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NEUROSCIENCE AND LEGAL RESPONSIBILITY

EDITED BY

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Neuroscience And Legal Responsibility Oxford Series In Neuroscience Law Philosophy

Jay Schulkin



Neuroscience And Legal Responsibility Oxford Series In Neuroscience Law Philosophy:

Neuroscience and Legal Responsibility Nicole A Vincent, 2013-03-07 Adopting a broadly compatibilist approach this volume's authors argue that the behavioral and mind sciences do not threaten the moral foundations of legal responsibility. Rather, these sciences provide fresh insight into human agency and updated criteria as well as powerful diagnostic and intervention tools for assessing and altering minds.

The Routledge International Handbook of Criminal Responsibility Thomas Crofts, Louise Kennefick, Arlie Loughnan, 2024-12-23 Presenting cutting edge research and scholarship this extensive volume covers everything from abstract theorising about the meanings of responsibility and how we blame to analysing criminal law and justice responses and factors that impact individual responsibility. Inviting exchanges across a burgeoning critical scholarship on criminal responsibility this Handbook showcases the diverse range of methodologies applied to the field including socio-political approaches, critical historical methods, criminological and sociological perspectives and interdisciplinary studies bridging law and the mind sciences. Spanning global networks of established and emerging scholars of responsibility for crime this book explores how we relate to one another as human beings under the spotlight of the criminal law. In doing so it is hoped that the collection not only does justice to the vibrant landscape of criminal responsibility studies but inspires new directions and future synergies in this compelling field. The Routledge International Handbook of Criminal Responsibility will appeal to scholars and students of criminal law, criminal justice, criminology, sociology, psychology, neuroscience, philosophy and socio-legal studies as well as practitioners and policymakers working in related fields.

Philosophical Foundations of Neurolaw Martin Roth, 2017-11-30 As neuroscience continues to reveal the biological basis of human thought and behavior what impact will this have on legal theory and practice? The emerging field of neurolaw seeks to address this question but doing so adequately requires confronting difficult philosophical issues surrounding the nature of mind, free will, rationality and responsibility. In *The Philosophical Foundations of Neurolaw* Martin Roth claims that the central philosophical issue facing neurolaw is whether we can reconcile the conception of ourselves as free, rational and responsible agents with the conception of ourselves as complex bio-chemical machines. Roth argues that we can reconcile these conceptions. To show this Roth develops and defends an account of free will that identifies free will with the capacity to respond to rational demands and he argues that this capacity is at the foundation of our thinking about responsibility. Roth also shows how the mind sciences can explain this capacity thus revealing that a purely physical system can have the kind of free will that is relevant to responsible agency. Along the way Roth critiques a number of arguments that purport to show that the kind of reconciliation provided is not possible. Roth concludes that though we should rethink our legal system in important ways both in light of his account of free will and what neuroscience is poised to reveal neuroscience does not threaten the law's core commitment to responsible agency.

Legal Insanity: Explorations in Psychiatry, Law, and Ethics Gerben Meynen, 2016-11-08 This book examines core issues related to legal insanity integrating perspectives from psychiatry

law and ethics Various criteria for insanity are analyzed and recommendations for forensic psychiatric and legal practice are offered Many legal systems have an insanity defense in one form or another Still it remains unclear exactly when and why mental disorders affect a person's moral or criminal responsibility Questions addressed in this book include Why should insanity be a component of our legal system What should be the criteria for an insanity defense What would be the reasons for abolishing it Who should bear the burden of proof Furthermore the book discusses the impact neurosciences may have on psychiatric and psychological evaluations of defendants as well as on legal decisions about insanity

Handbook on Psychopathy and Law Kent A. Kiehl, Walter P. Sinnott-Armstrong, 2013-04-25 Psychopaths constitute less than 1% of the general population but they commit a much larger proportion of crime and violence in society This volume chronicles the latest science of psychopathy various ways that psychopaths challenge the criminal justice system and the major ethical issues arising from this fascinating condition

The Neuroethics of Biomarkers Matthew L. Baum, 2016 Neuroscientists are mining nucleic acids fluids and brain images for biomarkers of risk of brain disorders This book brings clarity to several debates on the neuroethics of biomarkers by arguing for the abandonment of a categorical concept of disorder sick vs well and the adoption of an explicitly probabilistic one

Neurolaw Eugenio Picozza, 2016-09-27 This volume illustrates to the public and legal experts the basic principles of the field of neuroscience that commonly goes under the name of Neurolaw First it illustrates the relationship between neuroscience natural sciences and social sciences Furthermore it highlights numerous problems concerning the fundamental philosophical concepts used by Neurolaw and evaluates the validity of the method and the limits of a neuroscientific approach to the problems of law and justice The volume explores the possibility of application of these concepts on the fundamentals of the general theory of law and legal dogmatics It also examines the main problems of Neurolaw in relation to public private criminal and procedural law In conclusion the book follows a systematic method that makes it an thorough manual for the introduction to Neurolaw

The Future of Punishment Thomas A. Nadelhoffer, 2013-03-01 Scholars are struggling to come to grips with the picture of human agency being pieced together by researchers in the biosciences This volume aims at providing philosophers neuroscientists psychologists and legal theorists with an opportunity to examine the cluster of related issues that will need to be addressed in light of these developments Each of the twelve essays collected here sheds light on an issue essential to the future of punishment and retribution In addition to exploring the sorts of issues traditionally discussed when it comes to free will and punishment the volume also contains several chapters on the relevance or lack thereof of advances in the biosciences to our conceptions of agency and responsibility While some contributors defend the philosophical status quo others advocate no less than a total revaluation of our fundamental beliefs about moral and legal responsibility This volume exposes the reader to cutting edge research on the thorny relationship between traditional theories of agency and responsibility and recent and future scientific advances pertaining to these topics It also provides an introduction to some of the long standing debates in action theory and the

philosophy of law which concern the justification of punishment more generally

The Moral Conflict of Law and Neuroscience Peter A. Alces, 2018-01-24 Law relies on a conception of human agency the idea that humans are capable of making their own choices and are morally responsible for the consequences But what if that is not the case Over the past half century the story of the law has been one of increased acuity concerning the human condition especially the workings of the brain The law already considers select cognitive realities in evaluating questions of agency and responsibility such as age sanity and emotional distress As new neuroscientific research comprehensively calls into question the very idea of free will how should the law respond to this revised understanding Peter A Alces considers where and how the law currently fails to appreciate the neuroscientific revelation that humans may in key ways lack normative free will and therefore moral responsibility The most accessible setting in which to consider the potential impact of neuroscience is criminal law as certain aspects of criminal law already reveal the naiveté of most normative reasoning such as the inconsistent treatment of people with equally disadvantageous cognitive deficits whether congenital or acquired But tort and contract law also assume a flawed conception of human agency and responsibility Alces reveals the internal contradictions of extant legal doctrine and concludes by considering what would be involved in constructing novel legal regimes based on emerging neuroscientific insights

Free Will and the Brain Walter Glannon, 2015-09-18 Neuroscientific evidence has educated us in the ways in which the brain mediates our thought and behavior and therefore forced us to critically examine how we conceive of free will This volume featuring contributions from an international and interdisciplinary group of distinguished researchers and scholars explores how our increasing knowledge of the brain can elucidate the concept of the will and whether or to what extent it is free It also examines how brain science can inform our normative judgments of moral and criminal responsibility for our actions Some chapters point out the different respects in which mental disorders can compromise the will and others show how different forms of neuromodulation can reveal the neural underpinning of the mental capacities associated with the will and can restore or enhance them when they are impaired

The Reception of Positivism in Spain José Franco-Chasán, 2023-11-24 Pedro Dorado Montero was one of Spain's most relevant authors He contributed to modern Criminal law and Penology with a very unique theory the Protective Law for Criminals In a time when neoclassical penal theories and new positivist theories clashed Dorado Montero's proposal served as a bridge between the criminal law conceptions of the 19th and 20th centuries In order to explore his role in the introduction of positivism within Spain and the subsequent success of this trend this book addresses several aspects The first three analyzed are his scholarly career the historical and international context in which he lived and the various European and other international influences he was exposed to On this basis two major points are then discussed Firstly Dorado Montero has been traditionally included within the movement known as *correcionalismo* However his legal philosophical and criminal thought indicates otherwise It seems to lie closer to positivism than to neoclassical positions This research aims at challenging the accuracy of the eclectic label

which traditional historiography has applied to him In turn Dorado Montero described a reality in which every moral value and legal representation was a mere product of mankind s imagination Man is responsible for the elaboration of morals law and culture in his own mind Thus for him there were as many moral and legal orders as there were human beings on the planet Such a claim is polemic even today Unsurprisingly the author received criticism from both neoclassical and positivist schools Thus the existence of a Doradian positivism is explored Despite the growing interest in these topics over the last few decades Dorado Montero has somehow been overlooked even though his *Derecho protector de los criminales* described the criminal law of the future as well one that will have to face the new neurological medical psychological and genetic challenges of our time

Neuroscience and Law Antonio D'Aloia, Maria Chiara Errigo, 2020-06-01 There have been extraordinary developments in the field of neuroscience in recent years sparking a number of discussions within the legal field This book studies the various interactions between neuroscience and the world of law and explores how neuroscientific findings could affect some fundamental legal categories and how the law should be implemented in such cases The book is divided into three main parts Starting with a general overview of the convergence of neuroscience and law the first part outlines the importance of their continuous interaction the challenges that neuroscience poses for the concepts of free will and responsibility and the peculiar characteristics of a new cognitive liberty In turn the second part addresses the phenomenon of cognitive and moral enhancement as well as the uses of neurotechnology and their impacts on health self determination and the concept of being human The third and last part investigates the use of neuroscientific findings in both criminal and civil cases and seeks to determine whether they can provide valuable evidence and facilitate the assessment of personal responsibility helping to resolve cases The book is the result of an interdisciplinary dialogue involving jurists philosophers neuroscientists forensic medicine specialists and scholars in the humanities further it is intended for a broad readership interested in understanding the impacts of scientific and technological developments on people s lives and on our social systems

Neurolaw: The Call for Adjusting Theory Based on Scientific Results José M. Muñoz, Eric García-López, Elena Rusconi, 2020-12-10 This eBook is a collection of articles from a Frontiers Research Topic Frontiers Research Topics are very popular trademarks of the Frontiers Journals Series they are collections of at least ten articles all centered on a particular subject With their unique mix of varied contributions from Original Research to Review Articles Frontiers Research Topics unify the most influential researchers the latest key findings and historical advances in a hot research area Find out more on how to host your own Frontiers Research Topic or contribute to one as an author by contacting the Frontiers Editorial Office frontiersin.org/about/contact

A Theory of Legal Punishment Matthew Altman, 2021-05-05 This book argues for a mixed theory of legal punishment that treats both crime reduction and retribution as important aims of the state A central question in the philosophy of law is why the state s punishment of its own citizens is justified Traditionally two theories of punishment have dominated the field consequentialism and retributivism According to

consequentialism punishment is justified when it maximizes positive outcomes According to retributivism criminals should be punished because they deserve it This book recognizes the strength of both positions According to the two tiered model the institution of punishment and statutory penalties as set by the legislature are justified based on their costs and benefits in terms of deterrence and rehabilitation The law exists to preserve the public order Criminal courts by contrast determine who is punished and how much based on what offenders deserve The courts express the community's collective sense of resentment at being wronged This book supports the two tiered model by showing that it accords with our moral intuitions commonly held compatibilist theories of freedom and assumptions about how the extent of our knowledge affects our obligations It engages classic and contemporary work in the philosophy of law and explains the theory's advantages over competing approaches from retributivists and other mixed theorists The book also defends consequentialism against a longstanding objection that the social sciences give us little guidance regarding which policies to adopt Drawing on recent criminological research the two tiered model can help us to address some of our most pressing social issues including the death penalty drug policy and mass incarceration This book will be of interest to philosophers legal scholars policymakers and social scientists especially criminologists economists and political scientists

Free Will & Action Filip Grgić, Davor Pećnjak, 2018-11-14 This book consists of eleven new essays that provide new insights into classical and contemporary issues surrounding free will and human agency They investigate topics such as the nature of practical knowledge and its role in intentional action mental content and explanations of action recent arguments for libertarianism the situationist challenge to free will freedom and a theory of narrative configuration the moral responsibility of the psychopath and free will and the indeterminism of quantum mechanics Also tackling some historical precursors of contemporary debates taken together these essays demonstrate the need for an approach that recognizes the multifaceted nature of free will This book provides essential reading for anyone interested in the current scholarship on free will

A Companion to Applied Philosophy Kasper Lippert-Rasmussen, Kimberley Brownlee, David Coady, 2016-09-14 Applied philosophy has been a growing area of research for the last 40 years Until now however almost all of this research has been centered around the field of ethics A Companion to Applied Philosophy breaks new ground demonstrating that all areas of philosophy including epistemology metaphysics philosophy of science and philosophy of mind can be applied and are relevant to questions of everyday life This perennial topic in philosophy provides an overview of these various applied philosophy developments highlighting similarities and differences between various areas of applied philosophy and examining the very nature of this topic It is an area to which many of the towering figures in the history of philosophy have contributed and this timely Companion demonstrates how various historical contributions are actually contributions within applied philosophy even if they are not traditionally seen as such The Companion contains 42 essays covering major areas of philosophy the articles themselves are all original contributions to the literature and represent the state of the art on this topic as well as offering a map to the current debates

Oliver Wendell Holmes Jr., Pragmatism and Neuroscience Jay Schulkin, 2019-08-17 This book explores the cultures of philosophy and the law as they interact with neuroscience and biology through the perspective of American jurist Oliver Wendell Holmes Jr and the pragmatist tradition of John Dewey Schulkin proposes that human problem solving and the law are tied to a naturalistic realistic and an anthropological understanding of the human condition The situated character of legal reasoning given its complexity like reasoning in neuroscience can be notoriously fallible Legal and scientific reasoning is to be understood within a broader context in order to emphasize both the continuity and the porous relationship between the two Some facts of neuroscience fit easily into discussions of human experience and the law However it is important not to oversell neuroscience a meeting of law and neuroscience is unlikely to prove persuasive in the courtroom any time soon Nevertheless as knowledge of neuroscience becomes more reliable and more easily accepted by both the larger legislative community and in the wider public through which neuroscience filters into epistemic and judicial reliability the two will ultimately find themselves in front of a judge A pragmatist view of neuroscience will aid and underlie these events

Treatment for Crime David Birks, Thomas Douglas, 2018-10-18 Preventing recidivism is one of the aims of criminal justice yet existing means of pursuing this aim are often poorly effective highly restrictive of basic freedoms and significantly harmful Incarceration for example tends to be disruptive of personal relationships and careers detrimental to physical and mental health restrictive of freedom of movement and rarely more than modestly effective at preventing recidivism Crime preventing neurointerventions CPNs are increasingly being advocated and there is a growing use of testosterone lowering agents to prevent recidivism in sexual offenders and strong political and scientific interest in developing pharmaceutical treatments for psychopathy and anti social behaviour Future neuroscientific advances could yield further CPNs we could ultimately have at our disposal a range of drugs capable of suppressing violent aggression and it is not difficult to imagine possible applications of such drugs in crime prevention Neurointerventions hold out the promise of preventing recidivism in ways that are both more effective and more humane But should neurointerventions be used in crime prevention And may the state ever permissibly impose CPNs as part of the criminal justice process either unconditionally or as a condition of parole or early release The use of CPNs raises several ethical concerns as they could be highly intrusive and may threaten fundamental human values such as bodily integrity and freedom of thought In the first book length treatment of this topic Treatment for Crime brings together original contributions from internationally renowned moral and political philosophers to address these questions and consider the possible issues recognizing how humanity has a track record of misguided harmful and unwarrantedly coercive use of neurotechnological solutions to criminality The Engaging Philosophy series is a new forum for collective philosophical engagement with controversial issues in contemporary society *Law and Mind* Bartosz Brożek, Jaap Hage, Nicole Vincent, 2021-04-29 Are the cognitive sciences relevant for law How do they influence legal theory and practice Should lawyers become part time cognitive scientists The recent advances in the cognitive sciences have

reshaped our conceptions of human decision making and behavior Many claim for instance that we can no longer view ourselves as purely rational agents equipped with free will This change is vitally important for lawyers who are forced to rethink the foundations of their theories and the framework of legal practice Featuring multidisciplinary scholars from around the world this book offers a comprehensive overview of the emerging field of law and the cognitive sciences It develops new theories and provides often provocative insights into the relationship between the cognitive sciences and various dimensions of the law including legal philosophy and methodology doctrinal issues and evidence *The Palgrave Handbook of Applied Ethics and the Criminal Law* Larry Alexander, Kimberly Kessler Ferzan, 2019-12-02 This handbook consists of essays on contemporary issues in criminal law and their theoretical underpinnings Some of the essays deal with the relationship between morality and criminalization Others deal with criminalization in the context of specific crimes such as fraud blackmail and revenge pornography The contributors also address questions of responsible agency such as the effects of addiction or insanity and some deal with punishment its mode and severity and the justness of the state s imposition of it These chapters are authored by some of the most distinguished scholars in the fields of applied ethics criminal law and jurisprudence

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