

## Introduction to Theory

- Many people feel our society is more unsafe than they did in the past. Therefore the idea that crime rate is increasing, although it is not.
- Many people feel that the chance to be victimized by a stranger is higher because we feel uncomfortable about the fact you are more likely to know the perpetrator,
- Bottom line: the media sensationalizes crime.
- Those who are older have a greater fear of being victimized but are not nearly as likely to be the victim. Those between the ages of 18 to 24 are more likely to be victimized.
- People of all social classes commit a lot of crimes. However, it is much more likely for someone in the lower class to get caught, arrest and charged for said crimes.
- In reality corporate crime is more harmful to society than violent crime.

Crime and Deviance is relative to:

- Time
- Place

\*Think of legality

Factors that Contribute to Crime:

- Media
- Childhood/ environment
- Drugs and other substances • Peer/social group
- Biology/ genetics

Theory is a particular way of looking at something. It explains how two or more events are related to each other and the conditions under which that relation takes place. We have theories to attempt to describe, explain, predict, understand why people commit crime and to ultimately control crime to decrease criminal activity.

Theory is:

- A hypothesis (speculation, an educated guess) • A generalization
- An explanation
- Simple
- Complex
- Abstract
- Concrete (measurable)

Theory is NOT the truth or the answers

Assumptions in Criminological Theory

Level of Abstraction—

Macro: More broad, big picture, the most abstract Micro: Specific to the individual, and concrete

Bridging: Combination between macro and micro

Basis of Society— Consensus or Conflict  
Individuals— Active or Passive

Kitty Genovese - 1935-1964

- Beat her to death
- No one helped her
- Researchers said it was bc of “diffusion of responsibility” which means that the more ppl who witness an act, the less likely they are to actually provide assistance bc it is a diffusion of responsibility.
  - Everyone assumes that someone else is going to help
    - Deductive or inductive reasoning
      - Deductive
        - Bc researchers came up with their theory.
        - Simulated a situation where someone would be in need of help and what they observed is that when there were more ppl there, it was less likely that the confederate, the person acting like he needed help, would actually get help. When there were less ppl, more likely to get help.

The Experiment

- Independent variable is the variable that the researcher manipulated
- Dependent variable is the variable that is measured
- “Prisons are often violent institutions, but does the prison setting itself play a part in generating violence and disorder? Or is it simply more a perspective of the personalities of ppl who are in prison?”
  - 24 men chosen at complete random whether or not they were going to play the role of a prison guard or prisoner. Then they got the “prisoners” to be treated as prisoners. Guards are treated as guards. The guards become really demanding and the prisoners become even more resistant. The more resistant they are the more brutal the guards are. So then they started humiliating the prisoners and all of that. By the 3<sup>rd</sup> day the “prisoners” were in extreme emotional distress. By the 6<sup>th</sup> day, it was terminated. Turns out the prison environment can play a role.

The correlation

Criteria for Evaluating Theory

- Quantitative Validation: an approach to assessing a theory that **something**
  - Testability: is the theory testable?
    - Reliability: if a bunch of people get similar results then we can say that it is reliable

- Qualitative Validation: focusing on the substance of a theory
  - Logical soundness: theory does not propose illogical relationships and it is internally consistent
    - Tautological reasoning: circular reasoning
      - Ideally a theory shouldn't be based on this
    - Validity: the quality of measuring precisely what one intends to measure
    - Time order problem
      - Say you ask someone who smokes marijuana how likely it is that they get arrested and they say i won't get arrested, this is probably because they've done it several times and haven't been arrested. This then has come from after smoking rather than before smoking.
      - You think something came first when it really came after
  - Making sense out of two or more opposing facts
  - Sensitizing ability
    - Focussing attention on a new direction of inquiry
    - Marxist theory has sensitizing ability cause it allowed us to see something in a new way

### Knowledge is Context Bound

All knowledge must be understood in the context in which it arises

- Political context
- Socio-economic context
- Intellectual context
- Personal context

### **The Domonic Perspective**

Home of reverend samuel

Town of salem

Girls were screaming and convulsing and stuff and they decided that they were possessed. They had to provide the names of the witches that caused them to be possessed. Sara Osbourse, Sara Good, and **someone else**.

What do we do with these witches?

- They were put on trial and asked if they were a witch, had they seen satan, and if they weren't witches how did they explain the odd behaviours. The **someone**

**else** confessed to being a witch. All three women were convicted and sent to death. They were burned at the stake.

## Salem Witch Trials of 1692

### Assumptions of Demonology

- Look for the cause and cure of deviant behaviour in the realm of the supernatural
- The inquisition
  - The catholic church had a signif amount of power during the middle ages.
- Heretics
  - Anyone who goes against what the church says and does
- Deviance = sin
  - Deviance has cosmic consequences
    - Harmful to victims
    - Harmful to God. a transgression against
    - Against the entire cosmos

### Two Paths to Demonic Deviance

- Temptation
  - Humans can be tempted and if they dont have enough willpower to stop then they will give in to the temptations
  - Too active
- Possession
  - Devil has taken possession of persons body and mind which causes evil behaviour. When possessed, the person is no longer seen as being responsible for their actions
  - Too passive

### The Trials

- Accused must testify
  - Refusal was proof of guilt
- Often were not immediately informed of charges
- Anyone could testify against him/her
  - Was not told who accusers were
- No supporters
  - No legal assistance

### 5 types of evidence to convict

1. Trial by clever test

- a. Someone accused would come before the inquisitors and they had to recite the lord's prayer. If they were a witch they wouldn't be able to perform it correctly
2. Individual testimony
  - a. Someone provided testimony that attributed their own bad fortune to the demonic activities of the accused
3. Physical marks of the devil
  - a. Anyone who had any sort of physical abnormality could be seen as the mark of the devil
    - i. Moles, scars, birthmarks
4. Spectral evidence
  - a. Individual had a dream or vision that someone was a witch. It was believed that the devil can't take the shape of an individual whose innocent's body so the person had to be guilty
5. Confessions
  - a. Bring the accused back to the faith
  - b. Inquisitors believed that it was their duty to bring the accused back to faith bc confessions could result in the accused being forgiven. Or that their soul would be saved. So their afterlife would be better cause they would still be killed.
  - c. Inquisitors better educated than their subjects and trained in questioning
  - d. \$\$\$Industry\$\$\$ you got money for witch hunting. Each stage. More names more money.
  - e. Use of Torture

#### Confessional Devices (ways of interrogating)

- The headcrusher
- The Inquisitioner Chair
  - Spokes of metal, strapped in so can't move.
  - Chair can elicit heat and it pierces through skin
- Iron Spider and Cat's Paw
  - Probs skin, scrape down
- Judas Cradle
  - Has a pointed end and person is hoisted up into the air and when receive answers they don't like, they are dropped to the sharp end.
- Strappado
  - Hanging from arms. Hanging for long enough, shoulders fall out of sockets and sometimes the interrogators would hoist them up and drop them again and again

- The Rack
  - Pulleys that tighten around arms of indivs and arms and legs could be torn off.

Mens reas = guilty mind

Actus reas = guilty act

What was the purpose behind the punishment of breaking on the wheel

- Bones most durable part of body, every bone needs to be broken otherwise the evil spirit will still remain walking on earth

Shame and Pain

- Punishment
- "Hags harness"
  - Those who talked back, this was their punishment
  - Metal device that goes over their heads and inside their mouths would be a large metal spike. If they moved their mouth or tried to speak, the spike would pierce their tongue.
  - Very shameful
- Another one is the "ducking stool"
  - Teertotter type device
  - For ppl who were impure/scandalous
  - Hoised onto this device in the middle of the day in the market on wheels. Its embarrassing and humiliating.
  - They then take you to a body of water, drop them into water, lifted them up again, dropped them, lifted them up, etc. this was believed to purify them again

Symbolic Punishment

- "If there is harm, then you shall pay life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, stripe for stripe"
  - Exodus 21:23-25
  - Lex Talionis: you get what you deserve. Latin term

### **What groups were particularly vulnerable to the witch hunts?**

- People who criticized the church
- *Women (usually for the crime of witchcraft)*
- Midwives
  - They gave birth control and performed abortion which went against the church
- Old women
- Vulnerable people
- Those who wanted change
- Spinsters (women who live alone and never get married)
- Widows
- Women who held sacred knowledge
- Beggars
- Being in a group with other women could be seen as suspicious
- People in rural areas
- Women who held properties

### **What factors made the witch hunts happen?**

- Black plague
    - People were dying, we didnt know why back then and by blaming witches gave us an explanation
  - Profitable
    - Every stage was paid for it and the witch was paying for it
  - Repress womens power
  - Invention of the printing press
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- This was the womens holocaust. 9 million women killed over 300 years
  - Mary was the goddess figure
    - Queen of heaven, mother of god
  - Popular religion of regular people whose religion was like the goddess religion, nature religion
  - Joan of arch

- 1429 led french in battle
- Condemned as a witch
- Goddess-like
- Faith deeply rooted in old religion
- Relied on pipelines which wasnt acceptable bc then the ppl wouldnt need the church. This was a direct challenge to the most important structures of authority at the time
- By her time the church was increasingly on the defensive. It was more and more threatened by the changes taking place
- For thousands of years women were the physicians
  - Priests fumed as the women recieved the gratitude
  - The healers were always also the councillors
  - This was repressed bc it had political implication
  - Inquisition said no one caused more harm than midwives
  - Any woman who dared cure without having studied was a witch and since women were barred from uni, the rise of male profession was guaranteed. Women continued to practice but in fear for their lives
- Witch burnings took power of womens power of and over reproduction including midwifery, etc.
- Charges of witchcraft followed hot on the heels of peasant rebellion
- Woman was the obstacle to mans wholeness
- 14th century, black plague
  - followed by a series of epidemics
  - Priests said it was gods punishment for sin
  - End 15 beginning 16 century, the female pop increased more rapidly than male pop
    - Extensive war, decimation of male numbers,
  - Women begin to outlive men and women bc of their excessive #s dont marry and become independant
  - Widows, those who begged for a living, etc. were more prone to being accused of witchcraft
  - Witchcraze is an answer for institutions that feel threatened
    - Take pressure off establishment
    - Its the cursed presence that the cause of your anguish not us
  - Hag used to be a word referring to woman who had sacred knowledge
  - Renaissance and reformation
    - Time of art
    - Age of church reform
    - Time of scientific revolution

- Relied explicitly on techniques of inquisition and questioning witches in witch burnings
- Witch hunts were a business. Every step of witch trial had \$\$ involved.
  - The witch was basically had to pay for her own capture, imprisonment, torture, and execution
  - Provided employment opportunities for lawyers, etc.
- Stripped of clothes, shaved, approached inquisitor walking backwards so she wouldn't give him the evil eye,
- Usually most confessed by 2nd level of torture, by 3rd level everyone confessed. 3 stages
- Women were dangerous bc they were sexual
- First printed book after bible was the malleus malifaofEihs
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#### Witchcraft in Context

- Provides explanation
  - For misfortunes in society
    - There were high rates of infant mortality
    - Diseases
    - So it was easy to blame withces in order to give ppl a sense of ease
  - Reflects knowledge of the time
    - So when people are giving birth to stillborns, for example they had no understanding of why and so they needed to know why.
    - Ppl wanted answers and put all their faith in the church so didnt question what they were being told
- Helped maintain status quo
  - Did everything to help protect priveleges
  - Challenge authorities = charged with heresy
    - Criticize ppl who pray to old religion and gain popularity by doing that
- Helped divert attention
  - Change focus
    - Ppl question methods → witches are doing this and causing trouble.
    - Focus is now on witches
  - Church becomes indispensable

- Church is who holds the power and knowledge with regard to what needs to be done to manage the witches
- Now people have become dependent on them because they have done the previous main points
- Scapegoat
  - Target powerless or threatening groups
  - Discourage rebellious behaviours
  - This is a type of social control. A way to easily keep people in check.

#### Rationale for punishment

- Rooted in christianity
  - In biblical law there are several different passages that say that a witch shall not be permitted to stay alive
- Penance through physical pain
  - Nothing sacred about the body at this time
  - The main concern at this time was the soul
  - If they confessed, their soul would be saved
- Needed to be punished in order to restore order of the world
  - Maintain balance
- Needed to eliminate evil spirits through death
  - Symbolism of fire/breaking bones
    - Bones most durable part of body
- Deterrence (to discourage illegal activity)
  - Can be either General or specific
    - Burning people = general deterrence b/c trying to send a message that if you do something not approved then death
    - Actual individual who committed the crime = specific
      - The thing where they parade them through town and dunk them in water, hoping they wont gossip again
- Affirm authority of the church
- Social control
  - Rid society of undesirable deviants
  - Kill them you no longer have to deal with them

#### Modern Day "Witch Hunts"

- A 'witch hunt' occurs any time a group of people persecutes another group unfairly, usually blaming that group for larger concepts

## Reefer MADness

### Socially constructed problems: the moral panic

- What is a moral panic
  - And intense feeling expressed in a population about an issues that appears to threaten the social order
  - Crime, drugs, terrorism following 9/11, homosexuality
  - With the moral panic what youre always gonna get is the moral entrepreneur
    - Those that start the panic. They define something as an issues and are now trying to convince others that it is in fact one
      - Drunk driving would be the moral panic, mothers against drunk driving would be the moral entrepreneurs
  - Then you also have the folk devils
    - Those targeted by the moral panic
    - They're the ones painted as being deviant and wrong doers

### **The Age of the Monarchy**

#### Early middle ages

- This is the time when England was broken up into principalities
  - Princes held absolute power within own borders
- This is an era when communication was poor
  - The law was localized
  - Not many people could read, people travelled by horse, info would travel very slowly
- William of Normandy won battle over king harold

#### The Rise of the Monarch

- Absolute monarchy
  - The power to rule land freely with no laws or legally organized direct opposition in force
  - Local autonomy taken away in exchange for peace and safety
- Society was based on feudalism
  - You got the lords who have the power, authority, land, wealth
  - Then you have the serfs who are really peasants and slaves. Couldnt do anything without the permission of the lords
- Eventually the Lord's courts were developed so they never had to go to war with serfs against serfs like they used to when lords every disputed

## The Emergence of the King's Court

- He re-defined private wrongs as crimes against the state
  - He created the king's court
  - If someone assaulted another indiv for ex, he defined it as being a crime against the state
- Henry II streamlined procedures and made them fairer
  - So the lord's court diminished in popularity and the king's court gained popularity
- Circuit judges → replaced informal methods of seeking justice based on local practices
  - This established common law
- Stare decisis
  - Deciding cases based on the situations of similar facts
- Why is the creation of common law so important?
  - Common law (judge made law) was not created by king Henry II. He facilitated it. The judges were who created it.

## Code of Hammurabi

- An eye for an eye

## The Divine Right of Kings

- The belief that they were put in that position to rule by God
- The idea that the king inherited his authority directly by God
- What does this mean for commoners?
  - If anyone questions the king they are also questioning God.
- If someone did question the king, he/she could be charged with:
  - Heresy
  - Treason

## Trials By Ordeal

- Some trials commonly practiced at this time
  - Trial by Heat = hot iron/hot water
    - Publicly declare innocence, given hot iron, walk. Or walk barefoot in burning hot coals. Then sent home for 3 days. If wounds had healed by then nicely, then it was deemed to be a sign of innocence. If the wound was getting worse, then the individual was guilty
  - Trial by Cold

- Dumped into cold water tied up. If they float they're guilty, if they sink they're innocent
- Trial by Battle
  - Fight to death. Whoever prevailed was innocent, the one who didn't was guilty
  - Reserved for the wealthy so often times they wouldn't fight themselves, they would pay ppl to fight for them.
- Trial by Cursed Morsel (for the clergy)
  - Indiv forced to swallow food. There was a feather concealed. If indiv choked on feather, they were guilty. Otherwise they were innocent
- Trial by Wager of Law
  - Indiv accused would be given opportunity to go into community and find 12 ppl who could attest to their character and swear that the accused is actually innocent
    - b/c no one would ever lie under oath, otherwise they would be punished by God
- The Kings Court
  - Trial by wager was replaced by trial by jury
    - 2 different groups
      - Grand assize
        - A body of men summoned by king to discover and charge all those in community that have potentially violated the law
        - Duty was to obtain the ppl and to bring them to the king's court. Once there, the power falls to the second group
      - Petit assize
        - The jury
        - The group of ppl who have been given the task of judging the accused
        - But ppl who served as part of the grand assize could actually also be part of the petit assize. The accuser is also the same person as the one whose judging so not very fair. But progress.
        - Only available in kings courts which made it grow in popularity

- Judged by a larger jury (24 ppl) and a lot of times they would be found guilty.
- A jury could be put on trial themselves.
  - Crime of perjury
    - Deemed that they didnt like the verdict basically
  - Judged before a jury of 24
- 3 different branches of king's court
  - Exchequer
  - Court of common pleas
    - Didnt direcctly involve the king
    - Land disputes, etc
  - King's bench
    - Composed of kings advisors
    - Where all criminal cases are heard
    - Also heard appeals
    - Highest court of the land
    - Final decision place
    - Today: supreme court

### The King's Justice: Royal Cases

- Everything deemed to be a crime is now designated to be a royal case
- During age of monarchy, all crimes became against the king's peace
  - Only place where king's cases will be heard
  - Anything challenging authority of king the indiv will be charged of treason, but now we start to get a diff explanation of crime. Its not just action that goes against the king, now its every single type of crime committed is gonna be a violation against the king's peace.
    - Eg. rob someone = violation of king's peace
- There is also a massive criminalization of previously non-criminal acts
  - Eg. taking fish from ponds, damaging orchids, cutting down trees, etc.
  - Why?
    - Just like during the demonic era, how witchhunting was an industry, now all the money an shit is going to the king. The more crime → the more money there is to be made. At the same time it is protecting the interests of the higher class people who want to ensure that no one is interfering with their businesses and successes

- We also see the emergence of the bloody code at this time
  - In the past there were a few crimes that were punishable by death, but the number of crimes that were punishable by death now dramatically increased
  - It went about 50 crimes carrying the death penalty to now 225???? I think???? Crimes carrying the death penalty
    - Eg. Cutting down trees, arson, hunting rabbits, pickpocketing, etc. could cost a person their life
      - Why?
        - b/c the ppl who had power were very unsympathetic to those who were caught committing a crime. They saw them as being lazy, greedy, sinful
        - Also, the rich were trying to control the poor. Wanted to criminalize any act that could potentially threaten their wealth and property
        - Also, it was believed that having the death penalty attached to so many crimes, it could serve as a deterrence.

#### The King's justice: a demonstration of power

- One way to demonstrate power was through public executions
  - These were a spectacle and to impress the masses
  - This was like a form of entertainment. Gathering for the public execution.
  - These would always happen in the middle of the day in the middle of the marketplace where a lot of ppl could gather. There were a lot of the times pre-shows for the execution.
- They would also demonstrate the power of the king's mercy
  - Power of king was demonstrated by the expectation that the accused was expected to plead his allegiance to the king
  - The indiv could admit guilt and beg for god's mercy by pleading mercy to the king
  - The king could take life, save life, or lessen pain
    - Didn't mean he wouldn't be executed but rather he would have an execution that wouldn't be prolonged
- It was also a way to protect the emerging economic/social/political systems
  - So again no one can question the king

#### The Use of Torture

- Very much still active during this time

- Objective of torture
  - To elicit a confession
- Justification of torture
  - At this time it was believed that the state needs to protect community from further wrath of angry God
  - To be suspected of a crime
    - What was needed was a Half-proof
      - Only the slightest amount of incriminating evidence was needed to be sufficient to find an indiv to be guilty
- Inquisition
  - Q's asked under oath while enduring physical pain
- Torture
  - 2 stages
    - Preparatory
      - Trying to get admission of guilt
    - Preliminary
      - When they want to get the indiv to name other ppl who may have been involved in that or other crimes
- In England it was possible to avoid torture by consenting to trial by jury
- But if you refuse trial by jury → subjected to “pressing”
  - Pressing = in a small dark room and no food, no light, etc, and then weights would be put on the indiv and keep putting on more and more weight when no admission of guilt
- Why would you subject yourself to pressing instead of trial by jury????
  - With jury's they're most likely going to convict you, but what happened through pressing was that ppl would be willing to go through it because then if the accused died w/o being convicted, the state couldn't confiscate their property, so family would still have the property

High class = beheading

Lower common class = hanging

Gibbeting

- A means to warn others what would happen if convicted for a crime
- When bodies in gibbets they would be hung by water or roads, so people would see them
  - Sometime they would just leave the bodies until their clothes started to rot or the body decomposed

- Other Times the body would be cut into pieces and put into different locations

### Corporate punishment

- Punishment of the body
- Stocks and pillary ??
  - Hole for head 2 holes for hands, in the middle of marketplace.
  - Embarrassing, uncomfortable
  - People would come and they could yell insults, be physical and throw rocks and plants and stuff at them
  - Up to days
  - More serious crimes, your ears would be pinned to the board

### Another method i missed

### Branding

- Symbolic. Physical pain with the public humiliation. What you would be branded with would be reflective of the crime committed

### banishment/exile

- Guilty of crime, banished from property and prohibited of ever returning home
- Status of outcast, permanent wanderer, etc.
- Psychological damage from now being estranged from friends and family

### Transportation

- If someone was given this punishment, the convicted had to go to the colonies and become a slave. Do this for 7 years, earn their freedom, given land, and establish themselves as a settler
- Ran into problems bc many people were waiting to go to the colonies and then they gained their independence and said we don't want these guys coming here

### Didn't get the name

- Old ships converted to floating prisons. Sleep on these old ships and then worked on land

### **Braveheart**

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

- King's jury
  - In front of king dude
    - Swear allegiance to king
      - king's mercy
- The Pre-show before public execution
- Torture
  - Preparatory
  - Preliminary
    - the torture part
- Gibbetting
  - Cutting the body into pieces

### **Classical Criminology**

More of a formal theory

economic /Social Context: life during the 18th century

- Economically, there was a shift from feudalism to early forms of capitalism
  - Feudalism is what we saw during the age of the monarchy
    - Based on repression
  - Moving away from an absolute monarchy and society is slowly starting to become a lot more democratic
- What also took place before the 18th century is the protestant reformation
  - This is when martin luther said that man is capable of interpreting the bible without the pope
  - The churches role of creation and administration of law is weakening and ppl in society are elevating man to be free thinkers
    - People are entities on their own
- During this time there is also a population growth
  - There is a great deal of shifts from ppl living in small towns and now there's an urbanization
  - The pop is dramatically increasing in europe
  - Population is becoming more dense and more diversity. Society is now based on differences
- This time now has a need for new forms of social control
  - Things need to be done differently now
  - This is because we are now loosening the social bonds that were tying the people together. Alsooooo because public shaming is becoming less

effective cause there is more anonymity and so these things don't interest them because they don't know those people whereas back then you would know the person.

#### Intellectual context: the enlightenment (1650-1800)

- "The Age of Reason/enlightenment"
  - It was an intellectual revolution
  - Ppl started questioning traditional understanding which is big bc back then no one questioned anything
- Time of John Locke, etc.
  - They rejected the view that ppl were fixed in the world with regards to social position and everything was divinely determined and moved away from supernatural things and these philosophers were looking more at social living and stuff like that. They were adopting a much more secular view of the world.
- Reason is idealized
  - They didn't believe anymore that authority should not be questioned
  - Reason is the instrument to reorder society
- Doctrine of free will
  - Now people possess free will
  - People have the ability to make choices and their fate is not determined by some higher being
  - With free will ppl can choose what they will and won't do
- Rationality
  - Ppl are rational
  - They can anticipate the consequences and calculate the most beneficial outcome of actions
- Natural rights exist
  - These rights must be protected by the law
  - This is a time when everyone in society was seen as having rights
  - The state has the role to ensure that individuals pursuing their own happiness aren't affecting others' happiness and that people's rights are upheld
- Humans are hedonistic
  - People who want to maximize their pleasure and minimize their pain
  - Ppl weigh how much pain comes with something they want to
  - People are egoistic
    - They like to engage in self-satisfying behaviour

Offenders make choices about committing crimes based on anticipated *rewards*

- Classical criminologists would agree with this statement

Individuals will decide not to commit crimes when the *risks* are too high or the rewards are not adequate

- Classical crim will agree

What is the social contract

- An unwritten agreement shared by everyone in a society in which they give up some freedom for security
- Government is necessary to fulfill this contract
- Thomas hawes
- Eg speed limit
- What is a crime?
  - A crime is anything that breaks the social contract
  - Society has agreed that the state is authorized to punish those who have breached the social contract
  - Greater punishment = greater harm

According to classical theorists...

- What should be the punishment for homosexuality
  - The seriousness of crime is measured by the harm done to society and so if there are no demonstrable victims, there should be no punishment
  - What about the demonic perspective?
    - No difference between immorality, deviance, and sin

What was the justice system like during the middle ages

- Lots of torture and force
- Public humiliation
- Unjust
  - Inhumane
  - People weren't given the chance to plead their case
  - bias/prejudice/discrimination
  - Punishment didn't really fit the crime
  - Only needed half proofs

Critique of criminal justice during the 18th century

- Capital punishment
  - Use of capital punishment was starting to have a Negative effect on people
  - Judges started to be reluctant to convict
    - Individuals could face death for cutting down a tree
    - If they did not convict though, it would not deter people

- Limitations of effectiveness
  - Capital punishment may not be as effective as they thought
  - With all the people there watching the execution, pickpocketing increased.
- Transportation
  - What to do with all the prisoners??
    - Convicts sent to colonies to serve a period of servitude for about 5-7 years. 1000s transported to australia rejected britain's criminals
- Jails
  - Those convicted had to pay for everything
  - Everyone was housed together
  - Breeding grounds
    - Breeding grounds in 2 senses
      - Moral breeding grounds
        - People were influencing others in bad ways
      - Physical breeding grounds
        - b/c of the very close living quarters disease was rapidly spreading

#### Cesare Beccaria (1738-1794)

- Formed a political group with friends when young: academy of fists
- "Essays on crimes and punishments" 1764
  - Critique of current system
  - Essay was seen as too radical
    - Beccaria said that the current system that was in place was completely barbaric with unwritten laws, secret trials, horrific punishment, and horrible prison conditions
  - Believed that people were generally good and just needed to be discouraged from committing crime
  - Crimes = irrational/ineffective laws
    - Current system was not rational enough to deter people from committing crimes
    - He wanted a more rational system

#### Jeremy Bentham (1748-1832)

- Utilitarianism
  - Associate this with jeremy bentham
  - Utilitarianism is The premise of the greatest good for the greatest number of ppl. So laws should provide that function. It is the underlying idea behind the social contract
- Came up with this hedonistic calculus
  - The value of any pleasure could be calculated by these four factors
    - Intensity
      - How intense is the pleasure

- duration
  - Is the pleasure going to be short term or long term
- Certainty
  - Is it a guarantee that the pleasure is going to be achieved?
- Immediacy
  - How immediate is it
- Punishment has to be rationally calculated
  - For a punishment to be rational, the punishment must be just slightly more severe than the harm done by the act
- Goal of punishment???
- The goal of punishment is deterrence
  - Specific and general deterrence
    - Specific
      - discourage/prevent that person from committing the crime again
      - Eg. fine
    - General
      - Deter everyone in society
      - Eg. public execution

#### Does Punishment Deter Crime?

- In Canada, no one is considered to be above the law
- Not all ppl interpret it the same way
- If people thought they would get caught they probably wouldn't engage in the behaviour
- So no real answer it does but also doesn't

#### For punishment to be effective, it must have...

- 3 main components
  - For punishment to be effective it has to be...
    - Certain
      - Guaranteed that if the person committed the crime they must be punished
    - Swift
      - Punishment has to follow in a timely fashion
      - If you don't, the indiv won't make the connection between the behaviour being wrong and the punishment that will be received
    - Proportionate
      - Don't want it to be too severe bc it could lead ppl to think that it is too unjust bc then why not kill someone instead of kidnapping them. Don't want it to be too lenient cause then it won't deter the person
      - It has to give just a bit more pain than it provides pleasure for the individual

- What aspect out of these 3 is most important
  - Certainty
    - Want it to be certain

#### Three strikes law/legislation

- baseball analogy of 3 strikes and you're out
  - some states if you commit one felony you're punished accordingly, second is the same. If 3rd time, automatically locked up life prison eligibility for parole after 25 years
  - In california, the third offence doesn't have to be a serious felony
- Focus is on act not the circumstance of the context

#### Reforms for Laws

- Bentham and beccaria again
  - Laws must be written, widely available and understandable
  - Laws must apply equally to all
    - No one should be held above the law

#### Reforms for punishment

- Judges determine guilt/non-guilt *only*
  - Impartial, neutral, bias-free
  - Apply only the prescribed punishment
    - There is no room to change the punishment or for the judges to interpret the law
- Punishment is determined by the legislator
  - They decide what should be a law and who established the penalties that go along with the offence
  - Identify the sanctions that go along with the crime
- Judge focus only on the actus reus
  - Guilty act
  - Judge is only concerned with the crime that has taken place, your intentions don't matter
    - *Only concerned about the harm done to society*

#### Capital punishment

- Abolished in canada in 1976
- States that have capital punishment have higher rates of homicide than those that don't
- Beccaria and bentham were against this
  - Not necessary nor legitimate
  - It was contrary to the social contract
    - People don't give up the right to life
  - It is barbaric

- Killing someone for killing someone? What sort of message are you sending?
- Illogical
- Not proportionate
  - Too extreme
- Not a general deterrence
  - Much too quick to have a long lasting affect and impact
  - It may initially appall, frighten people but as time goes on it wont leave a lasting impression
  - Long and continuous punishment is more effective
- Society needs disciplined workers

#### Changes in the Administration of Justice

- Wanted to abolish torture
  - Wrong bc punishes people before they have even been convicted
  - Lots of false confessions because of torture
- Believed in the right to a speedy public trial and to present evidence
  - So that days of secret trials and accusations were done
  - Wanted the accused to be able to present evidence
  - In favour of trial by jury
- Beccaria was a reformer and appalled with the prisons. But he advocated for the use of prisons. What he just wanted was to *improve prison conditions*
  - No more charging prisoners for cost of stay
  - Sanitary prison conditions
- Classifications of offenders
  - Everyone used to serve time in the same place
  - Now they want a classification system put in place

#### Something to think about

- Are there any classical ideas and/or premises that are present in the canadian criminal justice system today?
  - Classification of offenders
    - Different classifications we have today:
      - Provincial and federal offenders
      - Age (minor or not)
      - violent/ property/ etc. Offenders
      - Separation of females and males
      - High risk, minimum risk, etc.
  - The right to a swift trial
    - We have summary offences (minor) and indictable offences (more serious)
    - We have the right to be tried in a reasonable time
      - 18 days for summary

- 30 days for indictable
- Certain standards for prisons
- Proportionate system
  - Fines, community service, probation, house arrest
- Right to a lawyer
  - Charter section 7-14 are our legal rights
- Mandatory minimum sentencing

What flaws might there be within the classical perspective?

- Only convicting someone based on actus reus
  - Could have been an accident or self defence
- How they view the criminal
  - Person who always behaves rationally
  - Assuming that people always weigh pros and cons and that they know the punishment for their crime
  - No one actually always engages in the behaviour thinking that they're going to get caught
- They're assuming that the same punishment is going to have the same effect on everyone
  - Fines are going to affect those who are poor more than those who are rich
  -

### **Neoclassical theory**

Neoclassical school

- Certain factors might inhibit the exercise of free will
  - May be lacking the guilty mind
    - Mental health
  - Duress (holding a gun saying rob the bank)
  - Self defence
- Legal defences
- Mitigating factors
  - More lenient sentence
    - showing remorse
    - Your record
    - Good social standing/good character
- Aggravating factors
  - More severe sentence
    - Hate crimes
    - Weapon use
    - Repeat offender
    - Vulnerability of the victim
    - Abuse of authority

## Marxist Criminology

Karl Marx (1818-1883)

- Personal Context
  - Born into a family of jewish heritage but converted to christianity
    - Later came to reject all kinds of religion
    - Held anti religious and very liberal views that were extremely controversial at the time
  - Differs from other theorists bc of his marginal social location
    - Often moved because of this and so never really had a secure employment and didn't really have a steady income.
  - He was not concerned with the behaviours of the poor
    - Also made him different from other theorists
    - He knew poor people cause he was poor and was like "its not really this population that's the root of crime" causing other people to think differently
    - His theory had sensitizing ability: getting us to see things differently than before
      - Maybe we should shift our attention to upper classes and their role in society

Social Context

- Industrial revolution: Huge urbanization, Children working in labour force.
  - Unemployment
    - There is a demand for people to work in factories but we see a high rate of unemployment
  - Poverty
    - People can't afford to meet the necessities of life so there are lots of ppl living in the streets and there's lots of disease etc.
- This is a time where society is divided into classes
  - 3 classes
    - Bourgeoisie
      - Owners
      - People who own the means of production
    - Proletariat
      - The workers
      - Have to sell their labour power within these factories
    - Lumpenproletariat
      - The large number of unemployed ppl
      - They were not contributing to capitalism/society
      - They impeded social change
- Emergence of capitalism
  - Economic system of wage-labour and commodity production for sale and profit

- We get this idea of trying to max profit
- The owners of these businesses want this
- Private ownership
- Constant competition bw the bourgeoisie

#### The conflict perspective

- Marx is part of the conflict perspective
- The focus is on the unequal distribution of power in society
  - In society there is an inequality
  - Conflict bw groups is based on unequal power and unequal access to resources
- The law in both its codification and its application is not neutral but reflects the interests of and benefits the powerful segments of society
  - The law tries to keep the powerless at the bottom and the powerful at the top
- So this perspective says the law is fair, people in society all work together, everyone has an agreement to what is right/wrong, consensus in regard to norms, working for everyone

#### Law and the consensus perspective

The law is the codification of dominant social values and its application functions to benefit the majority

#### Level of analysis

- Karl marx adopts the macro approach
  - Focus on social structures and the impact that these large social structures of society have. The big picture.
- Also is a critical theorist
  - A critical theorist questions existing social arrangements
  - Adopts perspective that the system is broken and needs changes
  - Rather than accepting things at face value, a critical theorist questions things (eg. tradition).
  - Starts looking at things through a different lense

#### Questions that a critical theorist would ask

- Why is it that some groups in society are more likely to be targeted/ arrested/ be labelled as criminals?
  - Social stereotypes
  - Any group that seems as threatening the upper class
  - underlying desire to have a scapegoat
    - Pointing fingers at some group will take attention away from actual culprit
- Who sets the rules?
  - Eg. people of lower socioeconomic status are punished more harshly than those of higher class

When it comes to crime most ppl are concerned with conventional crime (street crimes). Karl Marx is focused on white collar crime

#### White collar crime

- Fraud, insider trading, tax evasions

#### Corporate crime

- Benefits the corporation/company itself
- Committed by businesses/employees for their businesses
- Eg. Enron, unsafe products, price fixing

#### What causes crime

- Capitalism makes crime inevitable
  - As long as there is capitalism there will be crime
- In capitalism there is institutionalized inequality
  - Exploitation of workers
  - Reserve army of labour
- The proletariat experience leads to crime:
  - Experience poverty which can cause them to commit crime
  - Experience powerlessness causing them to commit crimes cause they may not have an outlet
  - Experience alienation and so leads to crime

#### 4 types of worker alienation

- Alienated from
  - The process of production
    - The work is very mechanical and repetitive.
  - The products
    - In the past many of these ppl worked on lands and made their own clothing, etc. and so they were part of the product. Now the worker does not own what they produce
  - Fellow workers
    - Competing for work
  - Himself
    -

“It is not the consciousness of men that determines their being but on the contrary, their social being that determines their consciousness”

- 2 types of consciousness
  - Class consciousness
    - Self awareness of a social class and its capacity to act in its own rational interests
      - Meaning the class knows what is best for them as a whole

- The workers do not have class consciousness because the dominant ideology at the time is the bourgeoisie
- So they don't realize that what is happening to them at factories and stuff is not in their best interest because they don't have class consciousness
- False consciousness
  - Inability to clearly see where one's own best interests lie
  - Proletariat are prevented from realizing their own needs
  - Bc they are experiencing false consciousness, they don't realize that they are even under this false control

"Religion is the opiate for the masses"

- Religion is like a drug. Just like when one takes heroin, they become very subdued. When someone is in such a state of mind, they're not really going to question things. For marx, religion does the same thing.
- Idea that religion creates illusions for the poor. It provides a distraction, the distraction being that they do not realize that they are being exploited.
- Just like when one takes opium, it is really just a band aid solution. It doesn't fix problems but it helps people forget the pain and suffering they are experiencing right now. Religion provides that same sort of comfort for those people who need to feel good again.
- *For marx, religion is an example of false consciousness*

Marxism and crime

- Capitalist values cause crime:
  - Competition
    - Competition is a key characteristic of capitalism
    - A competitive system b/w proletariats bc they are all competing for work
  - Consumerism
    - With consumerism there is a focus on acquiring things. The belief that is perpetuated in society is that w/o these material goods you can't be happy. Leading to...
  - Greed
    - The more one has, the more one wants
    - Many people are willing to commit crime in order to obtain it
  - individualism/egoism
    - Idea of personal gain. In a capitalist society, rather than focussing on the greater good for everyone, the focus is on putting yourself ahead of everyone
- Crime serves functions
  - Assigns blame to street crime and divides working class
    - Media tends to focus on conventional street crime

- If police expect people who live in more impoverished areas to commit crime then they will focus all their time on these areas then people are gonna be caught more in this area and less of the other dudes will be caught
- Diverts attention
  - We tend to create moral panics about certain crimes in society. We focus on those groups who are marginalized and more vulnerable.
  - By doing this diversion we focus only on conventional crime and corporate or white collar crime is not really being thought about as much
- Crime is economically useful
  - By having crime in our society, it creates jobs.
- The justice system operates to protect the rich and powerful
- How crimes are defined
  - Crack people of lower economic status, cocaine higher social standing. Different penalties
- How laws are enforced
  - Focus so much more on crimes committed by lower class than by upper class
- How lawbreakers are punished

#### 1999 ontario safe streets act

- Came into being because people were concerned about squeegee kids
- No person shall solicit in an aggressive manner

#### Bhopal gas tragedy

- Technology was unproven and used to handle a dangerous gas
- Safety systems had been disabled the night of this and before just to save money
- Minimal compensation. Many victims still haven't received any compensation
- Rising rates of tuberculosis

#### What is the solution to crime?

- The proletariat must gain class consciousness
  - Must see that they are being exploited by the current capitalist system
  - What their true needs and objectives are
- Revolution
  - Proletariats need to bond together and overthrow the capitalists
- Once that happens, the whole system of capitalism needs to be eliminated and a new social order needs to be established
- Then we need communism
  - We would no longer have crime
  - In a communist society there would no longer be property, it would be a classless society

- Only then would people actually be able to achieve their species being: reaching their full human potential

### Critique of marxism

- Economic determinism
  - Only based on economics
  - Marx believed that everything in society is a result of the economy. The true evil is capitalism to marx
  - This way of seeing things is too reductionist and simplistic
- One ruling class?
  - There are the haves and the have nots. But is there really only one ruling class? This may be a little too simplistic
- Advantages of capitalism
  - Capitalism is a more effective means of generating and redistributing than a socialist or communist society
- Idealistic
  - When revolution comes, marx believed that this is when society will be good
  - Marx sees society as moving towards being a new and better world when society becomes communist
  - The only way for this to happen is through a revolution
- Application
  - We can look at many former and present communist countries and they still can be really oppressive and there can still be a great deal of crime.
  - There are many capitalist societies with low rates of crime

### **The Emergence of Prisons**

#### What causes crime?

- Conservatives
  - Social disorder causes crime
  - Traditional institutions and values have broken down
- Liberals
  - Social injustices cause crime
  - Racism, poverty, etc
  - Society is not meeting people's basic needs and so crime is the result
- Radical
  - We have crime because of capitalist exploitation.
  - Rich exploit the poor who then have to prey on one another

#### How can we control crime

- Conservatives
  - Re-establish social order and discipline
  - To control crime we need to reassert traditional values.

- If system is too lenient then we need to make the punishments more strict
- Liberals
  - Problems rooted in poverty, racism, and social injustices then we need to implement more social programs
  - More humane and more just criminological system.
  - Focus is a lot more on rehabilitation
- Radical perspective
  - Abolish capitalism and establish a new social order

#### What should be the function of prisons

- Conservatives
  - Focus should be on victims and innocent citizens
  - Believe that people commit crimes based on free will since conservatives are rooted in classical criminology
- Liberals
  - We need to turn our attention on the criminal
  - We need to help them to prevent future victimizations
- Radical
  - The problem is the way society is structured and so we need to focus on the big picture. On society as a whole and the system.
  - The justice system is used to repress

#### Precursors to prison

- Prisons *as a form of punishment* have not existed for too long
  - Used to be people who were awaiting trial, execution, etc
  - Less than 300 years (end of 18th century)
- Dungeons
  - Waiting for trial, corporal punishment, execution
  - Most likely no window
- Clerical penance
  - Reserved for religious people
  - Clergys would go here for periods of solitary penance
- workhouses/bridewells/houses of correction
  - 1601
  - Employ people who were poor convicted of petty offences on a profitable basis
  - Had to work
  - Idea that we needed to teach people how to have a work ethic
  - Harsh and deliberately degrading bc they wanted to discourage ppl from committing crime knowing that there was the threat that they would be sent to one of these places
  - Making a very small amount of money
- Debtors prisons

- People who were in debt, couldn't pay their rent, etc
- Entire family would have to go
- Work such as weaving baskets, etc.
- Trying to work off their debts
- County gaols/jails
  - What beccaria was talking about
  - Housed people waiting transportation, execution, trial
  - Not sent here as a form of punishment
  - One critique that beccaria had was that there was no classification system
    - All sorts of people were put in the same place
    - Very corrupt. An industry basically. Inmate paid for everything, even if found innocent. Even if found innocent they couldn't leave before paying.
    - Jailors weren't trained/ educated and would charge prisoners for things such as if they put handcuffs on prisoners then the prisoners had to pay to get them taken off

#### Context in which prisons emerge

- How were offenders punished prior to prisons? What were some 'issues' with these methods of punishment?
  - Transportation
    - Problem: when they tried to send them to colonies after they gained independence then they were like nope
  - Then they sent them to the floating prisons
    - Didn't work
  - Corporal punishment
    - People started seeing it as being inhumane, improper, and degrading

#### The emergence of prisons

- Shift from the punishment of the body to the mind
  - Deprivation of liberty (one way to punish the mind)
    - Fines hurt the poor more than the rich, but taking away a person's freedom should cause discomfort to all
  - The Age of Enlightenment
    - Ideas were put forth that challenged the monarch
    - We start to see the emergence of ideas that are based on idealism, reason, etc
    - The idea of people being rational is very key to emergence of prisons bc if people are rational, with the right control/discipline, people can be trained
  - Classical theory
    - Swift, certain, proportionate
  - Industrial revolution
    - Larger population

- We need new ways to punish people
- We dont want to kill them bc we need to have workers who are disciplined and able/willing to work in factories
- John howard and elizabeth fry (volunteer places)
  - Non profit organizations that work with people who have been convicted and trying to reintegrate back into society
  - Named after these two
  - The john howard society solely focused on males and e.fry society focus solely on women
  - 1777 john howard published “the state of prisons in england and wales”
    - He carefully reported deceptions of prisons and concluded that jails were breeding grounds and wanted to see prisons being used but for changes to take place
    - There should be clean, healthy accommodation; health care; adequate clothing; separation of offenders; people who work in prisons should be trained and should not be allowed to charge prisoners.
    - There was a huge religious component. He was a firm believer in the work ethic.
  - Elizabeth fry focused on women and visited them in prison
    - Wanted there to be changes in how many women in prisons were mothers
    - Wanted to make sure that these women (mothers) were well prepared
    - Wanted a school and chapel in prisons

#### The moral architecture of the prisons

- Prisons became a projection of how the world should be
  - The best way to restore order bc it was a way to control the body and mind of indivs
- Effort to bring about a moral uplifting of population
  - Prison removes sources of temptation
  - Impose discipline to uplift people morally
- Criminal is a rational being who can be trained
  - Prison was a rational punishment bc it is proportionate to the crime

#### Why were prisons called penitentiaries originally

- To be penitent is to express feeling of sorrow
- A person could express sorrow for having committed what they did
- Remove individuals from corrupting influences and allowed them to reflect
- Heavy on religion stuff

#### The pennsylvania model (19th century)

- Inmates kept alone in rather large room that was fully equipped
- No communication bw offenders to reduce possibility of contamination
- High suicide rates
- Psychological deterioration

#### The auburn model (19th century)

- Very very very small cell. Only a bed and toilet
- Only here when sleeping. Otherwise out with general population
- When with other inmates it was a system based on silent association
  - So although eating and basically doing everything with other inmates, there is absolutely no communication with other inmates. either verbally and non-verbally

#### The Lockstep Shuffle

- Dressed alike, walking together in unison
- Purpose: to erode any sense of self. Broke down their indiv identity

#### The Ideal Prison: The Panopticon

- Prison system created by jeremy bentham
- Structure: build a central tower whose windows are all tinted. Meaning the guards inside the tower can see out and the prisoners, whose cells all face the central tower, they cannot see in
  - Don't know when they're being watched. They don't know how many guards are in the tower and so they become self-regulating. They keep themselves in check out of fear of punishment.

### **Guest Speaker**

#### The use of architecture as a form of punishment

##### Architecture as punishment

- \_Panopticon was thought to contribute to punishment in 3 ways
  - Always feel like you're watched by guards and always being watched by other prisoners due to circular structure. *surveillance*.
  - Prison cells are small and so they are isolated from social interaction with them. *isolation*
  - Vision was really restricted based on where your cell was situated. That type of restriction was thought to change the experience of people in the prison *restricted vision*

#### Carleton County Jail

- Built in 1862 by Henry Horsey
  - Built right in the middle of the city of Bytown so that it would prevent crime since it was big, scary, domineering.

- Closed in 1972
  - No working bathrooms in institution in prisoner side
- Capacity = 150 prisoners
  - 60 small cells (1x3 meters)
  - 30 large cells (2x3 meters)
  - 6 solitary confinement units
  - Debtors prison move in with family
- Maximum security facility
- Known as the nation's most effective prison during this time
  - Many attempts but only ever one escape
- Governor's quarters
  - Very big rooms
  - Private staircase
  - Move entire family into prison with the big rooms, working bathroom, etc
  - Many fireplaces meaning heat
  - See this division of class system within prison
  - Half the size of the entire jail
  - Pleasant living room
- Main block/prison
  - 4 floors
  - Narrow, unlit cells
  - Massive stone walls
  - Iron-double locked doors
  - Drum ceilings
    - Makes voice echo bc of the round shape
  - Hanging chamber on eastern end
- Stairs
  - Stairs were a trap space. If you somehow got out of your cell and somehow got on the stairway, there were iron double locked doors on each floor of the stairs so you would be trapped
  - Holes in stairs
    - Identification holes
  - Where visitations were held
- Suicide bars
  - cages/gates found in one of the stairwells so the people could not jump to their deaths. Don't want them to die bc the state has the right to make that decision not them
  - Also protects the guards cause we don't want you to throw the guards down the stairs
  - So both safety and security
- "The Hole"
  - Solitary confinement
    - First area prisoners walked by

- Stripped down naked and spread eagle on the floor. Sometimes spread honey and molasses on the prisoner so it attracts rats and shit
- Form of harm and torture used up to six weeks at a time up to 23 hours a day. One hour in the yard.
- Death Row and Gallows
  - At the end of death row is a Red door to preparation room for hanging
    - Where hanging materials were prepared
    - Only colourful place in prison so you know something bad is happening
  - Transition down the line
    - As you get closer to your public executioning, you move down the line. You move to get farther away from the gallows so it's the walk of death/shame. So you have a farther way to go so that every cell you walk by people know what's happening to you
    - "March of death"
  - Suicide watch area
    - Can't see anything but the small area in front of you
    - Guard positioned there
  - Gallows door shaped like a chapel
- The Beam
  - No structural benefit to this building. Doesn't add anything to stairwell architecturally
  - Hypothesis that this is the place where illegal hangings happened
  - 8th floor balcony
  - Crushed floorboards
  - Rope notches on wooden beam
- The 'Leisure' Yard
  - Gallows visible only over yard
    - So you're one hour of "freedom" a day you still have that threat
  - Work detail to the left
  - Unmarked graves to the right and behind

### **The Emergence of Prisons Continued**

- Can you imagine a society without prisons?
  - Other countries have other parameters to deal with crime, but may not be ethical or agreeable in North American society. Society needs a General and Specific deterrent is important and is needed to send a message to the general public and teach the individual, but must be ethical and less

harmful to society. There is no easy solution... purges, Capital punishment etc...

- Prisons as a form of punishment is a relatively new creation and has only existed for 300 years, somehow society has functioned without this institution. There was a heavy reliance on the death penalty, and corporal punishment.
- Not all countries incarcerate at the same rate:
  - Which country has the highest rate of incarceration?
    - The US significantly incarcerates criminals than any country in the world.
  - Name two countries that have very low rates of incarceration
    - Norway, Japan, Denmark, Finland, India
  - Philippines way of dealing with criminals is quite unique use a form of dance to rehabilitate their inmates. See videos on youtube...
  - It keeps them busy and to facilitate the inmates to change the way they use their psyche, and offers skills of cooperation, discipline, creation of unity. Less infractions and less prison sentences extended. But the purpose of prison is to be an unenjoyable experience. If they are having a good time, friends and would want to go back maybe because of their living environment being poor. Little children are excited to see the dances and could make them want or aspire to go to prison. Is definitely a form of punishment, the perfected routines are a result of multiple hours of work and if they don't cooperate they get punished. Is also seen as almost a form of cruel and unusual punishment.
- How many adult correctional institutions (jails and prisons) are across Canada?
  - 216 (173 more provincial jurisdiction, 43 federal jurisdiction )
  - How much does it cost to incarcerate a federal male prisoner per year in a maximum security institution?
    - \$ 117,000
    - Minimum secure \$91,000
  - How much does it cost to incarcerate a federal female prisoner per year in a maximum security institution?
    - Significantly fewer female inmates, costs are greater \$ 211,000
  - First Prison Built in Canada?
    - The Kingston Penitentiary
    - June 1st, 1835 opened and only recently closed September 30th, 2013.
    - Maximum secure prison
    - Based on Auburn model (silent association)

- First prison with a classification system based upon gender
  - Maintained a feature based on the pennsylvania model (alone in a cell all the time, solitary confinement)
  - When prisons were first created they were supposed to move away from the use of corporal punishment, rather than in public it happens behind closed doors.
  - Punishment of the body still characterized prisons (hosed down with cold water, ball and chain, whipping, iron spider and cats claw)
  - Purpose of Early Prisons
    - To punish
      - In the early days punishment was often elicited through
        - labour, monotonous boring repetitive tasks,
        - Diet, would intentionally buy the cheapest food
        - Bedding would be rough cloth and uncomfortable
      - If you're caught laughing, talking= six lashes
      - If talking in the Bathroom= six slashes
      - If you threaten another inmate = 24 slashes
    - Left work to go to washroom and other convict was already in their solitary confinement det of bread and water.
  - To Repent
    - Reflection, removed from the sources that influenced it in the first place, to have that religious reflection creating that relationship with god.
    - Deprived of liberty taken to prison and be a victim of their own consciousness.
  - To Teach
    - To labour and become a disciplined worker
    - Would make the idol industrious
  - To Resocialize
    - Drop anti-social ways to become a productive citizen
- Prisons as a total institution
  - Refers to 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.
  - Examples of a total institution:
    - Military camps and schools
    - Boarding schools
    - psychiatric institution

- rehabilitation centre
- Montessori
- The purpose is resocialization through control discipline and trying to strip of identity and build it back up in a different way.
- Characteristics:
  - Removing individuality, lack of individuality
  - Lack of privacy
  - Routine, regiment, control and discipline
- Risk associated with a total institution
  - They become institutionalized, lose the ability to make their own decisions, relying on someone else to make those decisions for them.
  - Becomes difficult to be successful.
  - People will often commit crimes to go back to a place they feel comfortable.
  
- The move Towards treatment
  - After world war two there was a shift to rehabilitation, trying to make positive changes to the individual to find and treat the root of the problem and bring them back to society.
  - The medical model
    - Offender is ill physically, mentally and/or socially
    - Something different about offender that has caused them to commit the crime
  - Reliance on experts
  - Justifies repressive strategies, anything can be used to justify the inmates as long as it is used in the name of science, use of inmates for experiments and research. Engage in Shock therapy, lobotomy, Sensory deprivation, pain tolerance, massive doses of LSD without knowledge or without their consent. Prisoners were used a guinea pigs to see the impact on the individuals.
- Administrative segregation/ Solitary confinement
  - Argued as a form of torture
    - Violation of Section 12 of charter of rights and freedom, solitary confinement violates the right to be free from cruel and unusual punishment.
  - Does solitary confinement constitute cruel and usual punishment?

- Adam Capay locked in confinement for more than 1500 days in ontario prison had been awaiting trial for 4 years after being charged for killing another inmate. Light were left on 24 hours.
- Use of Solitary Confinement
  - People who are a danger to other inmate
  - People who need to be protected from other and a danger to yourself
    - Majority of suicides happen in solitary confinement
  - Committed a serious institutional infraction/ engaged in misconduct

### **The Emergence of Positivism**

Auguste Comte (1798-1857)

- gave sociology its name
- Argues that humanity and society evolved from 3 stages
  - Theological stage
    - Goodness and evil are attributed to the divine.
    - There is a heavy emphasis on the spn and on religion
    - Demonic era, age of monarchy
  - Metaphysical stage
    - Transition stage bw first and third
    - Discourse of ideas replaces spn explanations
    - More focus on secular explanation
    - Age of enlightenment → classical criminology
  - Positive stage
    - Considered to be the highest stage
    - Move beyond spn and armchair philosophies
    - Its at this stage where we really start to focus on scientific method, observation, experimentation
    - Start to ask the question “why?” rather than focussing on “how?”

What is positive criminology

- Developed during second half of 19th century
- Started to emerge as scientific method started to take hold in europe
- Now it's the idea that we can apply the same sort of tools and approached from the natural science and apply it to the natural sciences

- Method
  - Positivism is scientific
  - Meaning it is based on a collection of observable facts
  - Based on the idea that the univ can be uncovered through careful observation
  - Aim is to explain and predict why things happen and why they happen in uniform pattern
- Goal is to address the underlying causes of crim using the scientific method
- We expect scientists to be objective
  - No bias, prejudice, must be open minded, impartial, neutral
- Based on cause and effect relationships
  - The presumed cause comes before the presumed effect in time
    - No time order problems
  - The cause and effect are correlated to one another
  - Correlation bw cause and effect should not be spurious
- It is a Paradigm
  - Framework that shares a set of assumptions
  - Within a paradigm we can have different theories
  - Feminism can be considered a paradigm
    - Feminism is the paradigm, but then there are all these branches that have shared assumption but they all have their own perspective
  - Positivism is out paradigm. Within positivism we have 3 different branches
    - Biological positivism
    - Psychological positivism
    - Sociological positivism

What are the shared assumptions of positivism

- Determinism: Positivists believe that behaviour is determined. Meaning that there is no choice, no free will, but rather there are factors either internal to indiv or external to indiv that cause them to commit crime and this is beyond their control
  - Hard determinism
    - When confronting situations there is no choice. It is an all encompassing compulsion. No free will. Beyond indiv control
  - Soft determinism
    - Aka conditional free will. In any circumstance, people will have choices however limited they may be
- Differentiation: positivists see criminals as being different from non-criminals. Paint the pic of us vs them. There are body and mind differences bw criminals

and non criminals. There is something different about that person that causes them to commit crime.

- Focus on actors: idea that ppl's intention, context, situation, everything should be looked upon and not just the crime that was committed. Now we're focussing on the ppl as individuals
- Offenders can be cured:
- This curing can be done on the reliance of experts
- Crime is caused by multiple factors

Why did positivism come to dominate

- Classical school did not locate the causes of crime
  - It was much more concerned with preventing crime
  - It focused on deterrence.
- Crime was increasing
- There was a promise of solution
  - That's appealing to ppl
- No limits on treatment
  - Some of the "treatments" that were used some would say were harsh and repressive but ppl didn't really question it bc it was being done in the name of science and to cure people
- Could utilize existing institutions
- Did not challenge status quo

General problems with positivist theories

- Positivists can't really be as objective as they're supposed to be
- No limits on treatments so some may end up being locked up forever for "treatment" for eg
- It doesn't question anything. It's not a critical perspective.
- Over-prediction of crime
  - What about exceptions
- Assumption of difference
  - Is there really a difference bw those labelled as criminals and those not
- Belief in determinism
- There is a belief in a normative consensus
  - They take the consensual world view
  - They believe that most ppl in society share the common agreement to what is right and what is wrong
- Discourse of non-responsibility

- If we say this dude committed a crime bc there is something different about him, then we are using discourse of responsibility saying that well then why are we blaming them then
- Legitimization of experts
  - Weve put all of our hopes and beliefs on what the experts say.

### **Biological positivism**

#### Cold Blooded Killer

- Kill someone with no remorse/ guilt
- A person who killed, they must be of a different blood (warm blooded, cold blooded) were implying that their physiological nature is different than our warm blooded nature

#### Biological positivism

- Bio pos ask why do some ppl commit crime
  - Answer: they commit crim bc they are physiologically different from non criminals
  - Cause of crime is biological inferiority
  - It is criminals innate/internal physiological make up that produces physical characteristics that separates them from non-criminals

#### Craniometry

- A persons skull is measured and its believed that a persons skull perfectly conformed to the brain structure. The size of brain/ skull would rep the inferiority of indiv
- Bigger skull = superior
- Smaller skull = inferior

#### Phrenology

- Believed that certain areas of brain control certain types of behaviour and personality traits and behaviours
- The more often that brains area was used, the larger it would be and it would protrude form the skull creating a bump
- A trained professional could feel the bumps on your head and they could feel what area of brain was used most often and so ones head could explain the persons personality, behaviour, potential for criminality
- Brain has different faculties and there are 26-35 special faculties of the brain
- Faculty: destructiveness = crime: murder

- Secretiveness = treason/fraud

### 3 regions of brain broken down into different categories

- Intellectual faculties
- Moral sentiments
- Lower function
  - In criminal this region dominates

### Physiognomy

- Physical appearance
- Outer appearance (particularly face) determines personality
- Looked at facial features to determine temperament
- During medieval times if 2 ppl were committed of crime, less attractive one is the guilty party

### Cesare Lombroso (1835-1909)

- father/founder of positivist school
- Interested in psychology and anatomy of brain
- Emphasized that human behaviour could be understood through scientific means
- Physician in army and prison (examined bodies of soldiers, war criminals, and convicts)
  - Measured bodies of the soldiers and war criminals to see if there was a difference bw them
  - Trying to isolate the factors that caused criminality
- He compared the physical characteristics of individuals
- He was influenced by Charles Darwin
  - Social Darwinism
    - Diff ppl in society are at diff evolutionary stages. Some ppl are more evolved/developed than others. Those who are not as evolved are much more like their ape ancestors (looks, traits, abilities, dispositions)
    - Belief that western societies are more advanced/evolved than others
    - Most evolved = white upperclass northern Europeans so everyone else is inferior
    - Encompasses concept of Eurocentrism
      - Very much centered on European society and that European culture is superior

- Ethnocentrism = belief that one's own ethnic/culture group is most important and when we look at other cultures we judge based on our standards
- Slavery, colonialism, racism can all be justified based on social darwinism. These groups are inferior and less evolved so its ok to treat them in this manner
- Prior to darwin, many ppl believed in the religious explanation but darwin is saying that it happened over a long process and that we evolved from primates.
- Thought discovered explanation as to why ppl engage in crime
  - "The Criminal Man" (1876)
    - Skull of the criminal looked much more primitive. It resembled one of a primate more than one of a human
    - *So came up with the theory of Atavism. Atavists are the born criminals*
      - So believes that criminals are biological, evolutionary throwbacks
        - The criminal belongs to an earlier evolutionary stage
      - There is a defective gene causing them to be inferior
        - A subhuman type of man bc of defective genes and so inferior
      - They live by their instincts and so they are more likely to be aggressive, less developed, etc
        - So they have an inability to learn and follow rules of society
    - In order to prevent or reduce crime, we must identify the born criminal
      - Look for stigmata: physical manifestation of atavism
        - The physical features of the atavistic indiv
        - Does not cause atavism. It is just the overt physical manifestation of the individual
        - Some physical features:
          - Large jaw
          - Low sloping forehead
          - High cheekbones
          - Nose is flattened or upturned
          - Abnormally large or small ears
          - Scanty beard or baldness
          - Excessively long arms

- premature/ abundant wrinkling of skin
  - Any additional digits (extra fingers, toes, etc)
  - Ability to write with both hands
  - Have to have 5 or more stigmata in order to be considered an atavist
  - He was also interested in tattoos
    - Idea that criminals are more likely to have tattoos bc it is a reflection of their insensitivity to pain
- Expanded Criminal Typology
- Book focussed on born criminal
    - Bc of all the criticism he wrote like 5 other books abt it
  - Now he went on to add new classifications
    - Crime by passion
      - Sometimes people commit crime bc theyve been triggered.
      - Eg. walk in on spouse cheating on you so you kill him
    - Insane criminal
      - Indivs who commit crimes bc they lack the mental capacity to really understand
    - The occasional criminal
      - Pseudo criminal
        - Someone who commits a crime but perhaps in self defence or under duress
      - Criminaloid
        - Ppl who seem to have weak dispositions
        - They can easily be swayed
      - Habitual criminal
        - Commit crime bc their envt predisposes them to engage in criminal behaviour

#### William Sheldon: Theory of Somatology (1949)

- Looked at body types
  - Endomorph
    - Rounder
    - Wider hips and narrow shoulder (pear shape)
    - Slimmer wrists and ankles)
    - Temperament
      - Viscerotonic
        - Personality is very lively, outgoing, likes to eat

- Hurley from lost
- Mesomorph
  - More muscular
  - Very little body fat
  - Temperament
    - Somatotonic
      - Intense, aggressive, takes risks, looks out for themselves
- Ectomorph
  - Much leaner
  - Thinner
  - High forehead
  - Very little fat and very little muscle
  - Tall, thin, and lean
  - Temperament
    - cerebrotonic
      - Shy, withdrawn, introverted, more creative/artistic
- Mesomorph is most likely to be criminal

#### Video "The brain and violence: secrets of your mind"

- What are the dangers/ criticisms/ limits of employing biological explanations to explain crime and/or deviance?
  - It's not always due to biology and focussing on that causes other factors to be ignored
  - It is a way of excusing behaviour. Saying that they were born for it
  - Damage to brain can cause crime as well
  - Not always the reason for crime. Might have the genes but wont act on it always
  - Reduces the person to that biology.
  - What about environment?

#### Charles goring "the english convict" 1913

- Assessed lobroso's theory
- Compared convicts and non convicts
- Scientific method
- Atavist does not exist (conclusion)
- Findings
  - Criminals were not born bad and they did not possess stigmata that lombroso said that they would have

- Although physically they weren't that different, their intelligence seemed to be below average than those who were non-criminals
  - Where we get the term "feeble-minded"
- Strong correlation between criminality of parents and children
- Not simply learned behaviour...why?
  - It must be something in the genes.
- Conclusions
  - Criminals are mentally defective due to genetics
  - Recommendations?
    - Sterilization makes perfect sense if this is the way you speak things. To reduce crime what needs to be done is that people with these underlying characteristics cannot reproduce
  - Critiques
    - Failure to measure environmental influences and factors
    - Only studied males
      - According to him, criminality is inherited like other characteristics, so why is it that females are not as impacted by the "bad seed" as males are

#### Richard Dugdale 1874

- Look for similarities in behaviour of family members
- Method
  - General pedigree studies
  - Went to new york county jail and discovered that 6 ppl being held there were related to each other.
    - So he became interested
    - Reviewed 7 generations of The Jukes family
      - Found that of 29 males who were immediate blood relations a whole bunch of them had been arrested and stuff
- Initial conclusion
  - Criminality is inherited
- The problem: feeble mindedness
  - Theory changes
    - Criminality is an artifact/facet of feeblemindedness
    - Feeble mindedness is inherited, not criminality
    - All criminals are feeble minded, but not all feeble minded are criminals
    - Feeble mindedness explained the criminality and the inability to learn from punishment/mistakes. There is no deterrent factor

- Solution
  - Society must stop assisting feeble minded people, bc by doing so, we are allowing them to reproduce
- Critiques
  - Focussed on the idea that people who are criminals are mentally inferior but then theres the question of how is he determining this??

#### Alfred Binet's intelligence tests

- Was a director of a psych lab
- Initially he was convinced that there was a difference to be established by measuring people's heads. If we measure people's heads, we can determine one's intelligence
- For him, individuals who had larger heads, they were mentally superior but those with smaller head were feeble-minded
- Scientists should be objective
  - Binet did not have this at first. He knew the students who were coming to him and if he knew that these were students who did well in courses subconsciously he measured their heads larger and vice versa
    - So he was guilty of Researcher's Bias
- 1984 was asked to develop a method for identifying children with learning problems
  - Developed tool to ascribe mental age to individual age
  - Mental Age
    - Students would complete these tasks and at each level of completion an age would be assigned to each task. Child would do the tasks until they could no longer do it successfully and then thats the mental age. The age associated with the last task performed
  - IQ
    - Chronological age/mental age x 100
  - Binet's intentions
    - Intelligence is not innate and static
      - It can change
      - To identify children who need special help
      - Focus on providing assistance
  - Dangers of IQ testing
    - Doesn't take into account different types of learning
    - Some students get test anxiety
    - Cultural bias

- Being judged on how quickly AND accurately you can perform on a test

### Henry Goddard 1866-1957

- There were institutions devoted to housing people who are feeble minded
- He administered the IQ test of residents of his institution
- No one coming to the institution scored above the mental age of 12
  - Mental age of 13-15 = "useful"
    - Enough intelligence to be useful in society
  - Mental age below 8 = "idiots"
    - Don't need to be concerned with this group
  - Mental age 8-12 = "morons"
    - Pose the biggest threat to the genetic pool. These individuals were potentially dangerous
    - These are the individuals who can slip through the cracks, reproduce, and pass on this inferior gene
- Study of Kallikaks
  - Traced the family histories of his residents. Studied the lineage of Martin Kallikak, Deborah's great great great grandfather
    - One night, at one of the bars that the military often went to, Martin Kallikak met a barmaid and reproduced an illegitimate son
      - Name: Old Horror
      - Family of degenerates starting with Old Horror.
    - Martin Kallikak then goes on to have sexual relations with a woman of very religious background, they marry, start their own family. From this lineage, all of the descendants are seen to be normal, productive citizens
  - Therefore, intelligence is passed on from generation to generation
- Causes of Criminality and Classification
  - Findings
    - All criminals are feeble-minded and immoral but not all are criminal. But they all have the potential to become a criminal
      - So what is inherited is NOT CRIMINALITY but FEEBLE-MINDEDNESS
  - Causes of feeble-mindedness
    - 2 recessive genes
  - Solution
    - Selective breeding

- Segregation and sterilization
- He goes against what Binet was saying. This guy is saying that IQ is static and innate

#### Goddard on immigration

- Research
  - Lets administer IQ tests to the newly arriving immigrants
- Findings
  - Many immigrants were morons
- Therefore
  - Immigrants needed to be regulated. We couldn't just be letting these feeble-minded people into the country.
  - Serious consequences and led to the immigration restriction act in 1924
- However
  - We shouldn't shut out all immigrants cause some of them could serve a function. They could do work no one else really wants to do

#### Additional Studies and Revisions (still Goddard)

- Method
  - Administered IQ tests to army recruits of WW1
  - Findings
    - 1/3 of these individuals were identified as being feeble-minded
- Revisions
  - So Goddard had said that intelligence is innate and static
  - Now he's saying that it is not static and innate
  - Lowered criteria of what determined feeble-mindedness (from 12 to 8)
  - Now he's saying that we don't necessarily need to segregate all/majority of feeble-minded people

#### Implications of Theory

- Led to the Mental Hygiene Movement
  - General consensus in society that since people were feeble-minded the belief was that we can't really do much about these people. We shouldn't be trying to help them, spend money on them, etc.
  - 3 implications
    - We get the need/demand for experts
      - Professionals who are believed to have the specialized knowledge for determining who is feeble-minded in society
    - Idea that we need to have institutions

- To keep these people segregated
- Need for sterilization
  - People argue for the use of sterilizations
- Idea of Eugenics
  - The manipulation of the processes of evolutionary selection, in order to improve a particular genetic stock or population
  - Early 20th century → Sterilization Act in BC and Alberta
- Bw 1928-1972 these laws of sterilization resulted in approx 3000 indivs being sterilized
- 1927 Buck v. Bell
  - Based on this case, the use of sterilization was upheld and not seen to be a violation of anyone
  - The law was basically based on sterilizing children based on the parent's IQ score

### **The Sterilization of Leilani Muir**

What populations were sterilized under the Alberta Sterilization Act?

- Those in mental institutions
- Poor people
- Impaired people
- Children with parents with low IQ
- Immigrants

What were some arguments used to justify eugenics/sterilization of individuals?

- Create super race
- Were in charge, you don't have the right to question
- Science
  - Science and morality were the same thing
- Helping the community move towards a new perfect community and also believed were helping those they were sterilizing
- Research

### **2001 Case in Texas- Andrea Yates**

- Andrea calls Rusty and tells you need to come home. He asks what's wrong is anybody hurt? she replied yes the kids I did it, all of them.
- Children named after biblical figures, she believed that she heard voices saying that they are after her kids.

- Who killed your children “ I killed my children” because I'm a bad mother.

Suffered from **postpartum depression with psychosis** recurrent obsessive thoughts to kill her children to save them.

Warned that giving birth again would cause future psychotic depression 50% chance she would be depressed again.

Trial of Andrea Yates:

- Trial lasted three weeks jury decided fate, lawyer wanted her to be found not criminally responsible on a count of mental disorder NCR— Do not go to prison no criminal record and sent to a hospital
- Prosecutor wanted her to be found guilty for capital murder— death penalty
- Found her guilty of capital murder and sentenced to life in prison with possibility of parole after 40 years.
- Declared mistrial because of false expert testimony
- Retrial not convicted and deemed NCR and sent to a mental health institution.

Personality disorders are not used for NCR usually for psychotic disorders like schizophrenia

How do you think an all women jury would respond?

Jury was made up of a majority of women... women would judge more harshly. Men and women are going to see women filling the role of the nurturer and when violated seen as monsters.

List of reason why a jury may be skeptical of the NCR defence?

- Individuals can fake it, lying.
- Negative stigma associated with mental illness, the extreme cases
- Ignorance- not understanding mental illness
- If fit to stand trial then not affected at the time, clearly not NCR
- manipulation of tests
- making excuses and justification to not be held responsible for murder
- hospitals are an easy way out get out of jail for free.
- deterrence
- it's over used

In Canada, must give proper treatment before trial  
People found NCR can serve longer sentences in hospital than an actual conviction.  
NCR its rarely used in candy when presented in court of law it is rarely successful  
Theres a myth about hospital sentencing being an easy out, there is no set sentence  
could be 10 years, 12 years etc..

### **The History of Mental Illness**

Has only existed since the mid 1800s before would be convicted and held accountable  
for their crimes.

People who were considered mentally ill today would be seen as mad or raging lunatics,  
were feared and persecuted.

Treatment were not much more than different forms of torture, Not much knowledge  
about the brain, and turned to the supernatural to explain.

Ancient times: rooted in religion

Triphination- acting bizarre drills holes into skull through these holes would allow  
demons to be releases, if the person survived evil spirits would have been releases and  
behaviour would have disappeared

religious rituals- god is inflicting pain on them or in a pact with the devil priest or shaman  
would treat with variety of religious rituals devil took over body... exorcism to recite  
prayers and ritual to release spirits and body an uncomfortable place olive.

Ancient Egyptians

approach treating mentally ill/ mad, medically advanced

could actually be helped if engaged with recreational activities to achieve some sense of  
normalcy.

Humoral Theory —Hippocrates— the mad were behaving this way because of  
supernatural explanation was not the answer.

Greek

believed body was filled with 4 humours, having too much or too little this would directly influence the health and ones temperament.

Blood- the liver: courageous, hopeful, care free, playful

Yellow bile- the spleen: ambitious, leader, restless, and easily angered

Black bile- gallbladder: quiet, suffer from sleeplessness, serious, analytically

Phlegm- brain and lungs: calmness, thoughtfulness, patient, and peaceful.

Mental illness results when there is an imbalance of the 4 humours

### Procedures

- Vomiting: induce state of shock will drain impure fluids away. device the spinning chair, strapped in spun until they vomit, could lose consciousness, rearranging contents of body and allow them to come back to equilibrium.
- Purging: laxatives, enemas to get rid of toxins and poisons
- Bleeding: cut and bleed to get rid of toxic or impure blood. known as blood letting. 2 and a half thousand years ago still used today: cupping

### The mentally ill and their Families

- Care of mentally ill was left to the family, many people who were mad/ ill were abused isolated and restrained by their relatives. Locked away, caged, cared for by servant and forgotten about or abandoned...
- Reputation of the family was punished, guilty by association, unwanted burden.
- Negative connotations linked back into history

### 16th Century Development of Asylums

- Institutions designed to hold mentally ill and to manage the problem population, were taken without consent preventing disturbance in society, lifting burden off of shamed families.
- No treatment for this population, were holding centres no addressing of root cause or rehabilitation.
- Staffed by untrained individuals, no sympathy for the people there
- Treatment was harsh, barbaric, patients were seen as animals, disturbances, problematic deviants.

Bedlam Asylum: became the name for all asylums nick name

~Characterized by horrific conditions:

- Patients were chained entire day truly immobile,
- kept in small spaces,
- starvation, lucky to get a meal
- if acted out or resisted corporal punishment resulted,
- No natural light kept in dark,

People could pay to watch crazy people in the asylum a form of entertainment. Not seen as suffering from MD.

\*Phillipe Pinel (1745-1826) significant asylum reformer

- Director at Hospital in Paris
- **1792** taken charge hospital wanted to test hypothesis:
- mentally ill patients may improve if we treat them with kindness and consideration.

institutional conditions changed:

abuse was eliminated

promoted exercise and recreational activities

treat like humans rather than animals

Leading figure in the moral treatment movement

the idea of humane treatment, have something wrong with them lets treat them kindly but firmly, enforce rules without use of violence, treated with compassion understanding dignity and respect.

MI could potentially be restored by facilitating tranquility if patients... lets keep institutions but make changes.

Had to be removed from society and family member who were not trained to deal with the illness, to rest their minds...

Pinel's Classification based on symptoms

- Classification system by observation of behaviour to divide them diagnosis
- melancholia: people who were quiet, withdrawn, ruminate, sadness and hopelessness, keep to themselves (depression)

- Dementia: people who had interest in behaviour, ideas not rooted in reality, see things not their and believe false things (Schizophrenia)
- Idiocy: No intellect no symptoms
- Maniac: one minute quiet withdrawn next minute manic out going, taking a mile a minute, then return to feeling hopeless and withdrawn (bipolar)
- Mania without delusion: appears to be normal, no intellectual impairment, behaviours often act impulsive but first before others, not remorseful, charming (Anti social personality disorder)

Dorothea Dix (1802-1887) reformer for mental institution

activist for mentally ill felt that they could be treated with the right care established and expanded more than 30 mental health institutions

The medical model of mental illness

see mental illness as an underlying illness 5 characteristics

- belief that if MI they are suffering from a disease, tangible pathology of the brain caused by physiological differences within the body, no physical abnormalities, symptoms would be shown...
- MI is different from other behaviour, form of sickness, not well, not mentally healthy and inhibits their functioning
- mental treatment is like any medical intervention, being done in the name of medicine even though repressive
- Mental illness is potentially dangerous if left untreated, uncontrollable behaviour and harming others and self
- Involuntary confinement is justified is to facilitate society and is for the patient to treat them.

**Follow reading on ECT, LOBOTOMY, PSYCHOPHARMACOLOGY, about the last 2 pages of the reading**

In 1970s there was this movement called the deinstitutionalization movement.

- Up until this point the mentally ill haven't been treated very well. There's this idea now that let's treat these people in a humane way. Let's shut down these institutions and put them in the community
- But unfortunately the ideas behind it weren't successfully executed. There were not enough community resources in place and so these mentally ill people didn't

have the resources that they needed. There was this underlying assumption that family members would be able to care for them.

- Some issues with this:
  - You're assuming they have family members, that the family members are interested in helping,
- We've moved away from ECT, and Lobotomies, and now there's the introduction of psychopharmacology
  - Issues relating to meds
    - By taking them out of the institution, we've taken people out of the setting where people are told what they need to do
    - A lot of medication may have negative side effects to them
    - A lot of people may think "I'm feeling better so I don't need to take it anymore" but then they stop and they relapse
    - Can be kind of a bandaid solution
  - More issues
    - Lots of people are now homeless
    - Crimes increase but why?? Maybe hear voices, maybe just actually need to survive
  - To be put in involuntary confinement you have to appear to have a mental disorder and have one of these:
    - Danger to self, danger to others, or are incapable of caring for themselves
- Criminalization of mentally ill
  - Focussing on people who are committing crimes as a root of their underlying mental state. We are arresting them, convicting them, putting them in prisons, but this is not the appropriate place for a person with a mental illness to be

#### Ashley Smith (1988-2007)

- 13/14 yrs old started to become disruptive
- Guilty of relatively minor things. So community service, probation
- Was on probation and got in trouble and was put in a youth detention centre
  - She was only supposed to be there for 15 days but she continued to break the rules and so she got more and more time tacked on. So it started spanning 4 years
- She was diagnosed with various mental disorders
- But while she was inside, none of this was really addressed and so they just punished her in response to her behaviours

- When she turned 18, she got sent to an adult prison. In that first year at an adult prison she was transferred 17 times. She would be spending her days in solitary confinement. After 60 days you're supposed to be relooked at but they just moved her to a different centre and put her in solitary confinement there.
- When she was in Grand Valley Institution, she was in solitary confinement under suicide watch (because she frequently self-harmed) and the correctional officers were informed that should she attempt to engage in self-harm that they were not to respond immediately.
- She committed suicide. No one helped. No one was found criminally responsible but it was found to be a homicide.

#### Video

- 10x more people with mental illness in jails than in psychiatric hospital
- Group therapy max security people are in cages
- 

### **Psychological Positivism**

#### Sigmund Freud (1856-1939)

- Father of psychoanalysis
- Famous case known for: The Case of Anna O.
  - Spent most of time taking care of her sick father. Developed a cough with no underlying physical basis for. Also developed some interesting speech difficulties and then stopped talking. When she started talking again, she only spoke in English and not in her native tongue. When father died → involuntary spasms, visual hallucinations, loss of feeling in hands, etc. No other doctors were able to come up with reasons for why.
- Focus on Functional Disorders (vs. organic disorders)
  - Behaviours where there are no underlying causes to explain it.
  - Organic disorders are when we can explain what is causing the behaviour
  - Anna O would often talk about memories and would become distressed but after speaking of those memories, those symptoms would disappear
- Functional disorders
  - Result of traumatic event that has been repressed from consciousness because it is too painful
- Isn't the one who created the idea of the unconscious but what he did was adopt the idea of the unconscious
  - Believed we are very much influenced by our unconscious

## Freud Levels of consciousness

1. Conscious level
  - a. Current awareness. What we are aware of at any particular moment. Present thoughts, feelings, etc.
2. Preconscious level
  - a. "Available memory"
  - b. Not aware of material but it is retrievable via ordinary retrieval
3. Unconscious level
  - a. Furthest away from the conscious level
  - b. Not aware of material that were not aware of but impacts what we think, feel, do, etc.
  - c. Need the help of a trained psychoanalysis in order to bring them to conscious level
  - d. Violent motives, fears, irrational wishes, immoral urges, experience something traumatic, shameful experiences

## Freud's Theory of Personality

1. The Id
  - a. Pleasure principle
  - b. Entirely unconscious
  - c. Max pleasure, min pain
  - d. No consideration for reality of situation
  - e. Wants something, nothing else important. Wants immediate gratification
2. The Ego
  - a. Develops as we grow older
  - b. Reality principle
  - c. Conscious personality
  - d. Rational, problem solving, operates based on the reality principle
  - e. Able to delay gratification
  - f. Mediator bw the id and the superego
3. The Superego
  - a. Morality principle
  - b. May contain elements that are conscious, but for the most part is unconscious
  - c. Develops when a child starts to develop an attachment to parent

## Key assumptions of Psychoanalytic theory

- Idea of psychic determinism

- Everything we think, say, feel, or do is an expression of our mind

What is a Freudian slip

When you mean to say one thing but your unconscious level filters it to what you actually mean

How can we reveal the contents of the unconscious?

- Free Association
  - Patient lies down on couch and told to say whatever comes to mind no matter how embarrassing.
- Dream analysis
  - When we dream we have the manifest meaning of our dreams and then the latent meaning of our dream
    - Manifest refers to the content of our dream that we remember
    - Latent means
- Ink Blot test
  - Tells therapist what is happening unconsciously. Already know what it is.
- Hypnosis
- Transference
  - Patient transferring their feelings onto the therapist
  - Therapist encourages this, adopts this role, come to terms with the issues and resolve the problem
  - Once conscious of these things, they're able to control them

Why do humans have an unconscious? (Freud)

- According to psychoanalysis, it helps to restrain expression of all drives
- If we develop surplus energy, it can result in anxiety
- How can we handle anxiety?
  - Defence mechanisms
    1. Denial
      - a. When we claim/believe what is in fact true, to be false
      - b. Helps us with the underlying anxiety
      - c. Eg. if you have an addiction that's obvious to everyone else but you believe the opposite to be true
    2. Displacement
      - a. We redirect our emotions to a substitute target
      - b. Bad day at school, yell at parents and kick dog
    3. Projection
      - a. We have uncomfortable feelings and we now attribute those feelings onto others

- b. So rather than taking ownership and seeing it in ourselves, we project it onto others
  - c. Boyfriend is cheating on you, but he then constantly accuses you of cheating.
- 4. Rationalization
  - a. Individ creates false but credible justifications to ease that anxiety
  - b. I didnt do good on the exam bc the prof said study chapter 4 and 5 but she put chapter 6 and 7 on it
- 5. Reaction formation
  - a. We feel a certain way but we actually overact in the opposite way of how we feel
  - b. Someone cancels for the 10th time and youre mad but you say oh its ok its fine i totally understand
- 6. Regression
  - a. We revert to behaviours we commonly engaged in when we were children
  - b. Sucking your thumb
- 7. Repression
  - a. We have uncomfortable thoughts and so we push it to our unconscious level
  - b. Fear of dogs, dont realize why but maybe when they were a child they were bitten and they repressed that memory
- 8. Sublimation
  - a. When we have socially, perhaps, inappropriate urges and desires and we manage them by finding a more socially acceptable method of expressing them
  - b. Eg. angry a lot and so you take a karate class so you can be aggressive but in a socially acceptable way

### Stages of Psychosexual development

- Believed that personality developed as person developed through these psychosexual stages
- Psychosexual stages: person feel pleasure through different part of body in each stage. Healthy personality: successfully complete these stages
- Stages
  - 1. Oral stage
    - a. Birth to 18 months

- b. Pleasure of indiv centres around the mouth.
  - c. Develop an oral personality (meaning didnt successfully complete this stage): too dependant on others. If recieved too much or too little gratification at this stage
2. Anal stage
    - a. 18 months to 3 years
    - b. Toilet training
    - c. Person starts to learn to poop in toilet
    - d. Control and order
    - e. Too harsh/critical parents during this stage can affect personality
    - f. Develop an anal personality: they are uptight. Obsession with perfectionism, etc.
  3. Phallic Stage
    - a. 3-6 years
    - b. pleasure zone: genitals
    - c. Boy develops unconscious feelings for mother
    - d. Explanation, their first love object is their mother and this develops into more sexual feelings for mother. Boy realizes he has a rival in his way (father)
    - e. Boys also develop a fear that father will punish them for these feelings. Fears castration (sister doesnt have it so it must have been cut off) and starts to repress his feelings for mother and instead identifies with dad and now will internalize fathers values, morals, judgement
  4. Latency Stage
    - a. 6-puberty
    - b. Sexual urges repressed and children interact mostly with same sex peers
  5. Genital Stage
    - a. Puberty+
    - b. Genitals focus
    - c. Direct sexual urges onto opposite sex

#### Freud Causes of Criminal Behaviour

- Didnt say much about it specifically but ideas have been taken
- Improper resolution at psychosexual stages can lead to criminal behaviour
  - Oral stage problems → addiction
  - Anal stage → robbery
  - Phallic Stage → sexual assault, sexual crimes

- Latency Stage → no criminal behaviour since not much going on
- Genital Stage → issues here can lead to homosexuality, prostitution
- Crime could be a result of an overdeveloped superego
  - This idea that we have these constant feelings of guilt and anxiety and we want to be punished/deserve to be punished and this will remove our guilt/anxiety

#### Ausust Aichhorn (1878-1949\_

- Crime is a result of overindulgent parents
  - Letting children do what they want
- Underdeveloped superego
  - Result of unloving/absent parents
  - Failed to form intimate attachments
  - Lead to unregulated id
- Treatment
  - Provide a positive environment where children will be exposed to positive role models and stuff

#### Critique of psychoanalytic theories

- Ideas aren't really scientific
  - A lot of Freud's ideas and concepts are untestable
  - Validity??
    - Are we testing what we actually intend to be testing?
  - Reliability??
    - Would other theorists come up with the exact same findings with the exact same cases and scenarios
  - Generalizability?
    - Freud really only had a few case studies and so it's not really representative and we can't really generalize these few small samples to the public
- De facto explanations
  - Judgements of behaviours are made after the behaviour has occurred
- Heavy emphasis on sex and childhood
  - Didn't really see much room in personal or social change

#### **Sociological positivism**

Fundamental attribution error

Our tendency to place a characteristic on a person. We put an emphasis on their personality traits whereas we don't focus on external factors

What is the Sociological Imagination

- Ability to analyze how individuals are influenced by larger social structures
- When using the sociological imagination, we're trying to see the general in the particular
- Also trying to see the strange in the familiar
  - Stepping back and acting like an outsider

Emile Durkheim (1858-1917) functionalist

- Concerned with how societies could maintain their functioning and solidarity in the modern era
- Wanted to find a scientific basis to explain how society works
- To understand how people think and behave, must look at their social location
- "Man is himself only in and through society. If man were not a part of society, he would be an animal like the rest"
  - Without society we would live by our impulses and be nothing more than animals. Society imparts rules, regulations, and limits upon us. Society does this through socialization.
- Human beings are naturally insatiable
  - Naturally greedy
- Society must regulate social needs

The functionalist perspective

- Make the analogy that society is like anatomy
  - Organs need to work together to be healthy whole
  - Society is a complex system whose parts are linked to one another
  - Each part meets a need in order to maintain a normal state of solidarity/stability
  - Change in one institution influences change in others
  - What are the 7 main organs in the body (social institutions in society)
    1. Religion
    2. family
    3. Education
    4. Economics

5. Government
6. Media
- 7.

According to functionalists

- No behaviour perseveres unless it is functional
- But what about crime?? Isn't it pathological (a disease)??
  - No it's not. Crime is normal and necessary.
  - It is present in every kind of society and everywhere.

What are the functions of crime??

- It affirms cultural values and norms. People who violate them, it can allow people to compare themselves to the wrongdoers and feel good about themselves
- Creation of social unity
  - People whose lives have been impacted with drunk driving for example come together and form MADD
- Clarification of moral boundaries and norms
  - It's not always clear in our society about what is and isn't acceptable. By having crime, it can define the boundaries of what is right and wrong. It also reminds us of the consequences of what happens when one violates the rules
- Encourages social change
  - Eg. Rosa Parks
- Provides a scapegoat
  - Underlying desire to reduce tension in society. Use a scapegoat (use deviant, often marginalized groups) to make us feel more at ease
- Creates employment

2 types of society/solidarity

- Mechanical solidarity
  - Smaller
  - Homogenous population
    - Similar and alike. Especially regarding values and beliefs.
    - Very similar living conditions and striving towards similar goals
  - Working together on the land
  - Not really technologically developed
  - Relies a lot on face to face interaction
  - Members tend to do the same sort of role. Fill the same social role
    - Not much specialization

- Society heavily based on religion and family
- Butttttt.....
  - What is the source of solidarity in this society??
    - The collective conscience
      - Is what causes people to trust one another and believe that they are working toward a common goal
      - A totality of beliefs and sentiment common to average citizens of the same society
      - Totality of likeness
  - Approach to punishment is represent
- Organic Solidarity
  - Larger population
  - Made up of different types of people
  - Lots of advancement in technology
  - Division of labour
    - Increasing specialization of occupations and specific tasks within occupations
    - Important bc if the collective conscience is to solidarity in the mechanical society, it is the division of labour/specialization that is the glue in this type of society
      - Forces people to rely on eachother. Not specialized in something so rely on someone who is.
  - Punishment is restitutive/restitution
    - Bc we have such a larger population, punishment is now based on trying to restore the situation to a pre crime state

As we make the transition from mechanical to organic, were at risk for something. If it happens to fast and we can't keep up with it then we are at risk of Anomie (meaning without law)

- Social and/or moral norms are confused, unclear, or simply not present
- Individuals are left without any sort of regulation and left without moral guidance in the pursuit of their goals

Durkheim and suicide

- Book called "suicide" ... wow so original
- Looks at how society at large could impact the decision to take one's own life
- Looked at suicide records in france
  - Saw certain patterns

- Based on the records, certain groups of people were much more likely to commit suicide than other groups of people
- Caused him to start his own theory
- Groups who have higher rates of suicide
  - Men, protestants, the wealthy, seniors, the widowed and divorced
- Groups who have lower rates of suicide
  - Women, catholics, jews, the poor, middle aged people, and the married
- When you look at protestants, this is a much more individualistic religion. Meaning they can be very religious and they dont require people to go to church and stuff. But when you look at catholics and jews there are much stronger ties and they're much more communal religions
- Men are less likely to establish bonds and connections with others than women
- Based on his findings he came up with 4 types of suicide
- What causes suicide??
  - Too much or little
    - Social integration
      - A product of social interaction and the strength of shared beliefs among group members
    - Social regulation
      - The degree of external constraints on the members of society
- \$ types of suicide
  - Altruistic suicide
    - Too much integration. People may identify too closely with a group or too much with society and bc of this high amount of integration, this can cause someone to take their own life
    - Eg. suicide bombers. Individual is identifying very closely to a group or society that they're willing to take their own life
    - Eg. cults.
    - Eg. soldier
  - Egoistic suicide
    - Too little or not enough integration.
    - Feel alienated from others or may be lacking social support.
    - Eg. bullied at school
  - Fatalistic suicide
    - Too much regulation
    - A person takes their life bc they would rather be dead than be controlled
    - Eg. prisoners

- Eg. men who got married way to young
- Eg. someone in an abusive relationship
- Anomic suicide
  - Not enough regulation
  - Eg. go from having a home, food, etc. and then lose it all and dont have the stability you had anymore
  - Eg. Celebrities. Dont have the same rules in place that they had before.
  - Eg. environmental disasters. Lost everything
  - Eg. economic disasters. Go from big time CEO to having nothing

#### Critique of durkheim

- Some of his ideas are tautological
  - Circular reasoning
  - Says crime is functional bc it is found in all societies and bc it exists in all societies it is functional
- He's a consensus theories
  - Shares the assumption that most people in society adhere to what is considered to be normative. Reality is not as rose coloured as he depicted. People dont have the same values. Look at marijuana → people are divided
- Social determinism
  - Is a sociological positivist
  - Ignores individuality
- For him crime is functional
  - Crime is not always functional
  - Crime can impair functioning in society
  - He said that it creates a sense of social unity, but it can also divide groups. For example 9/11

#### **FINAL EXAM**

- Not tested on videos already tested on
- 40% of grade

Howard becker → inductive theory