

Preface

It is a sad reality that we live in a world in which people commit crime. Every day, in every city, in every country, the actions of one individual will impact detrimentally on the person or the property of somebody else.

As part of the commitment to living in civilised society, those accused of carrying out antisocial behaviour of sufficient gravitas will have the evidence against them considered in a court of law. If found guilty, they will be required to fulfil some suitable punishment.

Suppose, for a moment, that it could be shown that the person who had perpetrated a crime had been literally unable to avoid carrying it out. Under such circumstances, would it still be appropriate to punish them for their actions? As details regarding the influence of both genetic characteristics and brain neurochemistry on human behaviour are being uncovered, some scientists and philosophers are claiming that traditional notions of free will, of moral responsibility and, therefore, of accountability for one's actions need to be re-evaluated.

In order to investigate the legitimacy of these propositions, it is necessary to undertake a survey of various relevant discourses. First, we need to reflect upon philosophical considerations of free will and determinacy. Are, for example, free will and determinism mutually exclusive, or might there be some way in which biological determinism and moral responsibility might co-exist? This will be considered in Chap. 1.

Second, it is important to have an appreciation of the current legislation regarding responsibility for one's actions. This will be the focus of Chap. 2. Building on these philosophical and legal foundations, it will then be time in Chap. 3 to investigate the scientific discoveries which are leading some commentators to question the existence of free will and/or moral responsibility. Evidence drawn from both genetic analysis and brain science will be considered.

The past decade has seen an explosion of interest in the potential relevance of such brain-related science in legal cases, and the emergence of a new field of "neurolaw". A survey of examples in which genetic and neuroscientific data have already been used in criminal trials (Chap. 4) will precede a final discussion

(Chap. 5) in which these disparate threads will be interwoven into reflections on the validity of biological determinism as an influence in human behaviour, and the appropriateness of such genetic and brain imaging evidence in current and future criminal proceedings.

Biological Determinism, Free Will and Moral
Responsibility

Insights from Genetics and Neuroscience

Willmott, C.

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