

Barak Responds to Durrant and Ward on Evolution and Crime

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Introduction

As a self-confessed integrative criminologist (Barak, 2003a; 1998a) and as an author of two textbooks on criminology (Barak, 2009; 1998b) and one on violence and nonviolence (Barak, 2003b), which have all made reference to evolution and evolutionary theory, evolutionary ecological theory, and evolutionary psychology, I am generally in agreement with Durrant and Ward's argument that "the application of evolutionary theory to human behaviour provides a valuable opportunity for criminologists to broaden their theoretical horizons and more fully consider how evolutionary approaches may contribute to their discipline." I also concur with their reasons as to why criminology should incorporate evolutionary explanations into the discipline as I have specifically done in area discussions on aggression, violence, and antisocial behavior. Similarly, like Durrant and Ward, I too have adopted over the years a pluralistic approach to integration in general, which would include applying evolutionary theory in particular. Hence, in the case of this "critic," we have Durrant and Ward preaching to a member of the same choir.

For me and I do not know about Durrant and Ward, I was not too surprised to discover that among the 13 chapters devoted to "new approaches" in McLaughlin and Newburn (2010) that there were none dealing with either evolutionary theory or evolutionary psychology. However, I was more surprised to learn that there were no applications or indexed references to these topics, especially as I was the author for that volume on the chapter addressing integrated criminology. In fact, I double-

checked my own contribution. To my chagrin, while I had included several areas or examples of integrated approaches to criminological theory and knowledge, I was indeed guilty of omitting any reference to evolutionary theories or evolutionary psychology on this occasion. I think, in part, this reflects upon and reinforces Durrant and Ward's argument about the material absence or substantive dearth of criminological explanations with any kind of evolutionary lens or perspective.

I also think that this reflects, in part, the parochial focuses of the discipline over the past century. That is to say, despite the field's alleged interdisciplinary pedigree, the legacy or nature of modern criminology, at its best, has never been more than a multidisciplinary endeavor. I would further argue that the omissions from evolution theory or evolutionary psychology are symptomatic of the sociological and positivistic biases of criminological theory building. Accordingly, when doing integrated criminology I consciously try to avoid (mostly, but not always) these biases because I believe that each inhibits what I regard as some of the "best" kinds of integrated models (see Chapter 11 in Barak, 2009). For a couple of integrated models that implicitly, if not, explicitly incorporate "evolutionary perspectives," I would refer readers to "White Supremacist Behavior: Toward an integrated Social Psychological Model" by Michael Arena and Bruce Arrigo (2000) and to a more contentious integration by Shlomo Shoham (2005) on mythogenes and myths.

In the latter model, as a means of explaining or theorizing about the micro-worlds of interpersonal violence and individual delinquency or the macro-worlds of collective violence and state genocide, Shoham integrates the projected myths of groups and the projected mythogenes of individuals. His model is steeped in a diversity of criminological strands that incorporate theories from the areas of cognitive psychology and psychoanalysis, labeling and stigma, bonding and identification, and conflict and culture. Specifically, in both the events of delinquency and genocide Shoham captures the common linkages between theories of differential

association, identification, and opportunity structures and the processes of social stigma involved in individual/group delinquency and gang behavior up through the ultimate crime of annihilation of one tribe, society, or nation by another.

Evolutionary Behavioural Science

In their succinct breakdown and overview of evolutionary behavioural science, again, I find myself in agreement with Durrant and Ward. I also think that the three main assumptions underscored by Durrant and Ward is defensible and I appreciate the connections drawn between these, the Neo-Darwinian synthesis, and the expanding theoretical developments in the scope of evolutionary processes. Finally, I could not agree more with their argument that it is not about whether evolutionary theory is relevant to understanding human behavior, but rather, it is about developing an understanding of the place or role (or application) of this theory within the social and behavioral sciences.

In short, the omission of evolutionary theory and its role in human behavior is not unlike the omission of biology and its role in sexual, social, and criminal behavior. In other words, these kinds of interactive denials of behavioral realities or misunderstandings of the relevance of evolutionary psychology, for example, in criminological as well as non-criminological explanations of behavior make no sense in general and even less sense from anthropological perspectives in particular. Perhaps my strongest concurrence with Durrant and Ward emanates from their conclusion that a "laundry list of standard criticisms" on the scientific value of applying evolutionary explanations of human behavior to crime or antisocial behavior generates "more light than heat."

Evolutionary Behavioral Science and Criminological Theory

Here again, I like Durrant and Ward's application and modification of Tinbergen's typology of biological accounting for specific characteristics of organisms, with their emphasis on the greater importance of social and cultural processes in explaining human behavior. As for the multitude of diverse ways of doing integration, I too have been an advocate of vertical integration as an especially useful means because of its non-generalizing and complementary nature. As Durrant and Ward contend: "evolutionary approaches in criminology" should "complement and enrich non-evolutionary explanations rather than replace them."

In this vein, utilizing three of the mainstream theoretical perspectives in criminology—strain, control, and learning/development—to demonstrate or reveal the complementary nature of evolutionary and non-evolutionary explanations to criminal and antisocial behavior is quite effective. And, I suspect that with the usual exception of those critics with the standard litany of criticisms against the application of evolutionary explanations, most readers will find Durrant and Ward's discussions both convincing and valuable. Again, I would certainly count myself among those readers. As a dialectician, I particularly like the way the authors use evolutionary analysis to propose a reduction in the tension or a reconciliation between those explanations of criminal offending that rely on strain theories and those that rely on control theories.

Applying Evolutionary Behavioural Science

Although I think Durrant and Ward have done an admirable job in succinctly (only 1555 words) making the case for applying evolutionary behavioural science to punishment, I think that there is more to it than "simply" gene-culture co-evolution of universal motivation and cultural selectivity, concepts that I also employ (Barak, 2009; 2003b). At the same time, I am generally comfortable with ideas of "altruistic

punishment," "moralistic punishment," and "strong reciprocity." I am also quite comfortable with the evolutionary ideas of "ultrasociality." However, I am less comfortable with Elias' popular conception of a "civilizing process" as I also believe this process had as much to do with Hobbes' Leviathan and the state's monopoly over the use of force. Moreover, what is missing from this evolutionary discussion of punishment is a dialectical appreciation for the interacting social relations of adversarialism and mutualism. The idea that humans are fundamentally ambivalent toward people or phenomena about which they have strong feelings helps to make sense of seemingly contradictory behavior directed at the same types of normative violations over time and across cultures.

As Gordon Fellman (1998: 52) has observed, "a common meaning of opposition is the warding off of attraction to the other's virtues, accomplishments, wickedness, élan, body. Often in relationships inside and outside of families, a stylized 'picking on' the other can be seen as both a form of intimacy and as disguised adversarialism suggesting unfaced ambivalence." The same can be said of impersonal bullying involving adolescents, tribes, or nation-states. Similarly, in the dialectical compromise between conflicting desires to merge with others and to separate from them, there are forces simultaneously pushing toward and away from punishment. As I have written about violence and nonviolence: "Unconsciously, ambivalence may underlie mutualism as well as adversarialism; each may be premised on combating others. If psychoanalysis is correct that we are all inevitably ambivalent toward parents, others, self, and even life itself, then people can face and enact both positive and negative valences, favor positive or negative valences, or act on some positive and some negative valences" (Barak, 2003b: 281).

Or, in terms of Donald Black's *The Behavior of the Law* (1976); his comprehensive explanatory theory of law in action links law or governmental social control (punishment) to stratification, differentiation, social distance, location in the

center/periphery of social life, symbolic culture, organization, and non-legal social control. Moreover, Black's epistemology of pure sociology dispenses not only with human psychology and the focus on the individual as the unit of analysis, but also with normative aspirations of jurisprudence. As he argues, equality before the law does not exist. "The reality is legal relativity, not legal universalism: Law varies with its social geometry—its location and direction in social space" (Black, 1976/2010: 180). Such a theory, Black acknowledges in a recent interview, "completely flies in the face of the conceptions of law and justice found among lawyers, judges, legal scholars and members of the general public" (Ibid.). And, among those conceptions favored by most criminologists as well.

Like law, punishment also varies with its social geometry and does not conform to the ideals or ideologies of conventional jurisprudence. For example, in my most recent integrated endeavors involving Wall Street looting and federal regulatory colluding, I have developed two integrated models, one on "organizational fraud" and the other on "institutional fraud." At their respective levels of analysis, each of these models integrates the behaviors and interests of the offenders and the behaviors and interests of the regulators with the behaviors and interests of financial capitalism. I have then taken these vertical integrations and blended them with Black's theory of the law to explain, among other things, why Wall Street banks and other financial firms were able to get away with their systemic violations of securities laws without a single offender ever being legally prosecuted for these crimes, let alone, criminally sanctioned or punished for them (Barak, 2012).

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