

Crime, Compliance and the Law – Behavioral Perspectives

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Early online meetings: March 20th, March 24th, March 27th, and March 31st (2 PM – 3:30 PM Zurich time).

We will be using the following recurring link for our online meetings:

<https://uzh.zoom.us/j/61640525617?pwd=g2xRDcSUIAUZC6PGmBISfiP3ZfkB6L.1>

Meeting ID: 616 4052 5617

Passcode: 639805

Two-day workshop in Zurich: May 6th and 7th (full days).

Description: This seminar will focus on the interplay between the criminal justice system, psychology, and behavioral economics. During the seminar we will deal with questions such as: Can the law impact behavior even when no sanctions are involved? How do people justify unethical behavior, and what can be done about it? How do people evaluate expected sanctions – are they sensitive to the probability of detection and to the magnitude of punishment? Finally, we will also explore the psychology of the criminal process: judge decisions, attorney decisions, and the behavioral effects associated with their respective roles and with the processing of evidence uncovered in a legal case.

Background books (not required reading, but could be useful when writing your papers):

- McAdams, Richard H., *THE EXPRESSIVE POWERS OF LAW: THEORIES AND LIMITS*, Harvard University Press (2015).
- Benjamin Van Rooij and Adam Fine, *THE BEHAVIORAL CODE: THE HIDDEN WAYS THE LAW MAKES US BETTER. OR WORSE*, Beacon Press (2021).
- Tyler, Tom R., *WHY PEOPLE OBEY THE LAW*, Princeton University Press (2006).
- Eyal Zamir and Doron Teichman, *BEHAVIORAL LAW AND ECONOMICS*, Oxford University Press (2018) – selected chapters on issues like criminal law and judicial decision making.

Required reading materials – note that many items include selected pages, only those are required.

1 - The Expressive Power of the Law. In this meeting we will discuss the idea that law alone – independent of any enforcement – can impact people’s behavior. The discussion will review the basis of the expressive hypothesis, its limits, and some empirical findings in the area.

- Janice Nadler, *Expressive Law and Social Norms*, in RESEARCH HANDBOOK ON LAW AND PSYCHOLOGY, pp. 328-342 (Edward Elgar Publishing, 2024).
- Tom Lane, Daniele Nosenzo, and Silvia Sonderegger, *Law and Norms: Empirical Evidence*, 113 AM. ECON. REV. 1255, 1255-59; 1265-76 (2023).

2 - The Power of Behavioral Ethics. In this meeting we will focus on the transgressions of “good” people – that is, people who generally abide to the rules set out by the legal system. Examples may include issues such as smoking in non-designated areas, minor traffic infractions, littering, etc. The discussion will focus on the psychological forces that drive incompliance, and on potential interventions.

- Nina Mazar, On Amir, and Dan Ariely, [*The Dishonesty of Honest People: A Theory of Self-Concept Maintenance*](#), 45 J. MARKET. RES. 633, 633-638 (2008) (until experiment 4).
- Gneezy, Uri and Aldo Rustichini, [*A Fine is a Price*](#), 29 J. LEGAL STUD. 1, 1-8 (2000).
- Simon Gächter, *Conditional Cooperation: Behavioral Regularities From the Lab and the Field and Their Policy Implications*, in ECONOMICS AND PSYCHOLOGY: A PROMISING NEW CROSS-DISCIPLINARY FIELD, pp. 19-29 (Bruno S.Frey & Alois Stutzer eds., 2007).

3 - The Psychology of Criminal Sanctions. Economists routinely treat criminal sanctions as “prices.” In this meeting we will explore the psychology of expected sanctions. Several psychological phenomena that might affect the assessment of the probability of being sanctioned will be reviewed. In addition, we will explore other unique aspects of legal sanctions that distinguish them from regular “prices.”

- Greg Pogarsky, Sean Patrick Roche, and Justin T. Pickett, *Offender Decision-Making in Criminology: Contributions from Behavioral Economics*, 1 ANN. REV. CRIMINOL. 379, 380-88; 390-93 (skip dual process) (2018).
- Daniel Kahneman et al., [*When More Pain is Preferred to Less: Adding a Better End*](#), 4 PSYCHOL. SCI. 401, 401-03 (1993).

4 - The Psychology of the Criminal Process. Economist and legal scholars alike tend to assume that decisions in the criminal process are chiefly guided by procedural and legal constraints. In this meeting we will explore the psychology of the criminal process, with a focus on the decisions of the players in the criminal justice system. Specifically, we will investigate how the parties’ specific role affects their cognition and decision making, and how evidence is processed under fundamental uncertainty and complexity.

- Simon, Dan and Stephen J. Read, [*Toward a General Framework of Biased Reasoning: Coherence-Based Reasoning*](#), PERSP. PSYCHOL. SCI. 1, 13-23 (2023).

- Engel, Christoph and Andreas Glöckner, [*Role-Induced Bias in Court: An Experimental Analysis*](#), J. BEHAV. DEC. MAKING 26, 272, 274-78 (until Experiment 2); 279-80 (2013).
- Colleen M. Berryessa, Itiel E. Dror, and Chief Justice Bridget McCormack, [*Prosecuting from the bench? Examining sources of pro-prosecution bias in judges*](#), LEG. CRIMINOL. PSYCHOL. 28, 1, 4-10 (2023).