Behaviorological Rehabilitation and the Criminal Justice System

Lawrence E. Fraley, Ed.D.

This hardcover edition was first published by ABCs (Applied Behaviorology Consultants) of Canton, NY, USA, in 2013. Book editing, design, and layout by Stephen F. Ledoux, Ph.D.

ISBN 978-1-882508-20-4

Printed in the United States of America (for us\$80.00 retail per copy).



Prospective cataloging-in-publication data:

Fraley, Lawrence E., 1936-.

Behaviorological Rehabilitation and the Criminal Justice System /

by Lawrence E. Fraley

x, 180 p. ill. 26 cm.

Includes bibliographical references, detailed contents, index.

1. Behaviorology. 2. Rehabilitation. 3. Human behavior. 4. Natural science.

5. Criminal Justice. 6. Behaviorism.

I. Title.

ISBN 978-1-882508-20-4 (acid-free paper)

This edition is printed on acid–free paper to comply with the permanent paper z39.48 standard of the American National Standards Institute.

Improved printing number: >10 9 8 7 6 5 4 3 2 1 0 Nearest year of printing: >2050 2040 2030 2025 2020 2015

Copyright Notice/Warning:

Copyright © 2013 by Lawrence E. Fraley. All rights reserved. This book and its contents are protected by the federal copyright laws of the United States of America. Reproduction or copying of these materials, by *any* means whatsoever, in whole or in part, without the express, hard–copy, written permission of the copyright holder is prohibited and may subject the violator(s) to civil sanctions, criminal penalties, or both. Permission to reprint small parts for worthy purposes may be requested by writing the author.

Contents

Summary Contents

- on Typography & Author Contact ... vi
- 🥦 Detailed Contents ... vii 🕏
- 1 Behaviorology and its Cultural Mission ... 3
- 2 Law and the Physics of Behavior ... 23
- 3 A Behaviorological Anaylsis of Mens Rea (Doctrine of Culpable Mental States) ... 39
- 4 Covert Mini–Courts within Judicial and Law Enforcement Operations ... 71
- 5 Behaviorological Corrections: A New Concept of Prison from a Natural Science Discipline ... 103 \$
- * A Basic & Occasionally Annotated Bibliography ... 165
- ₹ Index... 175 👀

Detailed Contents

Summary Contents v
O n Typography & Author Contact vi
Chapter 1: Behaviorology and its Cultural Mission 3 Understanding Cross-Disciplinary Issues 3 Philosophical Contributions to Science 10 Origins of Philosophical Assumptions 10 Natural Science and Agential Philosophies 12 The Cultural Mission of Behaviorology 14 References 19 Endnotes 20 "WANTED" Poster 22 \$
Chapter 2: Law and the Physics of Behavior 23 Neural Behavior, Energy Streams, and Reality 24 Not Agentially Willed, Behavior Happens Determinately 26 Respective Implications of Variations in Stimulus Control 2 A Single Channel for Conscious Thought 33 Implications for the Law in Mythologizing Spontaneity 35
Chapter 3: A Behaviorological Analysis of Mens Rea (Doctrine of Culpable Mental States) 39 Discriminating Culpable Acts & Culpable Mental States 39 A Culpable Mental State: The Traditional Concept versus a Natural Science Interpretation 43 Purposely 46 Knowingly 50 Recklessly 53 Summarizing Behaviors that Occur with Purpose, Knowledge, and Recklessness 54 Negligently 58 The Cultural Cost of Conceptual Error 61 Additional Contingency Supporting Mens Rea 65 Concrete Proposals for Change 66 Summary 68 References 70 \$

Chapter 4: Covert Mini-Courts within Judicial and Law Enforcement Operations ... 71

```
Introduction ... 71
The Private Courts ... 73
  Police Court ... 73
    Physical abuse ... 73
    Unwarranted charges ... 74
    Jail ... 74
    Fine ... 74
    Enabling operations ... 74
    Unfaithful dictations ... 75
 Magistrate's Court ... 76
    Pre–conviction jail terms ... 76
    Provoking acts that evoke reprisals by the system ... 77
 Jailer's Court ... 78
    Fines ... 78
    Emotional distress ... 78
    Withholding conditioned reinforcers ... 78
    Withholding primary reinforcers ... 79
    Isolation and solitary confinement ... 79
    Promoting self–incrimination ... 79
    Assult and battery of prisoners ... 80
 Attorney's Court ... 80
    The truncated defense ... 81
    Inducing client self-destruction ... 81
    Withholding unsuspected evidence ... 82
    Playing the double agent ... 82
  Psychologist's Court ... 82
 Judge's Court ... 87
    Taking advantage of a defendant's diminished legal recourse ... 87
    The trap ... 89
    Exploiting social contingencies on juries ... 90
Discussion ... 92
 Analysis of Rationalization and Self-Deception ... 92
  The Effects on the Victims ... 94
  Corrective Recommendations ... 95
 Appropriate Scientific Foundations for the Criminal Justice System ... 98
Epilogue: Issues at the Cultural Level of Analysis ... 99
References ... 101 *
```

Chapter 5: Behaviorological Corrections: A New Concept of Prison from a Natural Science Discipline ... 103 Introduction ... 103 Behaviorological Corrections ... 106 Of What Should Behaviorological Corrections Be Capable? ... 108 Traditional Punishment ... 108 The Human Economics of Corrections ... 113 The Behaviorological Technology of Corrections ... 116 Sentences ... 116 Precluding Escape ... 116 Creating a Contingently Reinforcing Environment ... 118 Depersonalizing the Controlling Contingencies ... 120 The Internal Economic System ... 126 Economic Classes ... 126 At the Individual Level ... 128 Food ... 129 Home ... 129 School ... 129 Sexual contact ... 130 Drugs, including tobacco and liquor ... 133 Religion ... 134 Personal development ... 134 At the Interpersonal Level ... 134 At the Agency or Large Group Level ... 136 Insurance ... 137 Banking and credit services ... 138 Stock market ... 139 Publishing ... 139 The Management of Private Outside Capital ... 140 Governance ... 140 Law and Order ... 142 Welfare ... 143 Health Care ... 144 Taxation ... 145 Administrative Salaries ... 146 Education ... 146 Core curriculum ... 146 Intermediate curriculum ... 147 Advanced curriculum ... 148 Private schooling ... 148 Physical fitness ... 148 School taxes ... 148 Socially Stratified Prisoner Population ... 149

x Behaviorological Rehabilitation & the Criminal Justice System

Transition to Life Outside ... 150
Values and Related Emotions are Entirely
Determined by Prior Conditioning ... 153
Summary and Discussion ... 155
Epilogue ... 161
References ... 162 *

A Basic & Occasionally Annotated Bibliography ... 165

Index ... 175 &