

The brain and antisocial personality: Neuroethical and Neurolegal Implications

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The very rapid developments taking place in brain imaging science is creating a tension between on the one hand our concepts of responsibility and justice, and on the other understanding and mercy. A burgeoning body of scientific evidence is documenting structural and functional brain impairments in antisocial, violent, and psychopathic individuals. Furthermore, the brain circuits found to be impaired in offenders parallel the brain circuits found to underlie moral decision-making, and recent research is documenting impairments in psychopaths to the neural circuitry underlying moral decision-making. The neuroethical and neurolegal implications of this research will be discussed, focusing on the concepts of moral responsibility, free will, and punishment. If a young baby suffers trauma, abuse, and insults to brain structure / function early on in life, and if these factors predispose them to violence, and if they are not responsible for the brain and social trauma they suffered, are they truly responsible for their antisocial actions? Do they have full freedom of will? And if the neural circuitry underling morality is compromised in offenders, is it morally wrong of us to punish prisoners as much as we do?