

The 'Justice Without Retribution Network' invites Elizabeth Shaw and Robert Blakey

Friday April 6, 2018, 15 – 17PM, followed by a reception.

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Neurobiological Determinism and Intuitions about Retributive Punishment

By Elizabeth Shaw (School of Law - Aberdeen University) & Robert Blakey (Faculty of Law - Oxford University)

This talk will discuss an experimental philosophy study that investigated lay people's intuitions about free will and retributive punishment. Retributivists believe that if offenders, acting of their own free will, break the criminal law, then they deserve to be punished because of the blameworthy nature of their free actions, whether or not punishment promotes further beneficial consequences for society. Recently, some theorists have claimed that findings from neuroscience challenge the conception of "free will" that is central to retributivism. Greene and Cohen (2004) argued that free will – as understood by most lay people – is incompatible with neurobiological determinism – the idea that human behavior is entirely caused by the state of our brains. According to Green and Cohen, belief in neurobiological determinism will become more widespread and, as a result, public support for retributive punishment will be lost. A number of empirical studies have been conducted into whether lay people consider neurobiological determinism and moral responsibility to be compatible. However, these studies contain methodological flaws, including a lack of clarity about whether the term "moral responsibility" was interpreted by the participants in the sense that is relevant to retributive punishment. To be morally responsible in the retributive sense is to be deserving of punishment in virtue of the blameworthy nature of the action, rather than to promote further beneficial consequences for society. Our study aimed to advance beyond previous experimental research on this topic, by distinguishing retributivism from other motives for inflicting punishment.