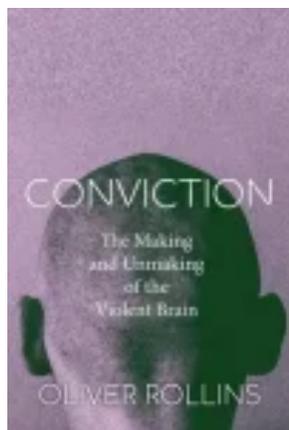


CONVICTION: THE MAKING AND UNMAKING OF THE VIOLENT BRAIN



Author: [Oliver Rollins](#)

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Historical accounts chronicling the emergence of Black criminality in modern America have thoroughly documented the massive contribution of 19th-century science to rationalizing the post-emancipation “Negro problem.”¹ These accounts have notably reported the impactful scholarly effort of eminent academics of the time, including biologists, anthropologists, and human naturalists, to contribute “unbiased” “scientific” data on the “differential” cerebral, psychological, and behavioral traits of the African-American

population, thus further refining the contours of the problem of race and its “objective” manifestations. Such an effort, as is known, eventually provided key empirical support to embedded notions of black people as a dangerous race of criminals, and offered support for discriminatory, criminalizing, and punitive policies that notoriously affected the social, economic, and legal conditions of African-American people in the succeeding decades.

Although two centuries have passed and momentous scientific progress and a rigorous rejection of pseudoscientific theories of race, brain, and crime have occurred, the persistently racialized and unequal administration of criminal justice in America invites—among many other things—a careful reflection over current (neuro)scientific contributions to understanding the sociolegal phenomena of crime and violence, including the (actual or potential) influence of these accounts on shaping the narratives of such phenomena in social and legal arenas. Hence, an issue that opens the Pandora’s box: to what extent does modern neuroscience acknowledge and (can) address structural contingencies such as (in)equality, political culture, and social power? To what extent does (or can) it do so when accounting for crime and violence? In a nutshell, these questions are the ones that Oliver Rollins’s *Conviction: The Making and Unmaking of the Violent Brain* strives to explore.

With sober prose, a meticulous analysis of scientific literature, and interviews with numerous experts in the field, Rollins places modern neuroscientific research on violence under a sociological lens to elucidate the promises and, especially, the pitfalls of the new research program (p. 7) seeking to identify the biosocial underpinnings of violence that may fit in (what Rollins deems as) the violent brain model. To be sure, Rollins's purpose is neither to dismiss the validity of modern neuroscientific studies on the etiology of violence altogether nor to deny some of the potential of current findings. His purpose—more modest and yet more powerful—is to highlight the myopia of the new research program in understanding such a complex and multidimensional phenomenon like violence as an essentialized construct at the crossroads of neurogenetic variables and exposures to very specific, “molecularized” socio-environmental factors, such as parental style, childhood nutrition, and the living environment. By framing violence through such a limited framework, the research program continues to ([un]consciously?) turn a blind eye to more profound structural problematics of violence like institutional failures, racism, and gender dynamics, thereby “obscur[ing] the political and economic conditions that structure the unequal distribution of [adverse socio-environmental] exposures” (p. 94).

Rollins's final product is a sensible and respectful critique of modern neuroscience and its ambition to succeed in proposing a neutral and complete understanding of violence, where the brain is both the question and the solution and broader social contingencies are overlooked altogether. The book spares readers the redundant free will rhetoric attacking the flaws of biological determinism—which is very welcome. Instead, it confronts readers with a paramount limitation of the neuroscience of violence that is far more concrete, timely, and truly worth of consideration in interdisciplinary discussions on neuroscience, law, and society.

Rollins's analysis is articulated in two parts. Part I, *The Making of the Violent Brain*, details the ontological, epistemological, and methodological aspects of the violent brain framework. Here Rollins readily exposes two main issues: the first involves the overlooked imprecision of the clinical definitions of violence across neuroscientific studies, including their overall elusiveness of sociopolitical components; the second issue concerns the “normativity” of the violent brain model, embracing assumptions and conventions about how the violent brain “ought to be” and resulting in slippery categorizations of normalcy and pathology.

Part II, *The Unmaking of the Violent Brain*—more captivating and thought-provoking—directs readers' attention onto neuroscientists' limited consideration of social factors and dynamics to highlight, in essence, that what neuroscientists count as “social” is not enough “social.” To make his case, Rollins (finally) gets to the real core of his argument: the taboo of race (Chapter 5). Hiding behind the progressive logic of “colorblind science,” neuroscientific accounts of violence manifest a tendency to disregard altogether the issues of racialization and racism. As the book showcases, neuroscientists' silence (whether strategic or naïve) on the contribution of systemic racial factors to structuring violence arguably figures as a more or less successful attempt to escape methodological complexities and inconvenient political discussions. Such silencing of race is problematic insofar as it reflects the persistent failure to properly capture the variegated interactions between (different levels of) the social and the biological and, more concerningly, because it risks perpetuating miseducation.

Reading the two parts together, the leitmotiv of Rollins's critique is fairly plain: neuroscientific research on violence, however advanced and vigorously rebutting past deterministic ideas, remains problematically individualistic and pathologizing. Indeed, while charting the impact of certain quantifiable socio-environmental factors on the brain, biosocial accounts of violence still end up turning such external determinants of violence into internal ones (p. 13). In the end, the target of analysis and intervention remains the individual with their brain patterns affected by specific, aversive environmental exposures to the exclusion of broader social forces located in what Urie Bronfenbrenner would call the "macrosystem."² The outcome is a research framework that is both epistemologically and methodologically limited, as it fails to capture the impact of macro social, political, and economic factors on generating and structuring violence at more individual levels. And as long as the locus of inquiries into violence does not shift from the "problems" of the person to institutional and sociopolitical failures, no scientific framework, however technologically advanced, will ever be able to exhaustively understand, address—let alone resolve—the problem of violence in society.

The limitations of the new research program are made all the more concerning given the arguable influence of neuroscience in general, and of the neuroscience of violence in particular, in possibly informing social and, especially, criminal law and justice policy. Amid the increasing attention and enthusiasm that modern neuroscientific theories have obtained within law and justice discussions in recent decades, Rollins's call for (neuro)scientific modesty curbs such generalized optimism by putting forward two warnings for caution: the first is an invitation to refrain from accepting explanations of highly complex, multicausal, and politicized behavioral constructs only in terms of individual and (limited) social variables that fit in quicker and more convenient intuitions. An aspect that is worth mentioning in this regard is the massive presence of the diagnostic categories of psychopathy and antisocial personality disorder (ASPD) in violent brain model accounts. It is a fact that biosocial studies on violence have largely focused on these two populations, and most of what is "known" about violence and the brain comes from this specific set of findings.

However, such findings can hardly be generalized. Foremost, the validity and measurement of psychopathy and ASPD diagnoses, including their links to violence, are still fuzzy and the subject of controversies and empirical disagreement. Moreover, generalizing the links between these diagnoses and violence via the violent brain model risks sending the misleading message that, as a rule, people who perpetrate violence present neurological vulnerabilities that are related to any of these socio-affective disorders. Yet the majority of people who perpetrate violence do not suffer from these (nor any other) disorders. Desperation triggers violence. Discrimination drives violence. Survival needs place people in the condition to resort to violence. In sum, there are a million reasons why people commit violence, so inferring that all such people present neurological patterns that link with two diagnostic categories is all but irrefutable.

The second warning for caution, implicit to Rollins's argumentation, connects the violent brain model to the psychological assumptions about crime embraced by the law and the criminal justice system. Even without making this point, Rollins's book appears to challenge what has been referred to as the "crime master narratives,"³ that is, the narratives that have been dominating the mainstream understandings of crime— especially violent crime—in law and justice frameworks. The "crime master narratives" essentialize crime as the product of mostly intrapsychic forces either in terms of free choice (the "badness" narrative) or pathology (the "madness" narrative), thus requiring individual-based interventions that involve either punishment or treatment. The alternated or combined adoption of such crime master narratives has consistently supported either punitive or treatmentist ideologies and policies over the years, to the detriment of especially people historically kept at the margins.

It is curious to notice that Rollins's book seems to suggest the unintended contribution of the modern neuroscience of violence to eventually reinforcing the crime master narratives despite scientists' efforts to also account for social influences. It is even more curious if one considers that Rollins's book has come out at a time when legal scholarship is retrieving the criticism about the allergies of criminal law and the criminal justice system to considering structural factors in their theories, doctrines, and practices,⁴ pointing to the need of acknowledging state responsibility in the production of crime,⁵ and of identifying avenues for adequately addressing the issues of social, economic, and racial inequality in crime responses.⁶

Of course, we can neither blame the neuroscience of violence for the failures of the law and justice system in conceiving of and addressing violence nor can we expect that this scientific branch should fulfill the complicated task of readjusting the imbalances between different levels of (in)justice. Such an expectation would be as unfair as it is implausible. Nevertheless, and sharing Rollins's concerns, neuroscientists of violence do bear a margin of responsibility in at least acknowledging the complexities surrounding this phenomenon, including the external sociopolitical forces that contribute to its creation and maintenance, and possibly working toward ways to address the mediating role of such forces in the production of violent behaviors. Dismissing this endeavor not only constitutes an act of scientific negligence but also risks turning (again) neuroscience into a tool for further marginalization and inequality, making an ally to a social and justice system that persistently fails the most vulnerable communities.

The term conviction, as Rollins himself explains (p. 8), means firm belief, intuition grounded in preexisting assumptions. Just like a set of intuitions about violence has led neuroscientists to "develop" the violent brain model, certain intuitions about violence have driven the design of certain laws and justice policies to deal with it. In addition to intuition, we should also read the word conviction as condemnation. And as I reflect on the breadth of discourses regarding the possible uses of the neuroscience of violence in courtrooms or in criminal policy, I cannot but re-state the crucial importance, and a most critical task for interdisciplinary scholars, to ensure that appealing neuroscientific explanations of violence will not result in fueling patterns of individual condemnation to hide social and institutional problems – thereby unintentionally resurrecting dangerous ideologies under the guise of scientific advancement. I concluded my reading of Rollins's important book with this self-conscious concern.

References

1. See, e.g., KG Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Harvard University Press, 2010).
2. U Bronfenbrenner, *The Ecology of Human Development* (Harvard University Press, 1979).
3. See C Haney, *Criminality in Context: The Psychological Foundations of the Criminal Justice System* (American Psychological Association, 2020)
4. g., N Lacey, 'Socializing the Subject of Criminal Law? Criminal Responsibility and the Purposes of Criminalization', 99 *Marquette Law Review* 541 (2016); F Coppola, 'Bringing the Social Environment to the Fore of Criminal Law Doctrine: A Proposal for a Situational Generic Partial Excuse' (on file with author).
5. g., M Makinis, 'Recognising State Blame in Sentencing: A Communicative and Relational Framework', 81(2) *The Cambridge Law Journal* 294 (2022)
6. A Ristroph, 'Deserts, Democracy, and Sentencing Reform', 96(4) *Journal of Criminal Law and Criminology* 1293 (2006).

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