

The Political Economy of Criminal Justice
POL-GA 3400.002
Spring 2017
Professors Sanford Gordon

I. Introduction

The study of the criminal justice system spans the social sciences, and yet for the most part, political scientists have not engaged with the subject with the same degree of rigor and focus as our colleagues in economics, psychology, sociology, and (of course) criminology and law. This is somewhat surprising: the criminal justice system represents the most ubiquitous application of the state's monopoly on the use of coercion. Also, the system touches on numerous issues of import to political scientists, including, inter alia, discrimination, inequality, public finance, electoral incentives, and public opinion.

The purpose of this seminar is threefold. First, we will explore some canonical approaches taken by other social science disciplines to the study of criminal justice. These include economic, sociological, and psychological accounts. Close attention will be paid to the strategic incentives of criminal justice personnel, discretion and agency problems, and challenges of inference and evidence. We will also begin our foray into a pervasive issue of criminal law enforcement in the United States: discriminatory treatment of minorities. Second, we will think about exploring criminal justice from an explicitly political science and political economy perspective, examining current research on the subject, and thinking about how to fruitfully apply the panoply of political science research tools to the subject. Finally, we will use this opportunity to explore new data sources that can be brought to bear in this enterprise, and how research on criminal justice informs our understanding of politics more generally.

II. Contact and meeting Information

Professor

Sanford Gordon

19 West 4th Street, Room 311

Office Hours: Wednesday 10:00-12:00pm, or by appointment

Phone: (212) 998-3708

E-mail: sanford.gordon@nyu.edu

(Please do not hesitate to e-mail for appointments outside of office hours or just drop by)

Class Meetings

Thursday 4-6pm, 19 West 4th Street, Room 212

III. Student Responsibilities and Course Grading

Participation: _____ 20%

Participating in seminar is an essential component of satisfactory completion of the course.

Presentations: 10%

In addition to normal participatory duties, each student will spend several of our meetings providing a public good as “defender” of a particular text or perspective, which will include a 10-15 minute presentation at the beginning of the class.

Thought papers: 20%

Each student will write a paper *no longer than one single-spaced page* each week he/she is not presenting. The paper should be uploaded to NYU Classes by close of business (5pm) on the day before class so that we can incorporate its insights into class discussion. Once the 5pm deadline has passed, I will compile the papers into a zip file for distribution to the whole class. Thought papers may take one of two forms:

- In weeks in which our focus is primarily on research done in other fields (criminal justice, economics, sociology, etc.), propose a research idea related to the topic that is clearly identifiable *as political science*. Your task in these weeks isn’t to bring such a research idea to fruition; rather, you should endeavor to describe a research idea that a political science journal editor wouldn’t desk reject on grounds of inappropriateness.
- In weeks when we are discussing research from political science, your thought paper may critically examine a particular feature of a single reading, or draw comparisons among multiple readings for that week, or propose “next steps” in the research agenda implied by the readings for that week.

At the end of the semester, I will drop the lowest short paper score. (This has the practical effect of permitting you to miss writing one thought paper.)

Research paper: 50%

A final research paper will count for 50% of the grade. Details will be discussed in class. You should be thinking about your paper and discussing the topic with me by March. Note that if your research interest lies primarily in topics covered toward the end of the class, you should be prepared to read ahead. The research paper is due by 5pm on Friday, May 12.

- I am reluctant to set firm rules with respect to length, but your paper should probably be on the order of 20-30 pages.
- If you would like to submit the same paper to fulfill the requirements of this and another course, *you must convene a meeting with me and the other professor to secure our consent and to discuss guidelines and expectations*. Needless to say, the expectations will be higher for such joint submissions.

A note on grading criteria: How I evaluate students in the performance of the above responsibilities depends on the stage of the program that they are in. Expectations are higher for veteran students than they are for first years.

IV. Readings

Most of the readings are articles and can be found on NYU Classes. Electronic editions of the following books are available through library.nyu.edu.

- Lerman, Amy. 2013. *The Modern Prison Paradox: Politics, Punishment, and Social Community*. New York: Cambridge University Press

- Page, Joshua. 2011. *The Toughest Beat: Politics, Punishment and the Prison Officers Union in California*. New York: Oxford University Press.
- Tyler, Tom R., and Yuen J. Ho. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation
- Wilson, James Q. 1968. *Varieties of Police Behavior*. Cambridge, MA: Harvard University Press, selections

V. Weekly Schedule

Part I. Accounts from Across the Social Sciences

Week 1. January 26

Introduction and Orientation

In which we introduce ourselves and discuss what we hope to get out of the class.

Week 2. February 2

Canonical Rational Choice Accounts: The Functions of Criminal Law

- Becker, Gary S. 1968. "Crime and Punishment: An Economic Approach." *Journal of Political Economy* 76: 169-217.
- Posner, Richard A. 1985. "An Economic Theory of the Criminal Law" *Columbia Law Review* 85: 1193:1231.

Week 3. February 9

Canonical Psychological Accounts: Legitimacy and Trust in Authority

- Tyler, Tom R., and Yuen J. Ho. 2002. *Trust in the Law: Encouraging Public Cooperation with the Police and Courts*. New York: Russell Sage Foundation, selections
- Kane, Robert J. 2005. "Compromised Police Legitimacy as a Predictor of Violent Crime in Structurally Disadvantaged Communities." *Criminology* 43: 469-498.
- Dickson, Eric, Sanford C. Gordon, and Gregory A. Huber. 2017 "Identifying Legitimacy: Experimental Evidence on Compliance with Authority." Typescript.

Week 4. February 16

Canonical Organizational Accounts: Agency and Culture

- Wilson, James Q. 1968. *Varieties of Police Behavior*. Cambridge, MA: Harvard University Press, selections
- Eisenstein, James, Roy B. Flemming, and Peter F. Nardulli. 1988. *The Contours of Justice: Communities and Their Courts*. Lanham, MD: University Press of America, selections.

Week 5. February 23

Class will not meet

Week 6. March 2

Field-Experimental Research on Policing

- Sherman, Lawrence W., and Richard A. Berk. 1984. "The Specific Deterrent Effects of Arrest for Domestic Assault." *American Sociological Review* 49(2): 261-272. (See also the discussion of the MDVE in Angrist and Pischke, 164-66.)
- Sherman, Lawrence W., and David Weisburd. "Generalized Deterrent Effects of Police Patron in Crime 'Hot Spots': A Randomized, Controlled Trial." *Justice Quarterly* 12(4): 625-648.
- Weisburd, David, et. al. "Does Crime Just Move Around the Corner? A Controlled Study of Spatial Displacement and Diffusion of Crime Control Benefits." *Criminology* 44: 549-592.

Week 7. March 9

Discriminatory Treatment: Novel Approaches and Challenges to Inference

- Anwar, Shamina, and Hanming Fang. 2006. "An Alternative Test of Racial Prejudice in Motor Vehicle Searches: Theory and Evidence." *American Economic Review* 96(1): 127-151.
- Fryer, Roland. 2016. "An Empirical Analysis of Racial Differences in Police Use of Force." NBER Working Paper 22399.
- Coviello, Decio, and Nicola Persico. 2015. "An Economic Analysis of Black-White Disparities in NYPD's Stop and Frisk Program." *Journal of Legal Studies* 44(2), 315-360.

Part II. Interests, Incentives, and Outcomes

Week 8. March 16

Spring Break: Class Will Not Meet

Week 9. March 23

Criminal Justice Career Concerns

- Glaeser, Edward L., Daniel P. Kessler, and Anne Morrison Piehl. 2000. "An Analysis of the Federalization of Drug Crimes." *American Law and Economics Review* 2(2): 259-290.
- Boylan, Richard T. 2005. "What do Prosecutors Maximize? Evidence from the Careers of U.S. Attorneys." *American Law and Economics Review* 7(2): 379-402.
- Bandyopadhyay, Siddhartha, and Bryan C. McCannon. 2014. "The Effect of the Election of Prosecutors on Criminal Trials." *Public Choice* 161: 141-156.

Week 10. March 30

Fiscal Incentives and Police Behavior

- United States Department of Justice, Civil Rights Division. 2015. "Investigation of the Ferguson Police Department." Washington, DC: USDOJ.
- Baicker, Katherine, and Mireille Jacobson. 2007. "Finders Keepers: Forfeiture Laws, Policing Incentives, and Local Budget." *Journal of Public Economics* 91: 2113-2136.
- Goldstein, Rebecca, Michael W. Sances, and Hye Young You. 2016. "Exploitative Revenues, Law Enforcement, and the Quality of Government Service." Typescript.

Week 11. April 6

Crime and Partisanship

- Gordon, Sanford C. 2009. "Assessing Partisan Bias in Public Corruption Prosecutions." *American Political Science Review* 103: 534-554,
- Trejo, Guillermo, and Sandra Ley. 2016. "Federalism, Drugs, and Violence: Why Intergovernmental Partisan Conflict Stimulated Inter-Cartel Violence in Mexico." *Política y Gobierno* 23: 11-56.
- Downey, Mitch. 2016. "Losers Go to Jail: Congressional Elections and Union Officer Prosecutions." Typescript.

Week 12. April 13

Crime and Political Accountability

- Arnold, R. Douglas, and Nicholas Carnes. 2012. "Holding Mayors Accountable: New York's Executives from Koch to Bloomberg
- Ley, Sandra. 2017. "Electoral Accountability in the Midst of Criminal Violence: Evidence from Mexico. Forthcoming, *Latin American Politics and Society*.
- Gerber, Elisabeth, and Daniel Hopkins. 2011. "When Mayors Matter: Estimating the Impact of Mayoral Partisanship on City Policy." *American Journal of Political Science* 55(2): 326-339.

Week 13. April 20

Private Interests

- Page, Joshua. 2011. *The Toughest Beat: Politics, Punishment and the Prison Officers Union in California*. New York: Oxford University Press.
- Lerman, Amy. 2013. *The Modern Prison Paradox: Politics, Punishment, and Social Community*. New York: Cambridge University Press, ch. 6

Week 14. April 27

Public Opinion

- Enns, Peter. 2014. "The Public's Increasing Punitiveness and its Influence on Mass Incarceration in the States." *American Journal of Political Science* 58(4): 857-872.
- Krause, Krystin. 2014. Supporting the Iron Fist: Crime News, Public Opinion, and Authoritarian Crime Control in Guatemala. *Latin American Politics and Society* 56, 1 (Spring): 98-119.
- Cohn, D'Vera, et. al. 2013. "Gun Homicide Rate Down 49% Since 1993 Peak; Public Unaware. *Pew Research Center: Social & Demographic Trends*.

Week 15. May 4

Criminal Justice Interactions and Political Behavior

- Weaver, Vesla M., and Amy E. Lerman. 2010. "Political Consequences of the Carceral State." *American Political Science Review* 104: 817-833.
- Gerber, Alan S., et. al. "Does Incarceration Reduce Voting? Evidence about the Political Consequences of Spending Time in Prison." Forthcoming, *Journal of Politics*
- White, Ariel. "Misdemeanor Disenfranchisement? The Demobilizing Effects of Brief Jail Spells on Potential Voters." Typescript.

Makeup Class

Cartelization and Collusion

- Di Cataldo, Marco, and Nicola Mastrococco. 2016. "Organised Crime, Captured Politicians and the Allocation of Public Resources." Typescript.
- Dell, Melissa. 2015. "Trafficking Networks and the Mexican Drug War." *American Economic Review* 105(6): 1738-1779.