

MORAL BIOLOGY?

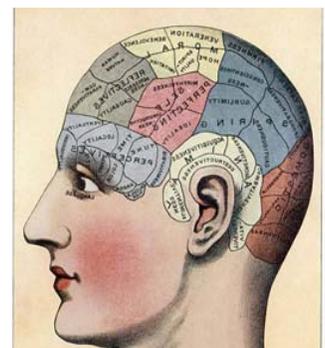
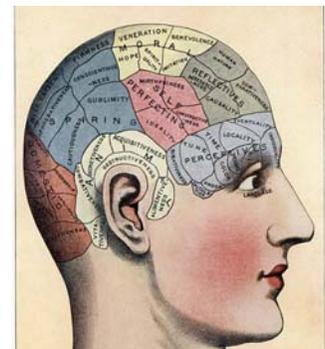
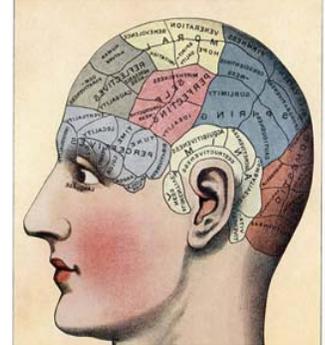
What (if anything) can the mind sciences and evolutionary biology tell us about law and morality?

OVERVIEW

In the "Introductory Lectures on Psychoanalysis," Sigmund Freud famously suggested that humanity would suffer three great blows at the hand of science:

"The first was when they learnt that our earth was not the center of the universe but only a tiny fragment of a cosmic system of scarcely imaginable vastness. This is associated in our minds with the name of Copernicus, though something similar had already been asserted by Alexandrian science. The second blow fell when biological research destroyed man's supposedly privileged place in creation and proved his descent from the animal kingdom and his ineradicable animal nature. This revaluation has been accomplished in our own days by Darwin, Wallace and their predecessors, though not without the most violent contemporary opposition. But human megalomania will have suffered its third and most wounding blow from the psychological research of the present time which seeks to prove to the ego that it is not even master in its own house, but must content itself with scanty information of what is going on unconsciously in the mind."

Today, many would disagree that psychoanalysis delivered that last blow, but research on evolutionary biology and the mind sciences threatens to provide it with force. This is the subject of this conference which brings together academics from law, economics, neuroscience, psychology, philosophy, and economics. We explore the question by focusing on 5 particular issues: Responsibility, Punishment, Addiction, Cooperation, and Racism.



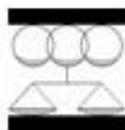
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Conference Panels & Participants

RESPONSIBILITY AND JUDGEMENT

THURSDAY, 9AM ROPES GRAY ROOM, POUND HALL

Responsibility plays a key role in casual reasoning about causation, legal reasoning about liability in tort and criminal law, and moral reasoning about blameworthiness. This panel focuses on how developments in evolutionary biology and the mind sciences should or should not alter our ideas about responsibility. For example: Are there individuals whom the science can tell us are not responsible for their actions? If so, can we avoid concluding that no one is responsible for their actions? Can the science tell us anything at all about responsibility, or is all of this a category error trading on different meanings of "responsibility" for different elements of legal and moral thinking? How, if at all, should judges or the criminal law make use of these scientific developments? Can this science tell us anything about guilt or innocence? Are the answers given to these questions in the criminal law context satisfying when we shift from criminal law to tort liability? When we shift from legal liability altogether to moral blameworthiness?

Panelists



Don Braman



Nita Farahany



Stephen Morse



Amanda Pustilnik

Moderator



Dan Brock

Panelists



Mark Alicke



Fiery Cushman



Kurt Gray



Avani Sood

Moderator



Jon Hanson

MIND SCIENCES AND PUNISHMENT

THURSDAY, 11AM ROPES GRAY ROOM, POUND HALL

What role does/should retribution or deterrence play in how and why our legal system punishes? What lies behind our judgments about culpability and deterrence? Is it one cognitive process or several? What are our folk theories of punishment and what implicit forces underlie those theories? In criminal law, why do we punish, say, actual homicide more severely than attempted homicide? In tort law, what is it about a party's intention to harm that justifies requiring a defendant to pay, and allowing a victim to receive, punitive damages? Why does the size of damages or harm often influence whether, and how severely, to punish given behavior? Should it? The punishment panel will explore those sorts of questions, among others.

ADDICTION/INTERVENTION PARADIGM
THURSDAY, 1:30PM ROPES GRAY ROOM, POUND HALL

Panelists



**Richard
Bonnie**



**Rita
Goldstein**



**Stephen
Hyman**

Moderator



**Stephen
Morse**

Addiction in general – and addiction to drugs and other substances in particular – is one of the principal challenges to the social order of America. To many, the challenges posed by the destructive nature of drug use are matched in turn by the often unproductive and expensive nature of our legal response. Our draconian drug laws and widespread incarceration have their roots in traditional “moral” accounts of substance abuse and addiction. These range from the self-consciously simplistic, such as the “Just Say No” campaign of the Regan era, to more complex and nuanced discussions of responsibility and autonomy. Increasingly, science is unraveling the underlying biology of addiction, including the neurochemical processes by which many addictive substances reinforce the desire and learning pathways that motivate repeat use. Does this biological knowledge tell us new things about addiction that can inform, challenge or even overturn our traditional morality? Do traditional moral and legal categories and responses remain intact? What should be the response of law and policy?

BIOLOGY AND COOPERATION
FRIDAY, 9AM SHERATON COMMANDER HOTEL

The social sciences have long recognized the potential for gains in productivity, satisfaction and achievement that come from coordination, collaboration, and other forms of cooperation. The predicates for cooperation are more controversial. Behavioral and psychological models ranging from selfish individualism to altruistic collectivism have been argued - and applied to practice. Many of our traditional moral rules govern the interactions of cooperative sociality. The disciplines Biology, Economics, and Law have each tackled portions of these questions. Recent scholarship has seen a blending of approaches, and recent technological advances, such as the Internet, are reframing the challenges and the opportunities for collaboration and individual action. This panel will bring together leaders in this conversation to assess the degree to which biology can usefully inform our consideration of the moral domains of cooperation in humans.

Panelists



**Oliver
Goodenough**



**Kevin
McCabe**



David Rand

Moderator



**Yochai
Benkler**

Panelists



**Nalani
Ambady**



**Buju
Dasgupta**

Moderator



Jon Hanson



Curtis Hardin

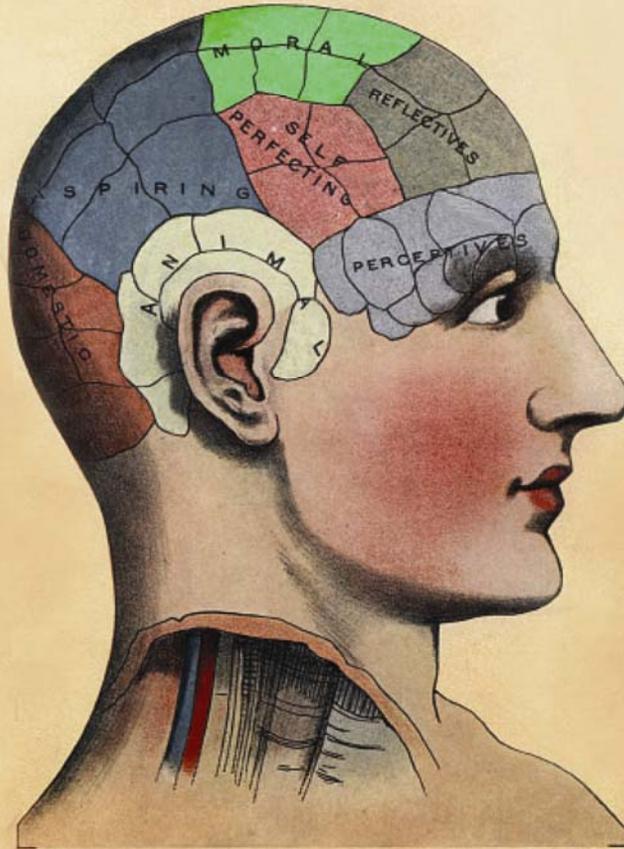


**Valerie Purdie-
Vaughns**

MIND SCIENCES AND RACISM
FRIDAY, 11AM SHERATON COMMANDER HOTEL

Reflecting conventional lay conceptions of racism, the law tends to focus on racial disparities primarily when those disparities were caused deliberately and were motivated by racial animus. The mind sciences, in contrast, have discovered that people's perceptions and behavior tend to be shaped by forces beyond their awareness and outside the purview of introspection. This panel will examine some of those situational forces – both external factors, such as social relations, intergroup dynamics, and culture, and internal factors, including implicit associations and motives – and how they shape attitudes, judgments, and behavior. Questions about how racial stereotypes are formed and how they influence people's behavior and inter-group relations will also be discussed. Panelists will further consider what such evidence might mean for the malleability of racist associations and prejudice and how, if at all, the law should respond.

M O R A L B I O L O G Y ? ?



What (if anything) can the mind sciences and evolutionary biology tell us about law and morality?

Panelists



Joshua
Greene



William
FitzPatrick



Adina
Roskies



Walter
Sinnott-Armstrong

Moderator



I. Glenn
Cohen

Respondent



Thomas
Scanlon