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Book Review: Behaviorism

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authorities on this troublesome and extremely technical phase of the law of bank checks. Perhaps the most valuable chapter for the lawyer of the Northwest, for the time being at least, is that relating to Deposits and Collections, and particularly the rights and liabilities of the parties to a check in the event of insolvency of the initial or collecting bank.

There are times when one feels the need of an analytical discussion or amplification of a stated rule, elements entirely lacking in the work, but the author has clearly intended nothing more than a text presenting the sheer rules and affording liberal citations.

The book is favored with an excellent typography, is appended with a table of the cases cited and is provided with an exceptionally usable index.

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This book is valuable to lawyers for two reasons, first, it can be understood without a technical training in the mysteries of the old subjective psychology; second, it has much of significance for the law.

In the words of the author, “because behavioristic psychology deals with tangibles, the reader sees no break between his physical, chemical, and biological world and his newly-faced behavioristic world. He may not like the simplicity and severity of Behaviorism, but he cannot fail to understand Behaviorism if he gives it a little honest reading.” The pioneer in America in this field sets forth the fundamental differences between the method of Behaviorism and the older psychologies, emphasizing the objectivity of the former in dealing with conduct which can be measured and observed with some degree of scientific accuracy. He sets forth the anatomical and physiological basis of the discipline and illustrates the manner of experimentation upon which its results are reckoned. The relationship between the physical structure of the various human organisms and conduct is presented through the records of numerous experiments, mostly upon children. The possibilities for research in this field are suggested, together with the nature of some of the more concrete problems upon which the behaviorist thinks that he can throw light.

Thereafter are presented chapters dealing with the so-called human “instincts”, which Behaviorism expressly repudiates as a worthwhile conception; the emotions, the acquisition and loss of certain ones; the formation and retention of habits; talking and thinking and its relation to what we regard as “mental life”; and personality, linked inevitably, as the behaviorist maintains, with the genetic history of habits.

When some conception of the claims of the Behaviorists is had, it is obvious what import it carries for law. The thesis that no instincts are inherited, that the human organism acquires them through a process of social conditioning, goes far to substantiate the views of criminologists who have argued the relative unimportance of biology and inheritance as compared with environment, in the development of criminal tendencies. If this proposition is correct, and Behaviorism offers direct and first hand evidence that it is, the need of lawyers, judges, and the body politic to
rely upon psychology in the treatment of criminals is obvious enough, to say nothing of any kind of an intelligent preventative program. The doctrine of individualized punishment becomes at once the only valid one. The necessity for trained and wise custodians of criminals is emphasized, and the deficiency of our present methods is patent.

The author does not hesitate to point out how old fashioned and out of date are the methods of the law in treating criminals in the light of his science. He is merciless in his condemnation of the lawyer's attitude toward crime, and he flays the whole concept of punishment. However, he is no optimist. "But until all law books are burned", he insists, "in some great upheaval of nature and until all lawyers and jurists suddenly decide to become behaviorists, I never expect to see the present retaliation or punishment theory (a religious theory) of handling the deviant give place to a scientific theory based upon what we know of the establishing and breaking down of conditioned emotional responses."

Lawyers are not much apt to be seriously influenced by such a powerful denunciation of their craft, but it is reasonable to conclude that where scientific opinion is so outspoken, there must be some rational basis for the challenge issued to the law to take stock of its methods in dealing with criminals.

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