



**FACULTY OF ARTS
DEPARTMENT OF PHILOSOPHY**

PHIL 525.2 – “Advanced Topics in Philosophy of Law: Neuroscience and Criminal Law

**Fall Term 2013
Course Outline**

Lectures: M 18:00-20:45 SS006

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Office Hours: Tuesday: 13:30-15:30

Course Description

Advances in neuroscience have gone some way toward establishing correlations between brain processes and human thought and behavior. Neuroscientific findings, particularly in the form of functional brain imaging, seem to indicate that our intentions, decisions, and actions are determined by events in the brain. They suggest that the standard “folk psychological” understanding of the criminal law as a set of practices based on rational agency is outmoded and needs to be replaced by a model that is consistent with neuroscience. More radically, findings from the brain sciences seem to threaten the conviction that we have control of our mental states and actions. Neuroscience thus has important implications for our current legal practices of criminal responsibility, punishment, and testimony in courts of law. This course analyzes and discusses these issues by focusing mainly on four general topics: problems in translating the language of science into the language of the law; structural and functional brain imaging to assess and judge criminal acts; functional imaging as a form of lie detection; and interventions in the brain to change criminal behavior.

Required Texts

Neuroscience and Legal Responsibility, N. Vincent, ed. (Oxford 2013) (NLR)

The Future of Punishment, T. Nadelhoffer, ed. (Oxford 2013) (FP)

A Primer on Criminal Law and Neuroscience, S. Morse and A. Roskies, eds. (Oxford 2013) (PCLN)

Course Pack at Bound and Copied (CP)

Evaluation

1 9-10 page paper (double –spaced) due October 21 = 35 percent

1 12-15-page paper (double spaced) due December 4 = 50 percent

1 class presentation (10 minutes) = 15 percent

Writing and the grading thereof is a factor in the evaluation of your work for this course. There is no Registrar-scheduled final exam.

Grading Method

95-100 = A+	78-80 = B+	68-70 = C+	58-60 = D+
85-94 = A	75-77 = B	65-67 = C	50-57 = D
81-84 = A-	71-74 = B-	61-64 = C-	< 50 = F

Policy on Late Assignments

Papers submitted later than the due date will lose one-half letter grade for each day beyond that date. Students with medical or other extenuating reasons for not submitting a paper on the due date will not be penalized if they inform the instructor and provide him with documentation confirming the special circumstances.

Schedule

September 9: Introduction to the influence of neuroscience in criminal law. Readings: Vincent, "Law and Neuroscience: Historical Context," in NLR, 1-24; Morse, "The Non-Problem of Free Will in Forensic Psychiatry and Psychology," in CP; Morse, "Common Criminal Law Compatibilism," in NLR, 27-52

September 16: Readings: Morse, "Lost in Translation? An Essay on Law and Neuroscience," CP; Sifferd, "Translating Scientific Evidence into the Language of the 'Folk: Executive Function as Capacity-Responsibility," NLR; Morse, "Brain Overclaim Syndrome and Criminal Responsibility: A Diagnostic Note," CP; Dresser, "Neuroscience's Uncertain Threat to Criminal Law," CP.

September 23: Readings: Roskies, "Brain Imaging Techniques," PCLN; Roskies and Sinnott-Armstrong, "Brain Images as Evidence in the Criminal Law," CP; Glannon, "What Neuroscience Can (and Cannot) Tell Us About Criminal Responsibility," CP; Greely, "Neuroscience and Criminal Responsibility: Proving 'Can't Help Himself' as a Narrow Bar to Criminal Liability." CP.

September 30: Readings: Dresser, "Brain Imaging and Courtroom Deception," CP; Faigman, "Admissibility of Neuroscientific Expert Testimony," PCLN; Schacter and Loftus, "Memory and Law: What Can Cognitive Neuroscience Contribute?" CP; Morse and Newsome, "Criminal Responsibility, Criminal Competence, and Criminal Law Prediction," PCLN

October 7: Readings: Morse and Newsome, "Criminal Responsibility, Criminal Competence, and Criminal Law Prediction," PCLN; Feld, Casey, and Hurd, "Adolescent Culpability and Competence: Implications of Neuroscience for Criminal Justice Adjudication," PCLN

October 21: Readings: Dresser, "Brain Imaging and Courtroom Deception," CP; Greely, "Neuroscience, Mind-Reading and the Law," PCLN; Simpson, "Functional MRI Lie Detection: Too Good to Be True?" CP; Schauer, "Neuroscience, Lie Detection, and the Law," CP. **First Paper Due**

October 28: Readings: Kennett, "Addiction, Choice, and Disease: How Voluntary Is Voluntary Action in Addiction," NLR, 257-278; Nadelhoffer and Sinnott-Armstrong, "Is Psychopathy a Mental Disease?" NLR, 229-256; Husak and Murphy, "The Relevance of the Neuroscience of Addiction in the Criminal Law," PCLN

November 4: Readings: Fischer, "Desert and the Justification of Punishment," FP, 3-24; Morse, "Compatibilist Criminal Law," FP, 107-132; Pardo and Patterson, "Neuroscience, Normativity, and Retributivism," FP, 133-154; Murphy, "Cognitive Neuroscience, Moral Responsibility, and Punishment," FP, 155-176; Focquaert, Glenn, and Raine, "Free Will, Responsibility, and the Punishment of Criminals," FP, 247-274.

November 18: Readings: Vincent, "Enhancing Responsibility," NLR, 305-334; Bublitz and Merkel, "Guilty Minds in Washed Brains?" NLR, 335-374. Presentations

November 25: Presentations

December 2: Presentations. **Second Paper Due**

Academic Honesty

Cheating or plagiarism on any assignment or examination is regarded as an extremely serious academic offence, the penalty for which may be an F on the assignment, an F in the course, academic probation, or requirement to withdraw from the University. See the relevant sections on 'Academic Misconduct' in the current University Calendar. Intellectual honesty requires that your work include adequate referencing to sources. Plagiarism occurs when you do not acknowledge or correctly reference your sources. If you have questions about correct referencing, consult your instructor.

Academic Accommodation

It is the student's responsibility to request academic accommodation. If you are a student with a permanent disability or temporary impairment who may require academic accommodation, you must first register with the Student Accessibility Resource Office located in MacEwan Student Centre 452; phone 403-220-8237; email access@ucalgary.ca. Students who have not registered with the Student Accessibility Office are not eligible for academic accommodation. You are also required to discuss your needs with your instructor no later than fourteen (14) days after the start of this course. Go to <http://www.ucalgary.ca/access/> for further information.

Blackboard Help

Go to <http://www.ucalgary.ca/computersupport/online-services/blackboard> for Student Help and FAQs about Blackboard. Troubleshooting tips and a tutorial are available at <http://elearn.ucalgary.ca/blackboard/students>.

Student Advising and Information Resources

- **General Academic Concerns** – Have a question but not sure where to start? The Faculty of Arts' Program Information Centre (PIC) is your information resource for everything in Arts. Drop in at SS110, call 403-220-3580, or email artsads@ucalgary.ca. You can also visit the Faculty of Arts website at <http://arts.ucalgary.ca/undersgraduate> for detailed information on common academic concerns.
- **Program Planning** – For assistance and advice in planning your program through to graduation, contact the Student Success Centre at 403-220-5881 or visit it on the 3rd Floor of the Taylor Family Digital Library.
- **Advice on Philosophy Courses** - You may find answers to your more specific questions about a philosophy degree on the Department of Philosophy's website <http://phil.ucalgary.ca> or contact one of Philosophy's current Undergraduate Advisors (see below)
- **Registration Overload/Prereq Waivers** – If you are seeking to register in a Philosophy course that is full or to get permission to waive the prereqs for a course, email the instructor of the course.

Protection of Privacy

The University of Calgary is under the jurisdiction of the provincial Freedom of Information and Protection of Privacy (FOIP) Act. The Department of Philosophy ensures the student's right to privacy by requiring all graded assignments be returned to the student directly from the instructor.

Student Ombudsperson and Students' Union Representatives

The Student Ombuds Office provides independent, impartial, and confidential support for students who require assistance or advice in addressing issues and concerns related to their academic careers. For more information, see www.ucalgary.ca/provost/students/ombuds. For the Students' Union Faculty of Arts rep: arts1@ucalgary.ca.

Safewalk

Call 403-220-5333 (24/7/365) for a Safewalk volunteer to accompany you safely to your destination on campus including parking lots, housing, and the LRT station or use a Campus Help Phone.