Punishment, Public Policy, and Prevention

INTRODUCTION

Crime is responsible for a significant amount of human suffering in society. The lives of victims and their families can be adversely affected—often in profound ways. Crime can erode social trust in community and lead to fear among residents. Crime is expensive for police and even more expensive to prosecute and contain. Perpetrators, too, suffer from the effects of their offending as their lives are altered, often permanently, and typically for the worse. In this book, we have made the case that an evolutionary approach is invaluable for advancing our understanding of why crime occurs and what accounts for the main patterns in offending that we observe. Criminology is, however, best conceived of as an applied social science. Thus, it is essential that we employ our best theories of crime to develop interventions that can best reduce the amount of harm caused by crime and by the way that we respond to crime. In the next two chapters, we tease out the implications of an evolutionary approach for punishment, prevention, and public policy (this chapter), and the rehabilitation and reintegration of offenders (Chapter 11).

We begin by considering some important conceptual issues that arise in applying evolutionary criminology to the effective management of crime. We focus first on how an evolutionary approach can contribute to social and situational crime prevention efforts. Drawing from the material presented in Chapter 5, we then consider what an evolutionary perspective has to offer in terms of understanding how we should punish offenders and what potential opportunities there are for restorative justice initiatives. We conclude this chapter by considering the wider public policy implications of an evolutionary approach to crime prevention. In the next chapter, we explore in depth the way that an evolutionary approach can contribute to the effective rehabilitation and reintegration of offenders. Preventing crime (and the harms caused by crime) is no straightforward
task and an evolutionary perspective offers no magical solutions. However, armed with a conceptually richer account of why individuals offend, why we punish, and what accounts for variation in offending (and punishment), provides us with an opportunity to help guide the development of effective strategies for managing crime.

**APPLIED EVOLUTIONARY CRIMINOLOGY**

Advocates of the “paleo diet” suggest that we can employ our understanding of what our ancestors ate to guide us in our nutritional choices in contemporary modern environments. The underlying argument is straightforward: If our body evolved to process certain kinds of food sources, then this is the diet that is likely to provide us with the best opportunity to live a healthy life. Not all evolutionary scholars are so sanguine about the merits of the paleo diet (e.g., Zuk, 2014), and we are personally less than enthusiastic about the joys of consuming bone marrow, a likely importance source of protein for Pleistocene hominins. More generally, there are both merits and potential pitfalls in employing our understanding of human evolution to guide practical choices in the modern world. As advocates of “evolutionary medicine” have argued, understanding our evolutionary history can prove invaluable in enriching our knowledge of health and disease (Gluckman, Beedle, & Hanson, 2009; Nesse & Stearns, 2008). However, we need to be aware of the fact that evolution “cares” nothing about our overall well-being; selection operates by favoring characteristics that increase inclusive fitness. Blindly following the pathways that evolution has laid down, therefore, may not lead us to optimal outcomes for ourselves or for society. Relatedly, we cannot assume that what has been favored by natural selection is necessarily morally good in the societies in which we inhabit. However, keeping these general caveats in mind, we suggest that—drawing from work in evolutionary medicine—there are four main evolutionary pathways that can help us to understand problem behaviors—in particular those that are related to criminal offending (Durrant, 2013b). These relate to (1) evolutionary adaptations; (2) conditional adaptations; (3) evolutionary mismatch; and (4) cultural evolutionary processes.

The first pathway suggests that problem behaviors can arise as a result of evolved psychological mechanisms operating as they were “designed” to by natural and sexual selection. A significant amount of male–male aggression, for instance, reflects selection for intrasexual competition among males because success in such contexts advances reproductive success (see Chapter 6 for details). Male–male violence, from this perspective, is something that—although socially undesirable—reflects the operation of evolved adaptations working as they were designed to. Problem
behaviors can also arise through the operation of conditional adaptations operating as they were designed to by natural and sexual selection in response to specific social and ecological environments. For example, in Chapter 7, we argued that many life course–persistent offenders can be conceptualized as pursuing fast life history strategies because of their exposure to harsh and/or unpredictable environments during development. The third pathway highlights that sometimes problem behaviors arise, or are exacerbated, because of a mismatch between evolved mechanisms and features of the current environment. For instance, the widespread availability of alcohol and other drugs was almost certainly not a feature of our ancestral environments but because drugs act on evolved motivational and emotional systems, many individuals pursue the use of drugs with detrimental effects for their health and for society (Durrant, Adamson, Todd, & Sellman, 2009). Some drugs—in particular alcohol—play an important role in violence in contemporary societies through their psychopharmacological properties (see Giancola, 2013) that, in combination with drinking environments that often involve large number of similar aged young individuals, promote intrasexual competition while reducing self-regulatory capacities (Durrant, 2013b). Finally, we need to recognize that problem behaviors can arise, or be exacerbated, through cultural evolutionary processes. As discussed in Chapter 9, it is likely that cultural values, norms, and practices regarding violence can undergo dramatic shifts over time suggesting a key role for cultural evolution in understanding (and potentially, reducing) the incidence of certain types of offense.

Before we begin considering specific approaches for preventing crime, we think it is useful to recognize three key general points regarding an evolutionary approach to reducing problems behaviors. First, where possible, programs and policies should work with, rather than against “human nature.” Even if we recognize that humans are enormously flexible in their behavioral repertoires, there are likely to be certain practices, policies, and social arrangements that work too crudely against the grain of evolved predispositions and proclivities and hence are likely to be ineffective. Arguably, for example, the large-scale failure of communism as implemented in the Soviet Union under Stalin and in China under Mao reflects (in part) that forced collectivization and the related appropriation of primary production by the state offered no incentives for individuals to adopt effective agricultural practices. A second, related point, is that it can often be possible to effect “workarounds” that act on the same evolved motivations that lead to problem behavior but, instead, channel the behavior along more societally desirable paths. For instance, bullying typically reflects underlying motivations to achieve and obtain social status through dominance. Programs for bullying are unlikely to be effective by simply enforcing “zero tolerance,” but are more likely to lead to lasting change by creating alternative, prosocial pathways to obtain social status
(Tybur & Griskevicius, 2013). Finally, it is absolutely essential to recognize that humans are prosocial animals who are geared to learning, adhering to, and enforcing social and cultural norms. There is, therefore, enormous scope to alter ecological and cultural environments in ways that enhance prosocial and cooperative behavior to the benefit of all (Biglan & Cody, 2013; Biglan & Embry, 2013). Evolutionary approaches are increasingly being pressed into service in order to provide guidance to changing problem behaviors and to inform policy decisions (see Biglan & Cody, 2013; Biglan & Embry, 2013; Tybur & Griskevicius, 2013; Wilson & Gowdy, 2013; Wilson, Hayes, Biglan, & Embry, 2014). We think that there is significant scope to use these ideas to address the problems that arise from crime in society.

SOCIAL AND SITUATIONAL CRIME PREVENTION

A widely employed taxonomy in the crime prevention literature draws a distinction between social and situational crime prevention. Social crime prevention typically targets more distal causes of crime such as those that relate to individual characteristics, and the school, family, and community environment. In short, social crime prevention initiatives aim to change individuals and social environments in ways that can lead to reductions in offending. Situational crime prevention, in contrast, targets the more proximate causes of crime with a focus on how specific features of the physical and social environment can lead to reductions in criminal behavior.

Situational Crime Prevention

Police officers can’t help but think they have a magical effect on the flow of traffic—all they have to do is to enter a stream of vehicles in a marked patrol car and the cars around them immediately slow down and become more cautious. There is of course no magic involved: human behavior is enormously flexible and will change in predictable ways to different features of the situation as they emerge. Altering the nature of situations, then, is a viable strategy for reducing criminal behavior. Clarke (2008) suggests that there are five key situational crime prevention strategies: (1) increase the effort of offending; (2) reduce the rewards of offending; (3) increase the risk of offending; (4) reduce provocation; and (5) remove excuses. There is now a reasonably extensive literature on the effectiveness of situational crime prevention efforts (see Clarke, 2008; Eck, 2002; Welsh & Farrington, 2006), and our aim in this section is to explore how various strategies might be effective from the evolutionary point of view that we have developed in this book.
The first two of these strategies—increasing the effort and reducing the rewards of offending—are fairly straightforwardly explicable from both a rational choice and evolutionary perspective. If, as we have suggested, a good deal of offending is related to the pursuit (either directly or indirectly) of social status, then changing the reward structure of the environment will alter the relative value of criminal actions as a means to increase social standing. “Target hardening”—better locks, bars, screens, security measures and so forth—simply means that offenders find it harder to obtain the rewards of offending (both in the tangible sense of material objects and in terms of the social status that these bring) and therefore must pursue alternative channels to realize their underlying goals. Although Farrell, Tilley, and Tseloni (2014) have plausibly argued that changes in security measures have been instrumental in the decline in both property and violent offending, from an evolutionary perspective, it is relatively easier to foreclose opportunities for theft, burglary, and robbery than it is for interpersonal violence crimes. More generally, the efficacy of strategies to increase the effort and reduce the rewards of offending will be directly related to the importance (in evolutionary terms) of the specific criminal activities in realizing evolutionarily relevant goals.

Efforts to increase the risk of offending such as the implementation of closed-circuit television, improved street lighting, and better opportunities for natural surveillance have been shown to be effective in reducing certain types of offending (e.g., Welsh & Farrington, 2006). Strategies to remove excuses for offending such as instructions, signs, notices, and techniques for altering the conscience of individuals have been less rigorously evaluated. However, we suggest that both of these situational crime prevention strategies can be effective for largely the same reasons: they provide ecological contexts that enhance prosocial behavior by reinforcing social and moral norms and alerting individuals to the risk of punishment. As we argued in Chapter 5, humans’ cooperation is maintained through a combination of internalized social and moral norms and the negative emotional states that violation of these norms instigate (first-party punishment), and the threat of informal (second-party punishment) and formal (third-party punishment) sanctions that might range from social disapproval to a criminal conviction. Any change in the ecological context that leads individuals to believe that they are, or might be, under surveillance from others is likely to enhance prosocial behavior. Consistent with this idea and more formal evaluations of the effect of closed-circuit television and better street lighting on crime, are a number of experimental studies that indicate that prosocial behavior is enhanced when individuals believe that they are being watched (e.g., Zhong, Bohns, & Gino, 2010). Even the presence of subtle cues, such as the presence of “eye-like” stimuli that suggest that people are being monitored, can substantially increase prosocial and cooperative behavior.
From an evolutionary perspective, this suggests that efforts to improve the actual or perceived belief that individuals are being watched are likely to be effective tools in reducing certain types of crime. From a rational choice perspective, it could be argued that this effect occurs simply because the risks of offending in terms of formal punishment are enhanced, but from an evolutionary point of view the broader implications of this research suggest that the creation of environments that enhance prosocial and cooperative behavior involves “working with” our evolved predispositions to be concerned with the negative social evaluation of others and to adhere to social and moral norms.

Several situational crime prevention strategies aim to change social and physical environments to reduce provocation. Examples include the separation of rival sporting fans, the neutralization of peer pressure, and various approaches to regulating the availability of alcohol and public environments where it is consumed. Consider strategies to reduce alcohol-related violence. Graham and Homel (2008) suggest that various situational changes such as a reduction in crowding, the cutting of waiting times to enter bars, improved lighting, the control of temperature and noise, and the effective enforcement of rules can all help to reduce the situational triggers for violence in public drinking environments (also see Forsyth, 2013). From an evolutionary perspective, many drinking environments create the “perfect storm” for the occurrence of intrasexual violence: there are large numbers of young men (and women) in public spaces where apparently minor threats to status (jostles, bumps, eye contact) are likely (and by virtue of alcohol’s psychopharmacological effect are likely to be attended to; see Giancola, 2013), and where there may be local norms that make violence in such situations either acceptable or even obligatory. Creating barroom environments where the risk of threats to social status are reduced (e.g., less crowding), and where local norms regarding appropriate behavior are clearly set and enforced (e.g., by having bar staff intervene in fights before they escalate) will discourage antisocial behavior and allow individuals to “save face” if threats to status do occur (Durrant, 2013b; Graham & Homel, 2008).

Social Crime Prevention

There are a large number of different social crime prevention programs that have been developed and are subject to formal evaluations. Most of these programs focus on addressing the known risk factors for offending and there is a good deal of evidence that properly developed and implemented social crime prevention programs can be effective in reducing offending (see Welsh & Farrington, 2007 for a review). From
an evolutionary perspective, the importance of developmental focused social crime prevention initiatives cannot be emphasized enough. If, as we argue in Chapter 7, developmental environments play a key role in shaping offending trajectories—in part because of their impact on the development of life history strategies—then social crime prevention initiatives that target developmental environments afford opportunities for creating ecological contexts that are likely to best lead to more prosocial and cooperative behaviors. Moreover, to effectively address the peak in offending (and other forms of risk-taking) that we see in adolescence, it is crucial to recognize the evolutionary function of this developmental period. In this section, we draw on the excellent recent review of how an evolutionary approach to risky behavior can inform policy and practice by Ellis et al. (2012), who highlight programs and practices that are (1) likely to be ineffective in changing behavior and (2) those that offer the most promise.

Approaches to intervention that largely focus on merely preventing or stopping risky behavior without any consideration of the function of that behavior are not likely to be effective. If, as we argue in Chapter 7, adolescence is a period of heightened risk taking because selection has favored the development of psychological and neurobiological mechanisms to enhance risky behavior and intrasexual competition, then attempts to simply enforce “zero tolerance” (e.g., for bullying), or abstinence only (for sexual behavior) without providing environments that offer alternative routes for realizing evolved goals are likely to ineffective. Similarly, educational approaches that mainly aim to increase adolescents’ knowledge of the harms of risk behavior (e.g., many drug-education programs) are not likely to result in changes to behavior even if they increase an awareness of the harm involved. Indeed, by making the harm of certain behavior more salient, such programs may actually increase the behaviors they are trying to reduce because it is the potentially costly nature of the behaviors that is one of their major draw cards for youth. The crucial point, as Ellis et al. (2012) emphasize, is that attempts to reduce risky and harmful behavior have to recognize the evolved functions of those behaviors (see also Tybur & Griskevicius, 2013).

Given our understanding of the evolved function of adolescence and the role of risky and antisocial behavior in meeting evolved motivations and preferences, what kind of programs are most likely to gain traction with youth? A crucial insight is to recognize that although aggressive and risky behaviors function to advance social status, and hence reproductive success, they are not the only routes to status in humans. As we argued in Chapter 6, the dominance/prestige model of social status suggests that for humans there are several distinct, non-mutually exclusive routes to obtaining high social status. An alternative route involves the display of prosocial, altruistic, and cooperative behavior and the development of
valued skills, resources, and abilities that confer *prestige* on individuals. Creating ecological environments that facilitate these alternate routes could therefore be a highly promising alternate route to reducing harmful and risky behavior in adolescence (see Biglan & Embry, 2013; Ellis et al., 2012; Tybur & Griskevicius, 2013, for examples).

In Chapter 7, we discussed research and theory that suggests that there are critical inflection points in the human life history that contribute to the development of alternative life history strategies. More specifically, environments that are overly harsh or unpredictable are more likely to entrain the development of fast life history traits which increase the risk for antisocial and criminal behavior. The implication of this literature for social crime prevention efforts is relatively straightforward, as clearly summarized by Ellis et al. (2012, p. 609):

> From an evolutionary perspective, fast LH strategies...constitute reliable development responses to environmental cues indicating that life is short and future outcomes cannot be controlled or predicted. Because these are powerful evolved responses that promoted lineage survival during our natural selective history, Band-Aid interventions (e.g., sex education, birth control, promoting self-esteem, training coping skills, teaching problems solving strategies) are unlikely to effect change at a foundation level...Prevention and treatment programs instead need to address *causative environmental conditions*. (Italics added.)

We think that the key contribution of an evolutionary approach is to helping us to go beyond our understanding of the developmental risk factors for offending to identify the key causal processes that are most likely to be implicated.

From an evolutionary perspective, many extant social crime prevention programs do a reasonably good job at addressing some of these important causal processes and have been shown to be effective in reducing offending (see Olds, Sandler, & Kitzman, 2007; Sutton, Cherney, & White, 2008). Home visitation programs, for example, that provide information about proper prenatal and antenatal care, parenting practices, and health care create less harsh (and, potentially, more predictable) intrauterine and early childhood environments that, in turn, can promote the development of slower life history strategies. Similarly, parent education and preschool enrichment programs that have targeted disadvantaged families may exert their positive effects largely through an amelioration of the harshness of local environments. In short, programs that create environments that are less dangerous and more predictable are likely to entrain the development of slow life history strategies. As our knowledge of the key environmental cues that shape life history strategies and the most important developmental inflexion points advance, there is scope for the development of programs that better target the key causal processes that are implicated.
PUNISHMENT AND RESTORATIVE JUSTICE

Punishment

In his autobiographical account of prison life, Jack Henry Abbott (1981) vividly describes his experiences of life as a prisoner in the United States during the 1960s and 1970s. The book is an uncomfortable read as Abbott recounts his experiences of starvation, violence, forced medication, and solitary confinement. Prisons in most Western countries are not quite as appalling as those described by Abbott, but there is no doubt that imprisonment and other forms of punishment exact significant levels of harm. For offenders, there is often the deprivation of liberty, autonomy, and security. Prisoners are exposed to high rates of physical and sexual violence, experience a high incidence of mental disorders, and have a substantially elevated risk for self-harm, including suicide (Haney, 2003; Irwin & Owen, 2005; Liebling, 2007). Imprisonment and other forms of punishment also have a largely negative, collateral effect on family members and the wider community (Murray, 2005; Murray & Farrington, 2005). Finally, the cost of enforcing punishment in society—especially the maintenance of a prison system—is enormous in financial terms. Given the manifest costs of punishment, perhaps we would be better off without it, or at least we could eliminate the use of imprisonment as a means to punish offenders. Both of these viewpoints have their advocates. For example, Boonin (2008) argues that the harms of punishment simply cannot be justified and therefore it should be abolished, whereas a number of scholars have advocated for the abolition of prison as a form of punishment.

Like most liberal-minded academic social scientists, we have a good deal of sympathy for these views. However, an evolutionary perspective suggests that the existence of punishment is essential for the viable functioning of any society—small or large. Without the existence of the third-party punishment of individuals who violate important social and moral norms, there will almost certainly be a substantial reduction in cooperation and an increase in unsanctioned punishment. The reasons for this are outlined in Chapter 5: humans are strongly motivated to punish those individuals who transgress against social norms and this motivation is associated with powerful emotional responses of anger, disgust, and contempt. We are not simply suggesting here that we should punish norm transgressions because that is how we have evolved to respond to such transgressions. Rather, any attempt to abolish punishment is likely to have unintended negative consequences given our evolved predispositions and the evolutionary function of punishment. However, although an evolutionary perspective suggests that punishment is an essential feature of society, what is less clear is just what acts are worthy of punishment by the state and how these acts should be punished.
Research supports the idea that for a core set of offenses that involve the intentional infliction of harm on others there is a good deal of agreement in terms of what should be punished and the relative magnitude of punishment that these acts deserve. As Hoffman (2014) argues, we appear to be sensitive both to the magnitude of the harm that a given act causes and the extent to which the act was deliberate or intentional. Therefore, we punish those acts most severely that involve high levels of harm and that arise from clear intentions to inflict high levels of harm. Acts that involve negligible levels of harm are less likely to invoke punishment responses; and acts that may involve harm, but are not intentional, tend to be viewed as somewhat blameworthy. These distinctions, of course, are largely captured in legal definitions around, for example, homicide. Many acts, however, do not appear to involve any significant amounts of harm—for example, adultery and same-sex sexual relations—and yet have been subject to severe penalties in certain places and at certain times. In many Western countries, drug use (especially the use of cannabis) has become the focus of sustained debate about the appropriateness of state-inflicted punishment. Can an evolutionary approach provide guidance as to whether these acts should or should not be subject to punishment by the state? The short answer is, no: it is not possible—or desirable—to derive what is morally appropriate from our understanding of evolutionary processes (see our discussion in Chapter 3). However, an evolutionary perspective can help us to understand why it is that such a diverse array of—apparently nonharmful—acts may be subject to punishment in particular places and times. Haidt’s (2012) moral foundation theory provides some useful guidance here as many of the acts that we criminalize are based on our moral intuitions about what is right and wrong and although those intuitions have an innate basis they are strongly shaped by cultural environments. The solution is not necessarily to accept that different people’s vision of morality is equally justified or viable, but rather to recognize the evolutionary source of their moral beliefs and to employ our capacity for reasoned debate to reach points of common ground (Haidt, 2012).

Much of the debate around punishment in Western society is concerned less with whether we should punish, or even what acts we should punish, but more with the quantum of punishment that is perceived to be appropriate. There is now an extensive amount of literature that largely argues that many Western, especially Anglophone, countries are overly punitive in their responses to crime. For example, a recent book by Pratt and Eriksson (2012) was subtitled “an explanation of Anglophone excess and Nordic exceptionalism,” and many scholars have subjected the precipitous rise in the incarceration of offenders in the United States since the 1970s to sustained criticism (e.g., Gottschalk, 2006). Again, an evolutionary approach cannot provide explicit guidance about how much (and through what means) specific acts should be punished. However, we think that the literature
discussed in Chapter 5 is largely consistent with the view that humans intuitively believe that the quantum of punishment should fit the moral wrongfulness of a given act in terms of its harm and the intent of the transgressor. The ratchet of punitiveness tends to move in one direction (toward greater rather than lesser punitiveness) because people respond emotionally to serious offenses (which are the ones that they are most often exposed to in the media and through other channels) and thus have a tendency to demand more severe penalties for those acts (Hoffman, 2014). As work on public opinion suggests, however, when given an opportunity to respond in a more nuanced fashion with a richer amount of information about specific crimes, the public are rather less punitive and suggest punishments that are more in line (or even more lenient) than those that are actually employed (Roberts & Hough, 2005). In short, although the cognitive and emotional systems that underlie our motivation to punish are probably evolutionary adaptations, they can result in a diverse array of responses depending on the specific features of the wider cultural and ecological context.

Restorative Justice

Psychological and behavioral adaptations and cultural practices have evolved in tandem in response to the violation of significant moral norms. One result of this dynamic, evolving interaction of biology and human nature has been a suite of normative systems and institutions specifically designed to prevent, and if necessary, manage serious wrong doing (i.e., crime). The ability to empathize with victims, to feel anger when others or oneself have been unfairly harmed in some way, to punish or to seek revenge on aggressors, and to forgive wrong doers can be viewed as adaptations. There is extensive research evidence that human beings are naturally predisposed to punish norm violators in order to deter them from inflicting what is perceived as unjustified harm on other people (see Chapter 5)—harm, that if unchecked, is likely to damage social cooperation and social networks, with a consequent devastating impact on the survival chances of the group, and individual fitness. Alongside the inclination to punish or seek revenge against aggressors, individuals sometimes choose not to engage in “payback” and instead attempt to preserve what they see as valuable relationships; they may forgive the person who has harmed them. McCullough, Kurzban, and Tabak (2013, p. 2) have recently proposed an evolutionary model that attempts to map the cognitive and behavioral mechanisms that generate revenge and forgiveness responses. They state

...that revenge and forgiveness result from psychological adaptations that became species-typical because of their ancestral efficacy in solving recurrent social problems that humans encountered during evolution (Williams, 1966). Revenge and
forgiveness, we argue, have complementary biological functions: We posit that mechanisms for revenge are designed to deter harms, and that forgiveness mechanisms are designed to solve problems related to the preservation of valuable relationships despite the prior impositions of harm.

A problem with groups or individuals seeking revenge without the mediation of an impartial agency is that it can lead to a seemingly endless cycle of harmful actions and counter actions that destabilize social networks. McCullough et al. (2013) argue that social groups (and later societies) build on human beings' natural predispositions to punish and to forgive, to construct formal dispute procedures, and ultimately, normative systems designed to address serious wrongful actions in more adaptive ways. An example of a biological adaptation that has evolved to deter aggressors is the capacity to inflict punishment and its subsequent cultural development into a formal criminal justice system. The proto-institutional and formal institution of punishment capitalizes on the cognitive and emotional components of a *natural inclination* to punish such as perceptions of unfairness, anger, desire for revenge, and the ability to forgive.

Punishment can be defined loosely as the intentional infliction of sanctions by the state on individuals who have unjustifiably harmed other people (Boonin, 2008). There are numerous normative justifications of punishment evident in the contemporary literature including retributivism (i.e., *backward* looking—inflict justified harm for harm done) consequentialism (i.e., *forward* looking—inflict justified harm to prevent future harm), and communicative (i.e., inflict justified harm to *restore* community relationships). Communicative theory has the ability to incorporate retributive and consequential elements, and is a natural conceptual partner of restorative justice, a community-oriented response to crime and punishment (see the following section). Duff (2001, p. 106) argues that there are three aims integral to the institution of punishment from a communicative viewpoint: secular repentance, reform, and reconciliation through the imposition of sanctions. More specifically, he argues that punishment is:

>a burden imposed on an offender for his crime, through which, it is hoped, he will come to repent his crime, to begin to reform himself, and thus reconcile himself with those he has wronged.

The focus of the communicative justification of punishment on the well-being of a community means that relationships between moral stakeholders are of critical importance and the role of individual entitlements and duties (although important) assumes lesser importance. It is a collectivist approach to resolving disputes between people and in arriving at solutions to ethical problems such as crime. Although restorative justice is a response to crime that asks questions such as: “How can we repair the damage created by an offense? What steps need to occur to restore
confidence in a community’s norms and to protect victims while holding offenders accountable?” In our view, restorative justice presupposes the validity of a community-oriented or relational ethical theory and meshes well with human beings’ desire to punish and also to forgive; it acknowledges human beings’ interdependence and the origin of morality in small groups of hunters and gatherers (Boehm, 2012).

The process of reconciliation involves forgiveness and the willingness of individuals and the State to look beyond the imposition of punishment (or vengeance) to the moral task of repairing damaged relationships between offenders, victims, and the community. According to Walker (2006, p. 28), moral repair is “restoring or creating trust and hope in a shared sense of value and responsibility” following the experience of intentional and undeserved harm at the hands of another person or persons. The tasks associated with the repair of damaged relationships include placing responsibility on the offender, acknowledging and addressing the harm suffered by the victim, asserting the authority of the norms violated by the offender and the community’s commitment to them, restoring or creating trust among the victims and the community in the relevant norms, and reestablishing or establishing adequate moral relationships between victims, wrongdoers, and the community. The concept of moral repair is implicit in the central assumptions and principles of restorative justice although it is rarely explicitly discussed in this form (Walker, 2006).

According to Walgrave, restorative justice is “an option for doing justice after the occurrence of an offence that is primarily oriented toward repairing the individual, relational, and social harm caused by that offence” (Walgrave, 2008, p. 21). One of the main reasons why restorative justice has become so prominent in contemporary criminal justice discourse is that it is viewed as a fundamentally different, yet viable, approach to achieving justice. Moreover, it is considered to be an approach to crime that sets out to heal damaged communities rather than simply punishing and sending offenders to prisons or community supervision without further thought (Johnstone & Van Ness, 2007; Morris, 2002). Restorative justice is based on a tripartite set of moral relationships between moral agents. The three kinds of relationships are those between: (1) victims and offenders; (2) offenders and the community; and (3) offenders and practitioners (e.g., therapists, restorative justice conference facilitators).

Zehr and Mika (1998) outline three core principles that underpin restorative justice (RJ) initiatives such as victim–offender conferences, sentencing circles, and circles of support, that resonate with the core ideas in this definition. First, criminal conduct damages both people and their relationships with one another. Such violation harms all of the key stakeholders in crime—victims, offenders, and communities—whose needs therefore ought to be actively addressed through a restorative process.
of some kind. Second, crime results in both obligations and liabilities for offenders. The offender is obliged to take responsibility for the crime and attempt to repair the harm caused. The intention behind holding offenders accountable is to seek reparation rather than to simply punish them, although there is some tension evident between these two conflicting values (see Ward & Salmon, 2009). Additionally, the community is obliged to support both the victim and the offender in dealing with the effects of the crime. Third, the purpose of restorative justice is to facilitate community healing by repairing the harm that results from crime, more specifically, the fractures within relationships between victims, offenders, and the community that inevitably occur following offending. Restorative values such as participation, respect, honesty, humility, interconnectedness, accountability, empowerment, hope, truth, empathy and mutual understanding form the foundation of, and subsequently guide, practice (Zehr & Toews, 2004).

The relation between RJ and offender rehabilitation and desistance is a controversial one with some theorists arguing that RJ practices are likely to facilitate offender reintegration and lower recidivism rates (Morris, 2002), whereas others believe that this is unlikely (Ward, Fox, & Garber, 2014; Ward & Langlands, 2009). In part, this is a dispute concerning the type of normative projects (e.g., punishment vs treatment) associated with RJ and offender rehabilitation as well as reflecting disagreement over the empirical status of RJ interventions (e.g., family group conferences, sentencing circles; Ward et al., 2014). Theorists who support the conceptualization of RJ as a crime-reduction model argue that to the extent that it reduces reoffending it is because the offender acquires empathy (or some related competencies such as theory of mind or psychological altruism) in the process and loses the motivation to reoffend. The subsequent shift in attitudes may signal to others that he is ready to make amends for the harm committed and to actively seek social reintegration and reconciliation.

Reflecting on the theoretical underpinnings of RJ, its unique value arguably resides in providing opportunities for offenders and members of the community to repair the harm to relationships caused by crime. And generally in this framework, as Ward and Langlands (2009) point out, rehabilitation, if it occurs, is an added bonus rather than a central aim. Additionally, the main contribution to rehabilitation for high-risk offenders is likely to be via increased motivation to make amends for the harm inflicted on innocent people. Thus the link with desistance processes is likely to work through the identification of community (ethical and social) norms and an acceptance of their authority for offenders, victims, and members of the community—essentially, moral repair (Walker, 2006). The effects of this acknowledgment, and its translation into improved interpersonal functioning and daily activities, is likely to
be reflected in social acceptance in multiple areas such as employment, relationships, educational opportunities, and so on. In our view, the relation between RJ and desistance is normative in nature; it is characterized by norms (i.e., rules that spell out what constitutes obligatory, permissible, and unacceptable actions and outcomes) that specify who has moral status within a community and what can be reasonably expected from its members in light of these norms. These norms will also indicate what kind of repair work needs to occur when norms prohibiting harm to members of the community are violated. Restorative justice can be usefully seen as a subset of these norms primarily oriented around a response to crime that reflects these core, communitarian values. If RJ encounters create a sense of agency and shift in narrative identity in offenders, this is likely to be the result of the acceptance of responsibility for harms committed and the commitment to making amends through reparation and/or personal change. Restorative practices can reinforce the shared norms that offenders have in common with victims and others; a shared sense of values can have a reintegrative effect on offenders. In their recent article on RJ, desistance from offending, and offender rehabilitation, Ward et al. (2014, pp. 40–41) state that it is

...helpful to view restorative justice as an overarching ethical umbrella (i.e. the focus on moral repair specifies how crime should be responded to and what kinds of responses should be expected from offenders, victims and the community), offender rehabilitation as a means of creating offender capabilities within this umbrella (i.e. offender programmes have a strong value base that is strongly constrained by the concept of moral repair—and RJ—which is evident in the construction of positive, mutually respectful, pro-social intervention programmes), and desistance processes as ways of cementing initial behavioural and psychological changes into fulfilling and sustainable lifestyles (i.e. rehabilitation programmes are scaffolds that assist the process of re-entry and reintegration....The three conceptual frameworks represent distinct, although linked, levels of analysis: RJ represents the ethical normative, rehabilitation is prudential normative (or capability building), and desistance embodies the social normative level).

The dynamic, interactive conception of agency outlined in Chapter 8 has its conceptual foundation in gene–culture coevolution theory and is consistent with RJ, desistance, and rehabilitation practices. A narrative shift in identity from that of an offender to someone who is “making good” is created by the realignment of personal and social values with contexts that facilitate the possibility of individuals changing. Without social and cultural supports, and the opportunities to engage in meaningful social roles and practices, desistance from offending is almost impossible (Laws & Ward, 2011; Maruna, 2001; Ward & Maruna, 2007). Restorative justice with its roots in natural predispositions to seek revenge, social connectedness, and the willingness to forgive those who have unjustifiably harmed others, can increase the chances of these facilitative processes occurring.
WIDER POLICY IMPLICATIONS

We will conclude our discussion of the role of evolutionary approaches in the development of effective crime prevention efforts by briefly considering some wider implications for public policy. Our discussion will focus here on how changes in individual behavior might be achieved by altering or influencing macro-level social-structural and cultural variables and processes. Inevitably, change at this level is harder to achieve, but an evolutionary perspective that draws on an extended conception of inheritance (genetic, epigenetic, ecological, and cultural) offers some guidance in how we might manage effective change so as to reduce the negative impact of crime and our responses to crime.

Policy efforts to reduce concentrated poverty, decrease income inequality, and facilitate the legitimate, fair, and effective use of law are likely to reap dividends in terms of reductions in crime (along with numerous other social and health related benefits; Wilkinson & Pickett, 2009). We are hardly the first to make this claim, nor does it necessarily require an evolutionary perspective to recognize the benefits that come from such policies. However, an evolutionary approach highlights how poverty and inequality contribute to more antisocial and criminal behavior by narrowing the opportunities for individuals to obtain social status through legitimate means and by heightening, in particular, levels of male–male competition. The human tendency to adhere to locally held social and moral norms, moreover, is likely to be substantially enhanced if the processes and practices that underlie the policing of these norms are fair, transparent, and effective. Translating these aims into effective policy is no easy task, and inevitably they involve sustained political will. However, recognizing the reductions in crime that could arise by reducing poverty, decreasing inequality, and improving the legitimate and effective rule of law is at least a start. It also worth noting that there are multiple routes to realizing these goals that will be more or less viable in different cultural contexts (Wilkinson & Pickett, 2009).

We have emphasized in this book that genetic and cultural evolutionary processes and their interaction need to be understood to satisfactorily explain criminal behavior. We have also highlighted the central role of human agency in directing change. Although it may seem that an evolutionary approach might wed us to a limited array of options for large scale changes in human behavior—perhaps only via directed genetic evolution—a more inclusive understanding of evolutionary processes that incorporate genetic, epigenetic, ecological, and cultural evolutionary processes opens up a much richer array of possibilities. As scholars such as Eisner (2014) and Pinker (2011) have emphasized, the astonishing decline in interpersonal violence in Western countries over the past 500 years can be at least partly (perhaps mainly) attributed to changing cultural values,
norms, beliefs, expectations, and institutions. Because humans are a cultural species whose behavior is strongly influenced by social and moral norms and the ecological contexts in which they are embedded, changes in these norms can effect significant changes in behavior that can be sustained through cultural and ecological inheritance. Sustained efforts to support and facilitate the development of pro-social norms and change norms that support or facilitate antisocial behavior are, therefore, likely to be one essential component of efforts to reduce the harmful effects of crime. Changes in legal practices have an important role to play in this context. For example, by redefining certain acts that were not criminalized as offenses (e.g., marital rape) and decriminalizing certain acts that were subject to criminal sanctions (e.g., same-sex sexual relations), the law can provide signals as to the normative boundaries of human social behavior. In a recent article, Wilson et al. (2014) draw on the expanded notion of inheritance that features in the extended evolutionary synthesis (see Chapter 3) to map out a new science of intentional change that is centered on evolutionary processes (see also Biglan & Cody, 2013; Biglan & Embry, 2013). Inevitably, our efforts to effect change should be guided by what works (i.e., it should be evidence-based), and what is morally acceptable. An evolutionary perspective does not provide all the answers. It does, as Wilson et al. (2014) argue, offer a coherent theoretical framework for integrating the basic and applied sciences in a way that can foster the development of a science of intentional change that has implications for our efforts to reduce offending and the various harms that arise from crime and its management.