Unfair: The New Science of Criminal Injustice

By Adam Benforado

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"A law professor sounds an explosive alarm on the hidden unfairness of our legal system." —*Kirkus Reviews,* starred

A child is gunned down by a police officer; an investigator ignores critical clues in a case; an innocent man confesses to a crime he did not commit; a jury acquits a killer. The evidence is all around us: Our system of justice is fundamentally broken.

But it's not for the reasons we tend to think, as law professor Adam Benforado argues in this eye-opening, galvanizing book. Even if the system operated exactly as it was designed to, we would still end up with wrongful convictions, trampled rights, and unequal treatment. This is because the roots of injustice lie not inside the dark hearts of racist police officers or dishonest prosecutors, but within the minds of each and every one of us.

This is difficult to accept. Our nation is founded on the idea that the law is impartial, that legal cases are won or lost on the basis of evidence, careful reasoning and nuanced argument. But they may, in fact, turn on the camera angle of a defendant's taped confession, the number of photos in a mug shot book, or a simple word choice during a cross-examination. In *Unfair*, Benforado shines a light on this troubling new field of research, showing, for example, that people with certain facial features receive longer sentences and that judges are far more likely to grant parole first thing in the morning.

Over the last two decades, psychologists and neuroscientists have uncovered many cognitive forces that operate beyond our conscious awareness. Until we address these hidden biases head-on, Benforado argues, the social inequality we see now will only widen, as powerful players and institutions find ways to exploit the weaknesses of our legal system.

Weaving together historical examples, scientific studies, and compelling court cases—from the border collie put on trial in Kentucky to the five teenagers who falsely confessed in the Central Park Jogger case—Benforado shows how our judicial processes fail to uphold our values and protect society's weakest members. With clarity and passion, he lays out the scope of the legal system's dysfunction and proposes a wealth of practical reforms that could prevent

injustice and help us achieve true fairness and equality before the law.

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Editorial Review

Review
New York Times **Bestseller**
#1 Audible.com Bestseller
A *Greater Good* Favorite Book of 2015
A Goodreads Best Book of the Month
A 2016 Media for a Just Society Awards Finalist
A 20th Annual Books for a Better Life Awards Finalist
A 2016 NASW Science in Society Journalism Award, Honorable Mention
A 2015 *Green Bag* Exemplary Legal Writing Honoree

"In this important, deeply researched debut, [Benforado] draws on findings from psychology and neuroscience to show that police, jurors, and judges are generally guided by intuitive feelings rather than hard facts in making assessments...The new research challenges basic assumptions about most key aspects of the legal system, including eyewitness memory, jury deliberations, police procedures, and punishment...An original and provocative argument that upends our most cherished beliefs about providing equal justice under the law."
—*Kirkus Reviews,* starred

"This book suggests that criminal justice in the United States is not a system at all but a set of dysfunctional units that deliver biased decisions that make society less safe. Benforado deftly analyzes actual cases and recent studies in psychology and neuroscience to argue for broad-based reforms...A stimulating critique of today's criminal justice system with applications to recent cases in Ferguson, MO, and elsewhere...Authoritative and accessible."
—*Library Journal*, starred

"...a well-documented eye-opener."
—**San Francisco Book Review**

"*Unfair* succinctly and persuasively recounts cutting-edge research testifying to the faulty and inaccurate procedures that underpin virtually all aspects of our criminal justice system, illustrating many with case studies."
—*The Boston Globe*

"In *Unfair*, [Benforado] argues that most errors in criminal justice stem from the failure to take into account the frailties of human cognition, memory and decision-making…this is a book everyone in the legal profession should read, and the rest of us too, for it is as much about the confounding idiosyncrasies of everyday behaviour as inequity in law."
—*New Scientist*

"Benforado makes a compelling case, backed with reference to extensive scientific research, for [his] point of view in *Unfair*… Over and over again, Benforado demonstrates that basic assumptions underlying the criminal justice system are not supported by scientific evidence… [He] also reminds us of how far the practice of criminal justice has drifted from its ostensible goals… He is hopeful, however, that the system can be reformed, and the information in this book is offered in part toward that end. *Unfair* offers an excellent overview of an important body of information."

"Benforado is part of a rising chorus of academics, politicians, and those of us who work in the criminal justice system who are appalled by the fact that this country spends $60 billion a year on prisons and boasts the dubious honor of incarcerating more persons per capita than any other nation. In *Unfair*, Benforado does a wonderful job of describing the scope of the problem and of thinking creatively about how we can improve our criminal justice system."
—**The Federal Lawyer**

"Insightful… one of the most important books written in a very long time."
—**Douglas Blackmon, Pulitzer Prize-winning author of** *Slavery by Another Name; American Forum*

"Benforado's book is simply chock-full of eye-opening research and practical suggestions for improvement... Hopefully, [*Unfair*] will push us to take a step in [the right] direction."
—**Greater Good**

"No one denies that the criminal justice system should be based on reason and respect for our fellow humans, but *Unfair* compellingly insists that to do that will require accepting some uncomfortable truths. Every lawyer and judge working in the criminal justice system should read this book. Those who take it seriously will sleep uneasily for quite some time."
—**JOTWELL**

"As gripping as a Grisham novel, only it isn't fiction. With captivating cases and razor-sharp science, Adam Benforado puts the justice system on trial and makes a bulletproof argument that it's fundamentally broken. This extraordinary book is a must-read for every judge, lawyer, detective, and concerned citizen in America."
—**Adam Grant**, Wharton School of Business, and author of *Give and Take*

"In *Unfair*, Adam Benforado makes us aware of all our many imperfections when it comes to the judgment of others in our midst. He does so gently and with astonishing knowledge. Learning so much about our subconscious biases and the judicial system that exploits them is fascinating--and deeply troubling. But he goes further: he offers obtainable solutions, ones that we should race to effect, both within our own minds and in the human fates on which we bring our minds to bear."
—**Jeff Hobbs,** author of *The Short and Tragic Life of Robert Peace*

"Adam Benforado has written a book that will make you rethink everything you believe about crime and punishment. He gracefully blends science and storytelling to make a powerful case that our failure to bring the realities of human psychology into the courtroom has led to profound injustice. Enthralling and unsettling in equal measure, *Unfair* might be the most important book you read this year."
—**Daniel H. Pink**, author of *Drive*

"This thoughtful and penetrating study raises many deeply troubling questions, and even more important, offers humane and very reasonable approaches to cure some of the ills of a system of 'criminal injustice' that should not be tolerated."
—**Noam Chomsky**, Professor Emeritus, MIT

"Systems of justice are built by human brains. As such, they're subject to all the foibles of human psychology, from biased decision-making to xenophobia to false memories. With the eye of a scholar and the ear of a storyteller, Benforado marshals the burgeoning research to illuminate the nexus between law and the

mind sciences."
—**David Eagleman,** Director of the Initiative on Neuroscience and Law, and author of *Incognito*

"*Unfair* is beautifully written, painstakingly researched, profoundly illuminating, and deeply disturbing. As evidence mounts that our criminal 'justice' system abounds with injustices, Benforado lays bare the systemic and psychological sources of its failures, weaving together compelling narrative and recent insights from the mind sciences. *Unfair* is must reading for anyone who cares about justice and, more important, for anyone who does not."
—**Jon Hanson**, Alfred Smart Professor of Law, Harvard Law School, and Faculty Director of the Project on Law and Mind Sciences and the Systemic Justice Project

"*Unfair* is a beautifully written book that manages to be both engrossing and important--a fascinating blend of psychological insight, legal know-how, and compelling storytelling. If you've ever wondered why the legal system doesn't work as well as it should, Benforado's intelligent take on the relationship between human psychology and the law will enlighten you--and leave you hopeful that we're capable of doing better."
—**Adam Alter**, NYU Stern School of Business, and author of *Drunk Tank Pink*

"*Unfair* is an engaging, eye-opening read. By weaving together the latest findings in psychology and neuroscience with real-world stories of justice gone wrong, *Unfair* sheds new light on how easy it is for unconscious biases to wreak havoc on the criminal justice system and the steps that can be taken to make the system fairer."
—**Sian Beilock**, University of Chicago Professor of Psychology, and author of *Choke* and *How the Body Knows Its Mind*

"*Unfair* is an incisive look at the problems that arise in the legal system because of the way people think as well as the prospects for meaningful reform. Adam Benforado has written an engaging and masterful book on one of the most important issues society has to face."
—**Art Markman**, Professor of Psychology, University of Texas, author of *Smart Thinking* and *Smart Change*

"In this provocative critique of the American criminal justice system, Adam Benforado demonstrates beyond a reasonable doubt that unfair outcomes aren't tragic exceptions--they're the rule, and human psychology is to blame. Bringing together cutting-edge research with insights from real life cases, Benforado shows us how our hidden biases undermine our guarantee of fairness and equality under the law, and offers much-needed solutions."
—**Philip Zimbardo**, author of *The Lucifer Effect*

"It's surprisingly easy to look back at high-profile criminal proceedings and see the flaws, while taking the overall system for granted. Adam Benforado looks across the whole canvas, elucidating through empirical data and scientific research how our own legal structures measure up--or, more accurately, don't--to our values of justice and fairness. Criminal law in the United States is far from perfect, and Benforado's thorough, thought-provoking examination is a welcome step in identifying and preventing institutionalized injustice."
—**Jonathan Zittrain,** George Bemis Professor in Law, Harvard Law School

"In this fascinating book, Adam Benforado sheds new light from just about every angle on our criminal justice system. Practitioners, policy makers and everyday citizens will learn much about a subject that demands greater public debate."
—**Tom Perriello**, former Representative, United States Congress

"Unlike fields such as economics or philosophy, judicial theory and practice has largely ignored relevant findings about the human mind coming out of behavioral neuroscience and social psychology. This timely and important book can help us bring our criminal justice system into the 21st Century."
—**Edward Slingerland**, Co-director of the Centre for the Study of Human Evolution, Cognition and Culture and author of *Trying Not to Try*

"An admirable collection of compelling stories about what is wrong with the criminal justice system."
—*Christian Century*

About the Author
Adam Benforado is an associate professor of law at Drexel University. A graduate of Yale College and Harvard Law School, he served as a federal appellate law clerk and an attorney at Jenner & Block. He has published numerous scholarly articles, and his op-eds and essays have appeared in a variety of publications including the *Washington Post*, the *Philadelphia Inquirer*, and *Legal Times*. He lives in Philadelphia with his wife and daughter.

Users Review

From reader reviews:

Wilma Blue:

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Information is provisions for individuals to get better life, information presently can get by anyone with everywhere. The information can be a expertise or any news even a huge concern. What people must be consider when those information which is from the former life are challenging to be find than now could be taking seriously which one would work to believe or which one the resource are convinced. If you get the unstable resource then you buy it as your main information there will be huge disadvantage for you. All of those possibilities will not happen within you if you take Unfair: The New Science of Criminal Injustice as the daily resource information.

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