Philosophy of Law

Fall 2019

## Two challenges from neuroscience

- 1 The brain *does* cause behavior
  - 1. Punishment is justified only if the person who is punished was the cause of the behavior in question.
  - 2. If the brain causes behavior, then the person does not.
  - 3. Neuroscience will show that all behavior is caused by the brain.
  - 4. Therefore, neuroscience will show that punishment is never justified.
- 2 Beliefs *do not* cause behavior
  - 1. Punishment is justified only if those who are punished are rational.
  - 2. People are rational only if (a) they can have accurate beliefs about the law and their behavior and (b) they are capable of acting on those beliefs.
  - 3. Neuroscience will show that beliefs play no role in causing behavior.
  - 4. Therefore, neuroscience will show that punishment is never justified.