We live in a world of code—legal code—that guides every aspect of our lives. It’s there when we are at work, when we watch television, when we grow food, when we serve food, and when we build homes. It’s there when we date and fall in love, go online, and is even all around us when we sleep.

Certainly, laws are necessary. Without effective legal rules, our property wouldn’t be protected from theft. Our small businesses would be swallowed whole by large monopolies and unfair lending practices. Our environment would be even more degraded and the climate even warmer. Our food would be unsafe to eat. Our bosses could harass us as much as they want.

Our legal code is dense, and becoming ever more so. After each new mass shooting, we learn about different gun laws on assault weapons, bump stocks, and background checks. After Bernie Madoff’s massive Ponzi scheme, we learned about fraud rules and securities regulation. After Purdue Pharma and Johnson & Johnson settled historic lawsuits in the midst of the ongoing opioid crisis in the United States, we learned about tort law and product liability. With each new catastrophe, we add more laws. What we have is a legal code that becomes more complex with each passing day, but not more effective.

Clearly, the law is intended to shape behavior. It only works if people comply with the rules, and if they actually change misbehavior. In some cases, the law gets it right. But in too many, the law completely fails to keep us safe.

The core issue is that we trust the design and operation of the legal code, the most important coding of human conduct we have, in the hands of lawyers who are behavioral novices. It is not their fault, though. If you peek under the hood of law school curriculums, it is shocking to see that lawyers receive virtually no mandatory training in social and behavioral sciences. That means that the people we charge with designing and operating laws are forced to base their decisions on their own intuitions about human behavior, many of which have been proven false by empirical studies.

To understand how the law—this set of paper rules—shapes behavior, we must change our perspective. We must understand how people respond to rules. This enables us to see a very different code, a code of behavioral mechanisms.
When social scientists enter the legal arena, our work is typically applied *ex post*. We focus on how evidence is presented, the veracity of eyewitness testimony, the best ways to interview child witnesses and victims, how to conduct lineups, the intricacies of jury selection and decision making, or on forensic assessments—all of which happen after a crime has taken place. Certainly, we must continue to apply social science *ex post*. But we are missing half of the equation.

Drawing upon decades of research, our book reveals the behavioral code: the root causes and hidden forces that drive human behavior and our responses to society’s laws. *The Behavioral Code* shows how the law can keep us safe without building more prisons or launching yet another “tough on crime” campaign. It unveils a fundamentally new approach to law that can deliver the safety and justice our society so direly needs. Rather than focus on applying social science to law *ex post*, it is a call to action to apply the science *ex ante*, to preventing crime in the first place. Revelatory and counterintuitive, *The Behavioral Code* catalyzes conversations about how the law can improve human behavior and respond to some of the most pressing issues today, from police misconduct to environmental destruction. It shows how social science can help to transform our laws to provide a preventative and proactive form of justice.

Our book opens with the punishment delusion. When people think of changing behavior, the first thing that comes to mind is punishment. Not only is it simple and intuitive, it’s also how we’ve been raised; from day one, it is what our parents and teachers have taught us. We have been socialized to believe that tougher punishment effectively reduces crime and changes misbehavior. Yet the science shows that to truly change behavior through deterrence, the certainty of punishment actually matters more than the severity. Beyond that, communicating about deterrence is critical, as perceptions of enforcement are not the same as the actual levels of enforcement itself. This has direct implications for what policies and laws we should support, let alone how they should be enforced.

The core idea of punishment is that people respond to incentives. The belief is that the law can change behavior by making the costs of misconduct higher than the benefits. Apart from punishment, the law introduces other incentives like liability, rewards, subsidies, and bonuses. Unfortunately, there is no clear evidence that the incentives work as we expect them to. Liability, in most cases, does not actually prevent misbehavior. And rewards and other positive incentives, while they may work better than punishment, often introduce negative side effects.

The book shows that the law’s influence on behavior is about much more than incentives and extrinsic motivations. It covers different forms of intrinsic motivations and internal drivers, such as people’s sense of morality, social norms, and felt obligation to obey the law. Yet motivation alone is not enough. Here the book examines people’s capacities to obey the law, such as their legal knowledge, their level of self-control, and their socio-economic conditions. Beyond internal processes, much of our behavioral responses to the law are rooted in
broader context. The opportunity approach we describe draws directly on criminological perspectives about routine activities theory and situational crime prevention, showing a very different approach to law and behavior, one that is highly practical and potentially effective, but also one that limits freedom.

As the book’s aim is to reach a general audience yet also be appropriate for students of law and human behavior, each chapter illustrates key concepts by weaving together the scientific literature with compelling yet accessible examples, from stolen 225-million-year-old fossils in Arizona’s Petrified Forest to German walls that “pee back” at public urinators, and New York City subway ad campaigns against manspreading to Richmond California’s campaign to reduce gun violence through $1,000 monthly rewards for individuals who stayed crime free.

The book argues that we must—and can—use social science to improve the law. It introduces a behavioral jurisprudence, an approach to law that focuses on law’s *ex ante* behavioral function and that uses empirical data to correct the rampant yet flawed behavioral assumptions in the law. Such an approach will help to reform existing laws that produce mounting economic and social costs, but do little to keep society safe. The book lays out three reforms that are necessary for creating a behavioral revolution in the field of law. First, law schools must recognize the law can have an important *ex ante* behavioral function. Second, social scientists must engage with legal training and practice and provide accessible summaries of key insights about how law shapes behavior. Third, together we must convince the general public that through behavioral science, law can truly keep them safe.

The reality is that few people understand the behavioral code, let alone the social science that has mapped it. Instead, they rely on their gut responses when they hear of a brutal murder, when they read about a multinational corporation bribing national governments, when they hear of yet another shocking #MeToo case, or even when they see that sports car zooming by again on what is supposed to be a quiet, residential street. These visceral, instinctive responses ultimately shape the public opinion that influences what laws we make and the approaches they leverage. If we truly care about making the law more effective, we must all learn to understand the behavioral code.

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