

From Bill Foster:

When considering the judicial ramifications of understanding the neurology of crime, neuroscientist Martha J. Farah needs to consider whether the purpose of judicial punishment is deterrence or retribution.

Legal systems that have an emphasis on guilt appear to favour the latter. But no one should be punished for something for which they are not responsible. If morality is linked to brain function, as Farah states, then there is no free will so no one is responsible for anything. If that is the case, it is best to leave the question of guilt to the hereafter.

Considering punishment as a deterrent is 2, as it prevents the offender from repeating their offence and discourages copy-cat offenders. However, if anyone claims that they couldn't help themselves, their punishment should be increased rather than reduced, as they obviously require more deterrence.

NewScientist, 2010