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Crime, Compliance, and the Law – Behavioral Perspectives

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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 criminals evaluate expected sanctions?

These are the types of questions that students will explore in a joint seminar co-organized by *Yoan Hermstrüwer* (UZH), *Doron Teichman* (Hebrew University Jerusalem) and *Marc Thommen* (UZH) in the spring term 2025.

The seminar will focus on the interplay between the criminal justice system, psychology, and behavioral economics. In addition to the questions above, we will 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.

- We will host four online units in March 2025 devoted to a selection of problems at the interface of criminal law and behavioral economics (March 20, March 24, March 27, and March 31, 2 PM – 3:30 PM Zurich time).
- In addition, we will host an in-person seminar taking place in Zurich on May 6-May 7, 2025.

Both BLaw and MLaw students are eligible for the seminar. We can admit up to eight students from UZH. A small number of additional students may be admitted on a discretionary basis.

The seminar will be held in English. Students should be proficient in both oral and written English.

Students will write a short research paper (BLaw students: 6-8 pages, MLaw students: 10-12 pages) on a topic falling within the scope of problems discussed in the four online units.

Students are expected to attend both the four online units and the in-person seminar. In the four online units, we will give a brief introduction to the following topics:

1 - Social Norms and Legal Compliance: 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.

- McAdams, Richard H., *The Expressive Powers of Law: Theories and Limits*, Harvard University Press (2015): selected pages.
- Lane, Tom, Daniele Nosenzo & Silvia Sonderegger, *Law and norms: Empirical evidence*, *American Economic Review* 113 (2023): 1255-1293.

2 - Behavioral Ethics and Why People (Dis-)Obey the Law? 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 non-compliance, and on potential interventions.

- Mazar, Nina, On Amir & Dan Ariely, *The Dishonesty of Honest People: A Theory of Self-Concept Maintenance*, *Journal of Marketing Research* 45 (2008): 633-644.
- Tyler, Tom R., *Why People Obey the Law*, Princeton University Press (2006): selected pages.

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”.

- Harel, Alon & Uzi Segal, Criminal Law and Behavioral Law and Economics: Observations on the Neglected Role of Uncertainty in Deterring Crime, *American Law and Economics Review* 1 (1999): 276-306.
- Gneezy, Uri & Aldo Rustichini, A fine is a price, *Journal of Legal Studies* 29 (2000): 1-17.

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 & Stephen J. Read, Toward a General Framework of Biased Reasoning: Coherence-Based Reasoning, *Perspectives on Psychological Science* (2023): 1-39.
- Engel, Christoph & Andreas Glöckner, Role-Induced Bias in Court: An Experimental Analysis, *Journal of Behavioral Decision Making* 26 (2013): 272–284.

A selection of topics to be explored in the research paper will be discussed in a joint introductory meeting with UZH students taking place in **RAI-H-107** on **December 4, 4:00-6:00 PM**.

Kind regards,

Yoan Hermstrüwer & Marc Thommen