

# NEUROSCIENCE AND THE LAW

**SPRING 2014**

PHIL 4950 (CRN 18427)

PHIL 8340 (CRN 18372) PHIL 8700 (CRN 18373)

PSYC 9900 (CRN 18427) NEUR 8790 (CRN 18495)

WEDNESDAY 4.30PM-7.00PM PHILOSOPHY SEMINAR ROOM

**Nicole A Vincent**

34 Peachtree St., 11th floor, Room 1120

nvincent@gsu.edu or (404) 413-6113

office hrs Wed 12.00-13.30 & 15-16.30

twitter @drcolekat

This course investigates topics at the intersection of philosophy, neuroscience, psychology and law.

The criminal law has traditionally punished certain kinds of behavior. Retribution, deterrence, reform, and incapacitation of dangerous offenders are among the aims of punishment. But human behavior is in an important sense produced by our brains, and these, in turn, are to a significant degree shaped by genetic factors. Put another way, human behavior is produced by two things – i.e. genes and brains – about which until recently we knew very little and over which we exercised equally little control.

However, as the mind sciences reveal increasingly more about the human brain, some say that not only does this challenge the law's assumption that criminal conduct deserves punishment, but that it also promises better ways of predicting who is likely to (re-)offend, of designing laws that more effectively motivate socially-acceptable conduct, and developing medical interventions that directly target the causes of criminal misconduct at one of its most important sources – the human brain. Some claim that recent advances in neuroimaging, and the development of neuroimaging-based lie detection techniques, promise to revolutionise the criminal trial, while others worry that these things threaten to undermine the sanctity of the most important private sphere – the human mind. While some predict the dawn of a new age of equality and enlightenment through the use of cognitive enhancement medications, others worry that these drugs will have a range of undesirable effects on individuals and society, as well as the potential for ill health effects. Lastly, the moral and legal issues created – as well as the promises and solutions offered – by these and other advances in the mind sciences raise numerous jurisprudential and regulatory questions.

This course will introduce students to this new, interdisciplinary, and quickly-developing field of “neurolaw” – a field in which mind scientists work alongside philosophers as well as legal academics and professionals to address a range of pressing social problems. It is designed to be equally accessible to graduate students of philosophy, psychology, neuroscience, law, and criminology since no prior knowledge of law, psychology or neuroscience is required. It is suitable for psychology and neuroscience students wishing to explore future career options as expert legal witnesses, for law students wishing to stay ahead of the game by understanding the opportunities and challenges they are likely to encounter in the courtroom, and to these as well as philosophy students wishing to interrogate the central ideas that shape this new and exciting field.

## MATERIALS, WEEK-BY-WEEK TOPICS, AND READING SCHEDULE

- [1] Vincent, Nicole A (ed) *Neuroscience and Legal Responsibility*. Oxford University Press, 2013. <http://global.oup.com/academic/product/neuroscience-and-legal-responsibility-9780199925605>
- [2] Morse, Stephen J. and Roskies, Adina L. (eds) *A Primer on Criminal Law and Neuroscience*. OUP, 2013. <http://global.oup.com/academic/product/a-primer-on-criminal-law-and-neuroscience-9780199859177>
- [3] Additional miscellaneous articles and videos as indicated below and in class.

Week	Date	Component / Readings
1	Jan 15	<b>Overview</b> • In [1] Ch 1. • In [2] Ch 1. • Jones O.D., Marois R, Farah M.J., and Greely H.T. (2013) Law and Neuroscience, <i>The Journal of Neuroscience</i> , 33(45):17624-17630. • Watch Episode 1 of "Brains on Trial" <a href="http://www.youtube.com/watch?v=o0eSqlAmKxU">http://www.youtube.com/watch?v=o0eSqlAmKxU</a>
2	Jan 22	<b>Neuroscience Primer</b> •• In [2] Ch's 2 & 3. • Card, R. (1988) The characteristics of criminal offences, in <i>Intro. to Criminal Law</i> , Butterworths: 1-4. • Watch "Torts and Crimes" lecture by Prof Antony Duff at: <a href="http://vimeo.com/53157206">http://vimeo.com/53157206</a>
3	Jan 29	<b>Admissibility and Relevance</b> • In [2] Ch 4. • Greene, J. and Cohen J.D. (2004) For the law, neuroscience changes nothing and everything, <i>Philosophical Transactions of the Royal Society of London</i> , 359(1451):1775-85. • Watch Episode 2 of "Brains on Trial" <a href="http://www.youtube.com/watch?v=_cBK_fgTZvk">http://www.youtube.com/watch?v=_cBK_fgTZvk</a> <b>CCR-1 due Jan 27 (Greene &amp; Cohen).</b>
4	Feb 5	<b>Compatibilism &amp; Legal Responsibility</b> •• In [1] Ch 2 & 8. • In [2] Ch 6.
5	Feb 12	<b>Disease and Disorder</b> • In [1] Ch 10. • Watson, G. (2012) The Insanity Defense. <i>Routledge Companion to Philosophy of Law</i> . A. Marmor. New York, NY, Routledge: 205-221.
6	Feb 19	<b>Capacity and Character</b> • In [1] Ch 4. • Vincent N. (2013) A Compatibilist Theory of Legal Responsibility, <i>Criminal Law and Philosophy</i> . A. Marmor. New York, NY, Routledge: 205-221. <b>CCR-2 due Feb 17 (Vincent).</b>
7	Feb 26	<b>STUDY AND REVISION WEEK</b> (start narrowing-in on your <i>Final Paper</i> topic this week)
8	Mar 5	<b>Conscious Agency</b> ••• In [1] Ch 5, 6 & 7.
9	Mar 12	<b>Memory</b> • In [2] Ch 5. • Duffner A. (2013) Should the Late Stage Demented be Punished for Past Crimes? <i>Criminal Law and Philosophy</i> , 7(1):137-150 <b>CCR-3 due Mar 10 (Duffner).</b>
<b>Spring Break: Mar 17-23</b> (Select core article for Final Paper and make appointment with Nicole)		
10	Mar 26	<b>Treatments for Criminality</b> • Greely, H.T. (2008) Neuroscience and Criminal Justice: Not Responsibility but Treatment, <i>University of Kansas Law Review</i> , 56:1103-1138. • Lewis, C.S. (1963) The Humanitarian Theory of Punishment, <i>Res Judicatae</i> , 6:224-230. • Sifferd, K. (forthcoming) Protecting the Prisoner's Character (will be provided).
11	Apr 2	<b>Treatments for Brain Diseases</b> • In [1] Ch 11. • In [2] Ch 8. • Carter, A. et al. (2011) Drug-Induced Impulse Control Disorders: A Prospectus for Neuroethical Analysis, <i>Neuroethics</i> , 4(2):91-102.
12	Apr 9	<b>Treatments to Restore Competence</b> • Latzer, B. (2003) Between madness and death: the medicate-to-execute controversy, <i>Criminal Justice Ethics</i> , 22(2):3-14. • Vincent, N. (2012) Restoring Responsibility: Promoting Justice, Therapy and Reform Through Direct Brain Interventions, <i>Criminal Law and Philosophy</i> , OnlineFirst (doi: 10.1007/s11572-012-9156-y).
13	Apr 16	<b>Cognitive Enhancement</b> • In [1] Ch 13. • Goold I. and Maslen H. (2014) Must the Surgeon Take the Pill? Negligence Duty in the Context of Cognitive Enhancement, <i>Modern Law Review</i> , 77(1):60-86.
14	Apr 23	<b>Direct Brain Interventions</b> • In [1] Ch 14. • Levy, N. (2012) Enhancing Authenticity, <i>Journal of Applied Philosophy</i> , doi: 10.1111/j.1468-5930.2011.00532.x
<b>DRAFT PAPER:</b> Worth 10%; due <b>April 24<sup>th</sup></b> .		
<b>FINAL PAPER:</b> Worth 50%; due <b>May 1<sup>st</sup></b> ; length 4-500-6,000 words (incl. notes, excl bibl).		

## ASSESSMENT

Your final grade for this seminar is composed of six *Component* grades as follows:

Components	Value	Grading Scale	
CCR 1, 2 and 3 (10% each)	30	A+ 99-100%	B- 80-82%
Class Participation	10	A 93-98%	C+ 77-79%
Draft Paper	10	A- 90-92%	C 73-76%
Final Paper	50	B+ 87-89%	C- 70-72%
<b>FINAL GRADE</b>	<b>100</b>	B 83-86%	D 60-69%
			F 0-59%

Each of the above *Components* will be graded using the above *Grading Scale*, and the indicated *Value* shows how much, as a percentage, each component will contribute to your *Final Grade*. Your final grade will thus be the sum of your six value-weighted component grades.

The three **CCR**'s are *Comprehension and Critical Response* pieces, which should be 400-800 words in length (including notes, not including bibliography). As the name suggests, you should demonstrate your *comprehension* of the set article's argument – i.e. what is the article's main point, how does the author support their point, and why is this meant to be significant in the author's view (e.g. what position does the author take themselves to be responding to, and why do they take this to be important) – but also offer your own *critical stance* on the author's argument.

**Class Participation** means *satisfactory attendance* (miss no more than 2 classes without good documentable grounds, see "Late assignments" below for examples of what is and is not good), *evidence of preparation* (i.e. that you read the articles before class and that you came to class with questions about those articles), and *active participation* during class discussion (as evidenced by such things as raising questions about the content of the set articles and engaging in debate with me and with your classmates).

For your **Final Paper** (4,500-6,000 words, including notes, not including bibliography) you must make an argument and disagree with at least one claim made by at least one author whose article we have read. This should not be on the same topic as the CCR's. To narrow-in on a topic for your Final Paper, in week 7 skim through the articles set for upcoming weeks. During the Spring Break select the core article(s) around which you think you would like to write your Final Paper, and make an appointment to see me to discuss the precise question that your Final Paper will address.

One week before the Final Paper is due, you must submit a **Draft Paper**. This must be a *complete written version of your final paper*, not just a plan, nor mere points, nor lacking sections. Such deficits will lower your Draft Paper grade. I will naturally grade it *as a draft* – i.e. I am not expecting polish nor perfection, but I am expecting an early though *complete written version of your final paper* – and I will provide you with substantial comments and feedback that are intended to help you improve your final paper. Rewriting is a crucial part of the intellectual process. I've been

writing papers for 20 years, and I still cannot write a good paper without at least one significant re-draft, so it is highly unlikely that you can either. In addition, your rough draft contributes 10% towards your final grade so...

All **written assessment** should be **emailed to me at [nvincent@gsu.edu](mailto:nvincent@gsu.edu)** as a Microsoft Word document **by 5pm** on the **indicated dates**.

## **OTHER INFORMATION**

Late assignments: Unexcused late assignments are penalized 5% for each calendar day late. Saturdays and Sundays count as calendar days. The following are examples of valid reasons for an excused late assignment: a death in the family or a serious illness. The following are examples of invalid reasons: a cold, lots of other work, or end-of-the-term travel plans.

Email: Email is the best way to contact me. You should check your official GSU email at least once every 24 hours. By University policy, I must use your official GSU student email address. If you send an email from a non-GSU email account, I cannot respond. If you email me from your GSU account and have not received a reply within 24 hours, you should assume that I did not receive the message. If this happens attempt to email me again, and if problems persist then visit me or the secretaries in the Philosophy Department. When you turn in an assignment by email, it is your responsibility to confirm that I received it on time. You will know that I got it because I reply to all student emails within 24 hours. If I do not receive it on time, you will not get credit for the assignment without time-stamped email proof that you sent it before it was due. Having trouble with your email, computer, or ISP is not an excused late assignment.

Disability Support Services and Special Needs: All efforts will be made to accommodate students with special needs, so long as sufficient notice is given. If you require special accommodations you must contact me during the first week of class. It is also imperative that you notify Disability Services by calling 404-463-9044 or on the web via <http://disability.gsu.edu/>

Student Evals: Your constructive assessment of this course plays an indispensable role in shaping education at GSU. Upon completing the course, please take time to fill out the online course evaluation.

Academic Honesty & Miscellanea: See the last two pages of this syllabus.

**Everything in this syllabus can change (and something always does).  
You are responsible for all changes announced in class.**

# Department of Philosophy

## General Syllabus Statement Spring 2014

---

- This syllabus provides a general plan for the course. Deviations may be necessary.
- The last day to **withdraw** from a course with the possibility of receiving a W is **Tuesday, March 4.**
- Students are responsible for confirming that they are attending the course section for which they are registered. Failure to do so may result in an F for the course.
- By University policy and to respect the confidentiality of all students, **final grades** may not be posted or given out over the phone. To see your grades, use PAWS.
- The customary penalty for a violation of the academic honesty rules is an "F" in the course. See the University Policy on Academic Honesty on the reverse of this sheet. **Copying or using material from the internet without citation is a violation of the academic honesty rules.**
- A student may be awarded a grade of "W" no more than 6 times in their careers at Georgia State. After 6 Ws, a withdrawal is recorded as a WF on the student's record. A WF counts as an F in a GPA.
- Your constructive assessment of this course plays an indispensable role in shaping education at Georgia State University. Upon completing the course, please take the time to fill out the online course evaluation.
- Students who wish to request accommodation for a disability must do so by registering with the Office of Disability Services in Suite 230 of the Student Center. Students may only be accommodated upon issuance by the Office of Disability Services of a signed Accommodation Plan and are responsible for providing a copy of that plan to instructors of all classes in which an accommodation is sought.

---

### Subscribe to one of our department listservs for current information and events:

1. Undergraduate Students: [www2.gsu.edu/~wwwphi/2131.html](http://www2.gsu.edu/~wwwphi/2131.html)
  2. Graduate Students: [www2.gsu.edu/~wwwphi/2109.html](http://www2.gsu.edu/~wwwphi/2109.html)
- 

### For more information on the philosophy program visit:

[www.gsu.edu/philosophy](http://www.gsu.edu/philosophy)

## Policy on Academic Honesty, from the GSU Catalog

As members of the academic community, students are expected to recognize and uphold standards of intellectual and academic integrity. The university assumes as a basic and minimum standard of conduct in academic matters that students be honest and that they submit for credit only the products of their own efforts. Both the ideals of scholarship and the need for fairness require that all dishonest work be rejected as a basis for academic credit. They also require that students refrain from any and all forms of dishonorable or unethical conduct related to their academic work.

The university's policy on academic honesty is published in the *Faculty Handbook* and *On Campus: The Student Handbook* and is available to all members of the university community. The policy represents a core value of the university, and all members of the university community are responsible for abiding by its tenets. Lack of knowledge of this policy is not an acceptable defense to any charge of academic dishonesty. All members of the academic community—students, faculty, and staff—are expected to report violations of these standards of academic conduct to the appropriate authorities. The procedures for such reporting are on file in the offices of the deans of each college, the office of the dean of students, and the office of the provost.

In an effort to foster an environment of academic integrity and to prevent academic dishonesty, students are expected to discuss with faculty the expectations regarding course assignments and standards of conduct. Students are encouraged to discuss freely with faculty, academic advisers, and other members of the university community any questions pertaining to the provisions of this policy. In addition, students are encouraged to avail themselves of programs in establishing personal standards and ethics offered through the university's Counseling Center.

### **Definitions and Examples**

The examples and definitions given below are intended to clarify the standards by which academic honesty and academically honorable conduct are to be judged. The list is merely illustrative of the kinds of infractions that may occur, and it is not intended to be exhaustive. Moreover, the definitions and examples suggest conditions under which unacceptable behavior of the indicated types normally occurs; however, there may be unusual cases that fall outside these conditions that also will be judged unacceptable by the academic community.

**Plagiarism:** Plagiarism is presenting another person's work as one's own. Plagiarism includes any para-phrasing or summarizing of the works of another person without acknowledgment, including the submitting of another student's work as one's own. Plagiarism frequently involves a failure to acknowledge in the text, notes, or footnotes the quotation of the paragraphs, sentences, or even a few phrases written or spoken by someone else.

The submission of research or completed papers or projects by someone else is plagiarism, as is the unacknowledged use of research sources gathered by someone else when that use is specifically forbidden by the faculty member. Failure to indicate the extent and nature of one's reliance on other sources is also a form of plagiarism. Any work, in whole or in part, taken from the Internet or other computer-based resource without properly referencing the source (for example, the URL) is considered plagiarism. A complete reference is required in order that all parties may locate and view the original source. Finally, there may be forms of plagiarism that are unique to an individual discipline or course, examples of which should be provided in advance by the faculty member. The student is responsible for understanding the legitimate use of sources, the appropriate ways of acknowledging academic, scholarly or creative indebtedness, and the consequences of violating this responsibility.

**Cheating on Examinations:** Cheating on examinations involves giving or receiving unauthorized help before, during, or after an examination. Examples of unauthorized help include the use of notes, computer-based resources, texts, or "crib sheets" during an examination (unless specifically approved by the faculty member), or sharing information with another student during an examination (unless specifically approved by the faculty member). Other examples include intentionally allowing another student to view one's own examination and collaboration before or after an examination if such collaboration is specifically forbidden by the faculty member.

**Unauthorized Collaboration:** Submission for academic credit of a work product, or a part thereof, represented as its being one's own effort, which has been developed in substantial collaboration with another person or source or with a computer-based resource is a violation of academic honesty. It is also a violation of academic honesty knowingly to provide such assistance. Collaborative work specifically authorized by a faculty member is allowed.

**Falsification:** It is a violation of academic honesty to misrepresent material or fabricate information in an academic exercise, assignment or proceeding (e.g., false or misleading citation of sources, falsification of the results of experiments or computer data, false or misleading information in an academic context in order to gain an unfair advantage).

**Multiple Submissions:** It is a violation of academic honesty to submit substantial portions of the same work for credit more than once without the explicit consent of the faculty member(s) to whom the material is submitted for additional credit. In cases in which there is a natural development of research or knowledge in a sequence of courses, use of prior work may be desirable, even required; however the student is responsible for indicating in writing, as a part of such use, that the current work submitted for credit is cumulative in nature.