

Neuroscience and Law

Philosophy 6310

Spring 2016

Course Description: Recent developments in neuroscience portend a range of interesting questions for the law. Most fundamentally, neuroscience challenges traditional doctrines of moral and legal responsibility. Concepts like competence and addiction are cast in new lights, as are developmental axes, like the adolescent brain. Free will and determinism loom large here, and legal doctrines need to respond to a new empirical scene. Mind reading and lie detection move from the realm of the science fiction into, maybe, the realm of the possible. But hazards loom large as neuroscientific information is often misunderstood, or even faces barriers in terms of evidentiary admissibility. In the future, brain-machine interfaces and artificial intelligence may revolutionize what it even means to be human. This seminar offers an introduction into a wide array of topics; it draws from academic scholarship, as well as the limited—but growing—case law.

Professor: Dr. Fritz Allhoff
Monday 1:00-2:00; 3006 Moore Hall
387-4503 (w)

Seminar: Monday 2:00-5:00; Moore 3014

Books: Owen D. Jones, Jeffrey D. Schall, and Francis X. Shen (eds.), *Law & Neuroscience*, (Aspen, 2014). [Do not need to purchase; I will make excerpts available as needed.]

Stephen J. Morse and Adina L. Roskies (eds.), *A Primer on Criminal Law and Neuroscience* (Oxford University Press, 2013).

Adam Benforado, *Unfair: The New Science of Criminal Injustice* (Crown, 2015).

Grading:	Attendance/Participation	15%
	Reaction Papers	15%
	Presentations	20%
	Annotated Research Bibliography	10%
	Research Paper	40%

Attendance/Participation: Students are required to attend each seminar and to participate. If students miss a seminar, they may turn in a 1000-word reaction to the assigned readings (half exegetical, half evaluative) at the beginning of the following seminar to avoid a zero for the previous week. They may do this, at most, two times.

Reaction Papers: Over the course of the seminar, students are required to submit five reaction papers; again, these should be 1000 words, half exegetical, half evaluative. Students may not submit a reaction paper over content that you are presenting (see below), but they may submit a reaction paper the same week as their presentation if the reaction paper is on different content (i.e., someone else's presentation). Reaction papers are due to my mailbox—i.e., not by email, not to my office—by noon on the day of seminar.

Presentations: Students will be assigned at least two presentations each over the course of the semester. Good presentations will not merely trace through the assigned reading, but will make connections across readings, incorporate external sources, and promote broad discussion. PowerPoint is strongly encouraged.

Annotated research bibliography: Before writing their research papers, students will compile a research bibliography that will support the research for their projects. There should be at least fifteen academic sources in this bibliography, at least half of which should be from after 2,000. An additional five sources should be court decisions; the timing of these is unimportant, but they should not have been overturned. For each of these twenty sources, students should provide full bibliographic information as well as a 100-word précis. Comments will be offered on the bibliography as will be useful for developing the research paper.

Research paper: Students will incorporate the annotated research bibliography into a research paper, which will be in the 6,000-9,000 word range. My preference would be for something approximately in the middle of this range as I suspect shorter papers will lack some of the depth of longer ones and that longer ones will lack some of the focus of more intermediate ones. Nevertheless, students have some flexibility on this length.

Papers should be submitted in 11 point font for the body—10 point for the footnotes—with Calibri or Cambria preferred. Both the body and footnote text should be fully justified. Spacing should be double, except for block quotes in single. At least twenty sources and fifty footnotes are strongly encouraged.

Statement on Academic Honesty: You are responsible for making yourself aware of and understanding the policies and procedures in the Graduate Catalog (pp. 25-27) that pertain to Academic Honesty. These policies include cheating, fabrication, falsification and forgery, multiple submission, plagiarism, complicity and computer misuse. If there is reason to believe you have been involved in academic dishonesty, you will be referred to the Office of Student Conduct. You will be given the opportunity to review the charge(s). If you believe you are not responsible, you will have the opportunity for a hearing. You should consult with me if you are uncertain about an issue of academic honesty prior to the submission of an assignment or test.

Week	Date	Topic	Readings
1	1/11	Neuroscience Basics	Morse & Roskies, chs. 1-3 Optional: Jones et al. §§ 3.7, 3.8 Guest Lecture: Prof. Lisa Baker, Department of Psychology
2	1/18	Behavior & Responsibility	Jones et al. §§ 2.4, 2.5 Morse & Roskies, ch. 6
3	1/25	Assessing Scientific Evidence	Jones et al. § 2.6 Morse & Roskies, ch. 4
4	2/1	Brain Death, Brain Injury, & Pain	Jones et al. §§ 4.10, 4.11, 4.12
5	2/8	Memory & Emotions	Jones et al. §§ 4.13, 4.14
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6	3/14	Lie Detection	Jones et al. §§ 4.15, 4.16 Morse & Roskies, ch. 5
7	3/21 <i>tentative</i>	Adolescent Brains	Jones et al. § 4.17 Morse & Roskies, ch. 7
8	3/28	Addicted Brains	Jones et al., § 4.18 Morse & Roskies, ch. 8
9	4/4	Bias	Benforado—each student will present one chapter Guest Skype: Prof. Adam Benforado, School of Law, Drexel University
10	4/11	Cognitive Enhancement & Brain-Machine Interfaces	Jones et al., §§ 5.19, 5.20 Guest Lecture: Prof. Peter Erdi, Department of Psychology, Kalamazoo College
11	4/18	Artificial Intelligence & Further Directions	Jones et al. § 5.21 Morse & Roskies, ch. 9
	4/29	Research Paper Due	[in my mailbox by 5:00 pm]