



Benjamin van Rooij and Adam Fine's *The Behavioral Code: The Hidden Ways the Law Makes Us Better or Worse*

BEACON PRESS

ISBN-13: 978-0-8070-4908-2

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Why do we follow rules and laws? Depending on who you ask, you might get responses like “because we have to,” or “well, everyone else does and I don’t want them to judge me for not.” Tom Tyler (1990/2021) provided one answer that revolutionized the way researchers approach legal compliance and socialization: simply that when people view the law as legitimate, they are more likely to follow it, whether they agree with that particular law or not. Given all of the complexities of the many laws that the general public is unlikely to be consciously aware of, how do we make sense of why people choose to follow some laws (or not)?

Enter van Rooij and Fine. Over the course of 10 chapters, van Rooij and Fine interweave pop culture references, real-world examples, and research from a variety of fields, including social sciences, law, and economics, in a way

that is digestible for scholars, practitioners, and the general public alike.

Chapter 1 opens with *The Matrix* and introduces the legal code and its original design to keep society safe (as opposed to laws that are designed to oppress, which the authors note is not the focus of this text; p. 103). However, in order for

the legal code to keep society safe, as intended, the authors posit that we must also be aware of the behavioral code, the unwritten mechanisms by which society operates to follow the legal code. Using Supernanny as an example, Chapter 2 discusses that punishment is often employed to manage behavior—deemed the *punishment intuition*. This “tough-on-crime” mindset has permeated the political arena for decades, both within and outside of the United States, primarily through the certainty component of deterrence theory, which rests on the assumption that individuals are aware of the laws that they choose to follow or not and their consequences.

The next chapter focuses on some of the motivations for legal compliance, whether it be punishment, incentives, or quick acting. Beginning with a discussion of pollution and dirty fuel—banning





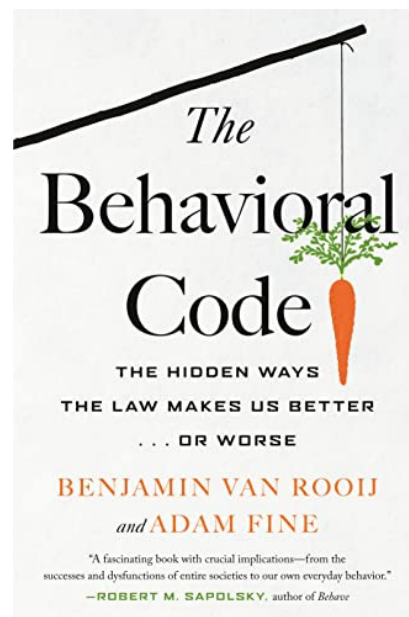
in Mexico, van Rooij and Fine key in on a particularly powerful way to gain compliance: through individuals' bank accounts. Financial punishments through lawsuits are seen in corporate environments such as those encountered by Purdue Pharma (Hoffman, 2022) and in police departments (Alexander, Rich, & Thacker, 2022). However, as the authors posit, why focus so heavily on punishment, when positive incentives can work just as well? Positive incentives, while admirable, rely on an individual's ability to rationally consider the incentives and weigh the pros and cons against one another. Moving beyond the financial incentives to follow the law, Chapter 4 leans into moral and emotional pulls for compliance, evidenced by television advertising pleas for safe driving. However, the same system that is responsible for rational thinking is the one that shapes one's moral reasoning. That is, the authors note that sometimes individuals engage in behaviors that result from a place of "bounded ethicality" (p. 89), wherein an otherwise ethical person may behave in less-than-ethical ways.

Chapter 5 opens with Gandhi's 1930 salt march and expression of civil disobedience and takes the reader on a journey of how one develops a sense of civil obedience, or the "we follow laws because we have to" viewpoint previously mentioned. The authors detail the emergence and importance of procedural justice as a mechanism for gaining legal compliance. That is, when an individual feels a process—particularly related to interactions with law enforcement—has been

fair and just, they feel more obligated to both obey and comply with the law (p. 106). The next chapter addresses the "other people do it, so I should too" viewpoint of why individuals may follow the law. Entitled "Following the Herd," Chapter 6 discusses social norms and the power (both good and bad) associated with normalizing different behaviors.

Chapter 7 highlighted the infamous Maria Sharapova doping scandal that hit the media in 2016 and the importance of *knowing* the law

and the ways in which the law continues to evolve. Bringing in aspects of self-control and strain, the authors highlight the importance of individual characteristics and circumstances and their role in one's ability to comply with the law, regardless of one's intention. This chapter concludes with a key policy implication of the necessity for alternative approaches to dealing with bad behavior. It is not enough to simply punish people into being good; rather, a holistic approach integrating all aspects of one's social ecology



is needed.

The next chapter focuses heavily on opportunity approaches to reducing crime and crime-analogous behavior, using changes in flight practices as an introductory example. Highlighting incarceration as a means of opportunity reduction, surveillance technology to reduce distracted driving, and gun buyback programs, van Rooij and Fine detail the polarization of some laws and programs that take these approaches. Chapter 9 opens with a discussion of the Siemens AG



corruption scheme of 2006 and how laws, which aim to keep individuals safe, must look beyond the bad apples to ensure that entire barrels (i.e., organizations) are not rotted (p. 188). The authors note that whether implementing compliance and ethics training or providing incentives to prevent misconduct, it is critical that these procedures be more than simple window dressing to cover up toxic organizational cultures.

The final chapter starkly situates itself in current times. Beginning with a discussion of Covid-19, van Rooij and Fine aptly note that “the pandemic made the behavioral code visible” (p. 215). The authors provide six steps to the behavioral code to better understand behaviors, both wanted and unwanted. Perhaps more important, they also articulate that legal training and practices, science, and ourselves as individual parts of society all require some reformation in order to ensure that the legal code incorporates the behavioral code, if it is to keep us safe as intended.

Whether it’s the inclusion of tort law or developmental psychology, there is something for everybody in this essential text. Altogether, what van Rooij and Fine have accomplished is a masterful compilation of perspectives and examples spanning decades into an educational, yet entertaining, collection that helps the reader become well-versed in *why* we follow rules and laws. ■

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