REVIEW NOTES THE ECONOMICS OF CRIMINAL LAW

I. What distinguishes a crime from a civil action?
   - legal definition of a crime
     o criminal intent
     o public harm
     o punitive element
     o standard of proof greater
   - why does criminal law exist?
     o morality
     o public good nature of crimes
     o compensation has its limits
     o punishment may be needed due to enforcement error

II. Strict liability in criminal law
   - what is strict liability (no proof of intent to commit harm)
     o examples
     o why does having it make sense

III. Theory why do criminals commit crime?
   - assuming rationality, when do criminals commit crimes?
     o other assumptions
     o graphical analysis
     o enforcement error
     o outcome of the model

IV. Do criminals actually behave in this manner? Empirical test of the theory
   - Predictions from the theory
     o certainty decrease in enforcement error => decrease crimes
       ▪ increase certainty by
         • increase probability of being caught
         • increase probability of being convicted
     o severity increase in punishment => decrease crimes
     o decrease in payoff => decrease crimes
   - deterrence hypothesis = certainty and severity increase the expected punishment of committing crimes
   - Does punishment deter crime? (Is the deterrence hypothesis correct?)
     o what are the competing hypotheses?
     o crime caused by a complex interrelationship of socio-economic and biological variables => deter crime by affecting these root causes of crime
   - General Deterrence
     o what is general deterrence?
     o focus on how many crimes are not committed because of punishment rather than on the group most likely to commit crimes.
       ▪ thus look at the impact of punishment on the general population
     o problems with empirical studies
       ▪ studies (know the results generally)
- Specific Deterrence
  o what is specific deterrence?
  o studies

- Economic conditions and crime (the alternative hypothesis)
  o does crime depend upon economic conditions (i.e., does crime increase during recessions)
  o empirical evidence

- The death penalty
  o moral issues
  o legal history
  o empirical studies
  o overall conclusion does the death penalty deter murders?

- overall conclusion does punishment deter crimes?