



Neuroscience and Legal Responsibility (Oxford Series in Neuroscience, Law & Philosophy)

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How should neuroscience, psychology and behavioral genetics impact legal responsibility practices?

Recent findings from these fields are sometimes claimed to threaten the moral foundations of legal responsibility practices by revealing that determinism, or something like it, is true. On this account legal responsibility practices should be abolished because there is no room for such outmoded fictions as responsibility in an enlightened and scientifically-informed approach to the regulation of society.

However, the chapters in this volume reject this claim and its related agenda of radical legal reform. Embracing instead a broadly compatibilist approach - one according to which responsibility hinges on psychological features of agents not on metaphysical features of the universe - this volume's authors demonstrate that the behavioral and mind sciences may impact legal responsibility practices in a range of different ways, for instance: by providing fresh insight into the nature of normal and pathological human agency, by offering updated medical and legal criteria for forensic practitioners as well as powerful new diagnostic and intervention tools and techniques with which to appraise and to alter minds, and by raising novel regulatory challenges.

Science and law have been locked in a philosophical dialogue on the nature of human agency ever since the 13th century when a mental element was added to the criteria for legal responsibility. The rich story told by the 14 essays in this volume testifies that far from ending this philosophical dialogue, neuroscience, psychology and behavioral genetics have the potential to further enrich and extend this dialogue.

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