moral Treatment Movement**
 - The idea of humane treatment
 - Still advocated the use of confinement and separation, just with improved conditions
 - Pinel's classifications
 - **Melancholia**: individuals who were quiet, withdrawn, and ruminative; experienced sadness and hopelessness (today, it is known as depression)
 - **Dementia**: individuals whose ideas and thoughts were not rooted in reality; they would see things and believe things that were not there (today, it is known as schizophrenia)
 - **Idiocy**: individuals who had no intellectual faculties and no symptoms to make note of
 - **Mania**: the largest category; individuals would be very quiet and introverted one moment, and the next moment they would be very eccentric and energetic (today, it is known as bipolar disorder)
 - **Mania without delusions**: individual appears to be normal; individual does not experience any hallucinations or intellectual impairment and acts with impulsivity and selfishness; does not show remorse either (today, it is known as psychopathy or antisocial personality disorder)
- **Dorothea Dix** (1802 - 1887): critical of cruel and neglectful practices so she protested against the government to make reforms
 - Believed mentally ill could be treated
 - Established and expanded more from the 30 existing mental health institutions

The Medical Model

- 5 characteristics
 1. Mental illness is a form of disease (there are symptoms)
 2. Mental illness is different from other behaviours
 3. Mental treatment is like any medical intervention (intervention is justified as it is helping the victim)
 4. Mental illness is a potential danger
 5. Involuntary confinement is justified
- **The Deinstitutionalization Movement**: the transition from patients in State hospitals to being integrated into the community
 - Many were released but became homeless or went to jail instead

- Issue: assumption was made that family members would care for their mentally ill relatives
 - Also, not enough community resources for all the patients released
- Many mentally ill people would not take their medication outside of the hospital
 - They lost structure and regiment and would forget
 - Pills may have come with bad side effects
 - If they started to feel better, they would stop taking the pills
 - Patient might be scared to see a new doctor
- In order for someone to go to an asylum instead of jail, they would have to be
 - A danger to themselves
 - A danger to others
 - Incapable of taking care of themselves
- Mentally ill were criminalized and not treated as having an actual illness
 - They were convicted and sentenced to jail where they would not be able to recover
- **“Trans-institutionalization”**: the phenomenon where mentally ill people were released and ended up in jail
- **Case of Ashley Smith**: a troublemaker was living in Canada and got sentenced to a juvenile detention centre as a youth for throwing an apple at a postman
 - Was only supposed to get 15 days but she ended up staying there for 4 years due to disorderly conduct
 - Spent a lot of time transitioning from prison to prison after being sentenced to an adult prison where she was often placed in solitary
 - Guards were ordered not to help her right away if she tried to kill herself and she ended up committing suicide at age 19
- Techniques used for treatment
 - Exorcisms, prayers, charms, amulets, and other mystical treatments (in the Middle Ages)
 - Sedatives commenced during the 17th century; made with opium, unguents, and laudanum
 - Workhouses and monasteries were used to house the mentally ill
 - When asylums were created, they would douse people in hot or cold water and administer shocks and powerful drugs
 - **“Gyrating chair”**: created by Dr. Boerhaave to shake up the blood and tissues of the body to restore equilibrium
 - **Psychoanalysis**: used free association and dream analysis to gather information about the patient’s latent content and unconscious material
 - Electroconvulsive therapy (ECT): based on the biological model of mental pathology that assumes mental illness is a result of biochemical imbalances in the body
 - Insulin-shock treatment was used on schizophrenic patients
 - Successfully administered first by Ugo Cerletti and Lucio Bini in 1938
 - Performed three times a week until a dozen sessions have been reached

- Only negative side effect reported was short-term amnesia
- Psychosurgery (aka lobotomies): a patient shocked into a coma would have picks hammered into their eye sockets to sever the nerves connecting the frontal lobe to the emotional-controlling centres
 - First administered by Egas Moniz in 1935
 - Was easy, inexpensive, and only took 10 minutes
 - Effects including inability to control impulses, death, personality changes, and loss of feeling and emotion
- **Psychopharmacology**: introduction of pills in order to treat the mentally ill
 - Popularized by J.F.J and Lithium in 1949
 - **Chlorpromazine** (Thorazine) was the first antipsychotic medication introduced
 - **Valium** became the largest prescribed tranquilizer
 - Lead to the deinstitutionalization movement and the belief that mental illness could be treated solely through medicine
 - Allows people to avoid confronting their mental health

“The Brain and Violence: Secrets of the Mind”

- What are the dangers of employing biological explanations to explain crime and/or deviance
 - Reliance on early intervention to remediate someone’s brain
 - Could lead to the mistreatment or experimentation on children
 - Might justify inhumane experiments used on criminals
 - Might overvalue biological factors rather than environmental
 - Sparks a legal debate
 - Will brain research be used to exonerate dangerous individuals
 - “Neurolaw”
 - Brings up questions about accountability
 - Many criminals are spared the death penalty due to insanity
 - If we buy into this, can this lead to the release of many dangerous criminals?
 - Excuses the behaviour of many hard criminals
 - Can switch blame from individual to internal factors out of their control
 - Might predict behaviour that will not occur
 - In the case of Cornell, he thinks he is going to become a criminal just because he had murderers in his lineage
 - If someone thinks they have the biological traits that are in criminals, it may psych them out so they eventually commit a crime

“The Sterilization of Leilani Muir”

- What populations were sterilized under the Alberta Sterilization Act?
 - People with
 - Mental illness or retardation

- Epilepsy
- Alcoholism
- Pauperism
- Certain criminal behaviours
- Social defects (such as prostitution)
- What arguments were used to justify eugenics?
 - Danger that procreation by someone who had a mental defect would just hurt themselves
 - The spread of the bad genes of the mentally defected would hurt society
 - It is God's plan
 - They are helping the community and the person they were sterilizing move towards a Utopia
 - It will end up saving the government money

Important Dates

- Date that the act was instituted: 1928
- Date that the act was abolished: 1972
- Date that Leilani Muir appealed: 1995

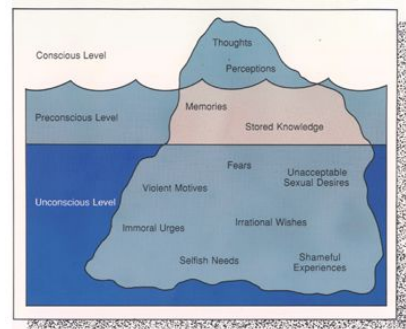
“The New Asylum”

- Hundreds of thousands of people were released from the state hospitals and subsequently became homeless
- Today, there are nearly 500 000 mentally ill people being held in prisons across America
 - This has created immense problems in prisons across the country
 - Inmates often turn to self harm and act out because they cannot deal with their illness and need attentions
- Why is prison not the way to respond to mental illness?
 - Group therapy occurs with prisoner in cages; does not provide a safe place for people to deal with their problems and seek help
 - Patients do not get the attention of rehabilitation they require
 - Mental health united exist where people are separated and housed; this may isolate them and further their illness
 - Leads many inmates to attempt suicide or engage in self harm
 - Being in a punitive environment surrounded by violence does not help improve their mental health
 - Lack of social and intellectual stimulation creates more psychological problems
- Patients struggling with these illnesses need to be brought to an environment in which they are understood and people can treat their needs

Psychological Positivism

Sigmund Freud

- 1856 - 1939
- Father of **psychoanalysis**
- Case of Anna O: woman was under distress and eventually became mute and refused to eat, until she started to speak in another mother tongue
 - Remembered certain memories that brought up certain emotions which drove her to do certain things
 - Freud called this an **functional disorder** (strange behaviours with no underlying cause)
 - When unexpressed emotions were released, person would be free of the hold that that emotion had on them
 - The 'talking cure'
- Believed we are influenced by our unconscious (which has 3 levels)
 1. **Conscious**: what we are aware of at any particular moment; one's present thoughts and feelings
 2. **Preconscious**: the available memory; anything that can be easily made conscious (ex. Something that was learned in a previous class)
 3. **Unconscious**: largest and most important component; awareness is not there and it is not retrievable via ordinary retrieval
- Freud's theory of personality (3 components)
 1. **Id**: unconscious where our biological and psychological needs arise (animal instincts); the pleasure principle
 2. **Ego**: consciousness that balances the id and the superego; the reality principle
 3. **Superego**: mostly unconscious; the conscious which develops around 5 years old when someone learns what is right and wrong
- **Psychic determinism**: everything that we think, say, feel or do is an expression of our mind; key assumption of psychoanalytical theory
 - **Freudian slip**: an unintentional error regarded as revealing subconscious feelings
 - Ex. calling a teacher 'mom'
- Techniques for revealing the unconscious
 - **Free association**: saying the first thing you think of in relation to various photos without thinking about it
 - **Dream analysis**: when we dream, we have a **manifest meaning** (content of our dream that we remember) and **latent meaning** (parts of the dream that have a deeper meaning) that must be interpreted



- **Projective techniques:** associating a thought to various ambiguous, neutral stimuli in order to see a projection of one's unconscious (ex. **Rorschach inkblot tests**)
- **Hypnosis:** putting someone in an altered state of consciousness in order to reveal deeper thoughts
- **Transference:** encouraging a patient to transfer feelings onto the therapist in order to resolve problems; when a patient is able to become conscious of this, they can gain freedom
- Humans have an unconscious because
 - It helps restrain expression of inappropriate drives
 - Of surplus energy which results in anxiety
 - Handling anxiety is important for our mental health (done through defence mechanisms)
- 8 defence mechanisms
 1. **Denial:** when we claim or believe what is true to be false
 2. **Displacement:** redirecting emotions to a substitute
 3. **Projection:** having uncomfortable feelings and attributing them to others
 4. **Rationalisation:** creating false justification to ease anxiety
 5. **Reaction formation:** feeling a certain emotion but actually overacting in the opposite way
 6. **Regression:** reverting back to behaviours of a previous time (usually childlike behaviours)
 7. **Repression:** pushing bad thoughts/memories to our unconscious level
 8. **Sublimation:** redirecting wrong urges and desires into socially acceptable actions
- Stages of psychosexual development
 - Any difficulties at a stage (focus on erogenous zones) can cause fixation or over/under indulgence
 - 1. **Oral stage:** birth to 18 months; pleasure is centered around the mouth
 - Failure at this stage can result in dependence and gullibility; also causes fixation on oral (ex. Biting nails or chewing gum)
 - Issues can lead to addiction
 - 2. **Anal stage:** 18 months - 3; focus on holding and letting out bowel movements
 - Failure can mean anal fixation; causing uptight and orderly personality
 - Issues can lead to embezzlement and armed robbery
 - 3. **Phallic stage:** 3 - 6; pleasure is focused on the genitals
 - **Oedipus complex:** son will have unconscious sexual feelings towards his mother and fight his father (**electra complex** and penis envy for women)
 - **Castration anxiety:** child is scared he will lose his penis (possibly from his father if he finds out about his sexual thoughts) so he identifies with his father
 - Coincides with the development of the superego
 - Issues can lead to sexual crimes

4. **Latency** stage: 6 - puberty; realizing gender and hanging out with the same sex
 - Grow a gender identity
 - No criminal behaviours associated with this stage
 5. **Genital** stage: puberty on; adolescents direct their sexual urges to others
 - Issues can lead to homosexuality (discussed when being LGBTQ was a crime) or prostitution
- Causes of crime
 - Improper resolution at psychosexual stages
 - Overdeveloped Superego
 - Idea that it causes constant feelings of guilt and anxiety so we feel we deserve to be punished in order to restore balance
 - Criminals will subconsciously leave clues

August Aichhorn

- 1878-1949
- Believed crime is a result of **overindulgent parents**
 - Letting children do as they please
- Underdeveloped superego is a result of unloving/absent parents
 - Failure to form intimate attachments
 - Leads to unregulated id
- Treatments
 - Provide a positive environment where children are exposed to positive role models and receive unconditional love
 - Promotion of healthy and happy interaction between children and adults
 - Children would internalize adult morals and values and make it their own
 - Institution should not be punitive but warm and caring

Critiques of Psychoanalytic Theories

- Ideas are not scientific
 - Concepts are **untestable** (difficult to test the idea of the id or of penis envy)
- Theories are not necessarily **valid**
 - Nor are they necessarily **reliable**; theories are highly subjective
- Not able to generalize or represent a whole group of people
 - He only had a few cases which cannot be applied to more people
- De facto explanations
 - Observations made after the behaviour has occurred; no accuracy
- Heavy emphasis on childhood and sex
 - Little room for personal or social change

Sociological Positivism

Sociological Imagination

- Created by C. Wright Mills
- Perspective of sociologists on human behaviour
- Trying to analyze how individuals are influenced by larger social structures
 - We are more inclined to blame someone for their internal faults than look at the bigger picture
 - Seeing the general in the particular (seeing the bigger picture)
 - Seeing the strange in the familiar (acknowledging taken for granted assumptions and questioning existing structures)
- **Fundamental attribution error**: tendency to put emphasis on characteristics of a person rather than considering external factors
 - Ex. someone is homeless because they are a drug addict
- As a sociologist, it is important to look at larger social circumstances in order to analyze someone's behaviour
 - Explaining behaviour by trying to understand the society in which the individual is behaving within

Emile Durkheim

- 1858 - 1917
- Grew up in a small town and moved to a big city later in his life
 - Noticed a shift in small, religious based communities towards large, secular communities
- Interested in how societies maintain their functioning and solidarity in the modern era
 - Institutions that were holding society together were erupting during a time of urbanization
- Wanted to find a scientific basis to explain how society works (in accordance to the positivist view)
- Claimed that in order to understand how people think and behave, we must look at their **social location**
 - We are social beings that are affected by our society (as shown in how people act different in different cultures)
- Believes that we need society to socialize us or we would be living based on our animal instincts
 - Human beings are naturally insatiable (impossible to satisfy) so society puts rules and regulations on us through the process of **socialization** (the process of learning to behave in a way that is acceptable to society)
- Explained two types of societies

1. **Mechanical society:** agricultural society; homogeneous population (similarities in values and goals); focus on working the land and providing food for the community
 - Members do the same sort of work and fulfill the same social work (no specialization)
 - Heavily based on religion and family
 - Source of solidarity → the **collective conscious** (a totality of beliefs and sentiment common to average citizens of the same society); what causes people to trust one another and believe they are working together towards a common goal
 - Totality of likeness (people are bound together by similarities)
 - Approach to crime is **repressive** punishment; laws are harsh in order to deter people from hurting the collective
2. **Organic solidarity:** urban society; large, heterogeneous population (more differences in background and values); focus on the advancement of technology
 - Members have different jobs; there is a **division of labour** and an increasing **specialization** of occupation and specific tasks within the occupation
 - More interdependence (dependency on people's specialized skills)
 - Source of solidarity → specialization and interdependency
 - Emergence of a variety of laws and more detailed ones
 - Approach to crime is **restitutive** punishment; laws are based on restitution, trying to restore the situation to a pre crime state
- Stated that, if the transition between mechanical to organic or social change is too rapid, Western society is at the risk of being exposed to **anomie** (without law)
 - Social and/or moral norms are confused, unclear, or simply not present
 - Individuals are left without moral guidance in the pursuit of their goals
- Theory on suicide
 - Many explanations of suicide is psychological; however, Durkheim studied how society at large can impact someone to take their own life
 - Human behaviour is not as individualistic as we think
 - Observed suicide records in France and came up with a theory on which groups have a higher rate of suicide
 - Men, Protestants, the wealthy, seniors, the widowed and the divorced have higher rates of suicide
 - Women, Catholics, Jews, the poor, middle-aged people and the married have lower rates of suicide
 - Reason for difference in rates between Protestants and Catholics and Jews: Catholicism and Judaism are more community based religions and are very structured, whereas Protestant is an individualistic religion where one can go to prayer when they choose to

- Reason for difference in rates between men and women: women try to establish and maintain social ties with others, whereas men are less likely to form bonds
- Main reason for suicide → too much or too little social integration and/or social regulation
 - **Social integration** is a product of social interaction and the strength of shared beliefs among group members
 - **Social regulation** is the degree of external constraints on the members of society
- 4 types of suicide
 1. **Altruistic**: happens when there is too much social integration; people who identify too much with society or a group (willing to die for a group)
 - Ex. suicide bombers or cult suicide, even a soldier or cop
 2. **Anomic**: happens when there is too little social regulation; rapid social changes or unclear rules
 - Ex. people who have been institutionalized or someone who gets laid off and becomes homeless (anyone whose life changes due to a political, economic, or natural disaster), even foster kids or overnight celebrities
 3. **Egoistic**: happens when there is too little social integration; people who lack social interaction and feel alienated from society
 - Ex. someone who takes their life because of bullies or a divorcee/widow
 4. **Fatalistic**: happens when there is too much social regulation; when someone would rather be dead than be controlled
 - Ex. prisoners or political refugees, even people who married young or are in abusive relationships
- Critiques
 - His theories are **tautological**, meaning they use circular reasoning (for instance, crime is functional because it exists in all societies and because it exists in all societies, it is functional)
 - He is a **consensus theorist** so he shares the assumption that most people in society adhere to what is right and will work together
 - Is a **social determinist** and so ignores individuality
 - Behaviours are so determined by society even though not everybody experiences the same situations in society
 - Crime is not always functional, contrary to what Durkheim states
 - Crime can divide groups and cause chaos

The Functionalist Perspective

- Society, like a human body, needs parts that come together to make a whole
 - Society is a complex system whose parts are linked to one another

- Each part serves a function in order to maintain a normal state of stability
- 7 social institutions of society
 - Religion
 - Education
 - Family
 - Economics
 - Government
 - Media
 - Medicine
- Social institutions all impact one another
 - Ex. if families have more children, society needs more hospitals and schools to house them
- According to functionalists...
 - No behaviour perseveres unless it is functional
 - Crime is normal and necessary because it is present in every society in every place in the world
 - Crime is not pathological, but is normative
 - If society did not have crime, it would be diseased
 - There will never be a society that is crime free
- Functions of crime
 1. Accents the rewards of conformity; affirms cultural values and norms
 2. Creates a revenue/employment
 3. Creation of social unity
 4. Clarification of moral boundaries/norms
 5. Encourages social change (especially activist movements)
 6. Crime provides a scapegoat which reduces tension