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## Comment on Article by Professor Jones

*Robert D. Cooter\**

Professor Jones' article develops a method for the evolutionary analysis of law, connects evolutionary explanations with other kinds of explanations, and criticizes non-biological explanations of child abuse. I will gloss and critique the central arguments. Since this comment is very short, I will try to be clear rather than fair.

Graduate students learn science by doing it. The method of analysis is taught by showing more than explaining. When conducting an experiment or proving a theorem, students learn substance and method simultaneously. Abstract explanations of method belong more to the philosophy of science than to science itself. The same should be true, I believe, for evolutionary biology, including its application to law. Jones' article carefully elaborates the evolutionary method of analysis in social science and law. I will, however, leave a discussion of method to philosophers.

Instead, I turn to the account by Owen Jones of the relationship between evolutionary explanation and other kinds of explanation. According to Jones, evolutionary explanations of behavior relate to other kinds of explanations as ultimate causes relate to proximate causes. To illustrate, the proximate causes of behavior are often the actor's belief and desires. Identifying the desire that motivates behavior explains it proximally. Having identified the actor's motivation, the question remains: "Why did the actor have this desire?" This question can be answered at various levels, such as, "He learned it at school," or "He sublimated a deeper desire that his environment frustrated," or "His cultural group especially admires people with this desire." An evolutionary answer explains why people who possessed this desire survived in competition with people who lacked the desire. Such an explanation is so fundamental that it deserves to be called "ultimate."

Ultimate explanations of child abuse, according to Jones, focus upon the evolutionary and biological motivations for step-parents to abuse step-children. According to data cited by Jones, a step-parents in the home increases the chance of infanticide from 10 to 100 times. The "reproductive access" model and the "discriminative parental solicitude" model correspond to facts about infanticide. Policy makers, however, neglect and distort the prominence of step-parents as child abusers. The response of policy makers to the stark biological facts goes beyond oversight and resembles repression. Policy makers *repress* the facts and misunderstand child abuse because of political ideology. Evolutionary theory, which

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scandalized some religious people in the nineteenth century, seems to scandalize the political left in America today.

Owen Jones thinks that ultimate explanations from evolutionary biology can be combined with proximate explanations from other social sciences and disciplines, thus producing a unified social theory. I hope that he is right. In economics, which is my subject, conventional theorists take "tastes" as given. In other words, microeconomics does not consider how motives grow and change in people. This fact keeps the subject isolated from developmental psychology and sociology. Evolutionary models provide a theory of endogenous preferences, according to which competition selects among creatures who differ in their motives. The evolutionary approach to endogenous preferences, which emphasizes competition, is congenial to economists. Consequently, evolutionary theory has an important role to play in uniting economics with other social sciences. I have already noted, however, the resistance to evolutionary biology, which is an obstacle to unifying social science, as well as to understanding child abuse. Those of us who use evolutionary theory in our work can take consolation from the past victories of science over prejudice and politics.