

# Research Roundtable

## Law and Evolution

George Mason University School of Law, March 3, 2001

*Report by Todd J. Zywicki*

On Saturday, March 3, 2001, the Gruter Institute in cooperation with the Law and Evolution Program of the George Mason University School of Law presented a one-day Research Roundtable at George Mason University School of Law in Arlington, Virginia. The Research Roundtable provided an opportunity for scholars to present works-in-progress on the application of evolution and the behavioral sciences to topics of politics, economics, and law.

The first session of the day was on "Evolution and Politics" and featured papers by Mark Grady, Dean of the George Mason University School of Law, and Wolfgang Fikentscher, of Munich's Rechts-philosophie und Rechtsinformatik. Dean Grady's paper, "Toward a Science of Liberty," investigated the evolutionary, anthropological, and economic basis of political and legal governance, and the conditions that nurture political liberty. Professor Fikentscher's paper, "Market Anthropology and Its Implications for Global Trade," explored the challenges of protecting the integrity of traditional communities in the face of globalization.

The lunchtime session featured Professor Oliver Goodenough of Vermont Law School, who presented his working paper, "It's All in Your Mind: Cortical Regions Associated with the Sense of Justice and with Legal Rules." Professor Goodenough's paper explores the cognitive processes by which individuals analyze legal rules and the sense of justice. Session 2 featured Todd J. Zywicki of George Mason University and Paul Zak of Claremont Graduate School who presented papers on topics of "Evolution and Economics." Professor Zywicki's paper, "Norms, Evolution, and Cooperation," examined the evolutionary roots of modern law and norms theory, arguing for enriching the theory of law and norms by grounding it in an evolutionary understanding of human behavior. Professor Zak's paper, "Population Genetics and Economic Growth," offers a model of the role that population genetics provides in economic growth.

The final session of the day examined "Evolution and Law," and featured Erin O'Hara of George Mason University School of Law and E. Donald Elliott of Yale Law School. Professor O'Hara, who has subsequently moved to Vanderbilt Law School, presented her working paper "Evolution, Justice, and the Power of Apology," which argues for the role played by apology in human social and evolutionary development. Professor Elliott's paper, "The Tragi-Comedy of the Commons: Evolutionary Biology, Economics, and Environmental Law," builds on the model of ecological parasitism to develop a new framework for environmental policy.

The Research Roundtable presented an exceptional opportunity for scholars who reside on the East Coast to gather together under the auspices of the Gruter Institute. Such gatherings are essential to the continued development of a community of scholars interested in exploring the implications for law of neuroscience and the biological sciences. The formation of the Law and Evolution Program at George Mason University School of Law also evidences the continuing interest of George Mason's faculty in the ideas of law and evolution and the influence of Dean Grady in encouraging such research. The Gruter Institute and the Law & Evolution Program at George Mason Law School are currently making plans to work together to sponsor similar programs in the future.