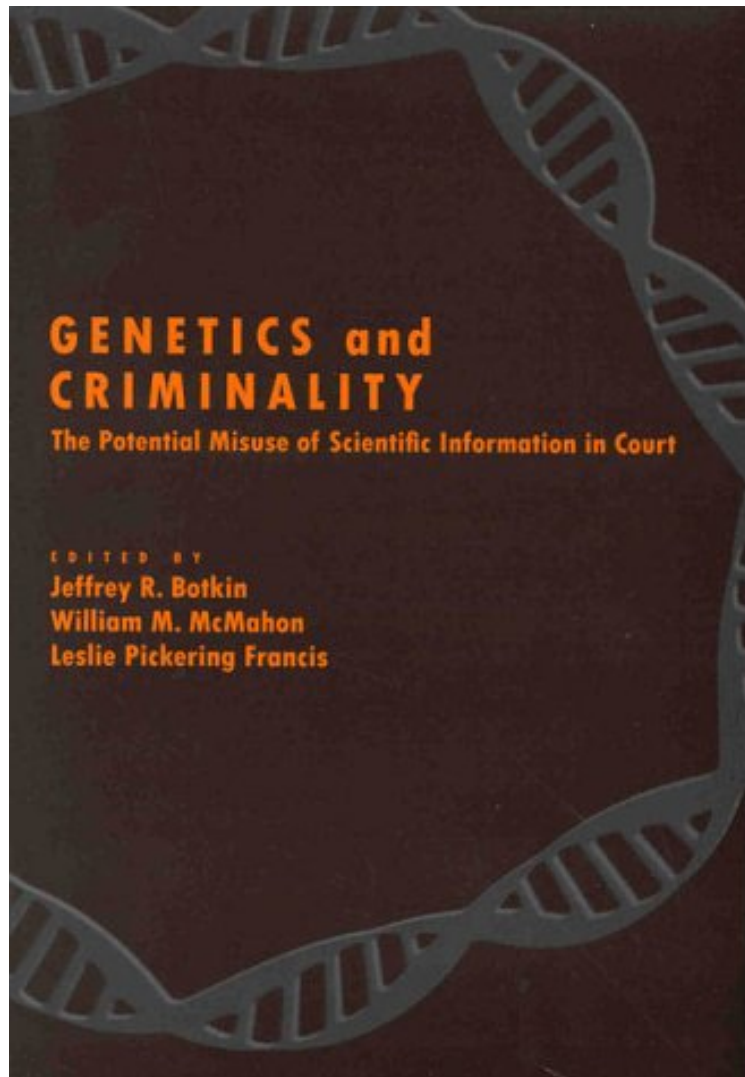


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Genetics and Criminality: The Potential Misuse of Scientific Information in Court (Law and Public Policy: Psychology and the Social Sciences)

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From Brand: American Psychological Association (APA) : Genetics and Criminality: The Potential Misuse of Scientific Information in Court (Law and Public Policy: Psychology and the Social Sciences) before purchasing it in order to gage whether or not it would be worth my time, and all praised Genetics and Criminality: The Potential

As scientists come closer to identifying genetic markers for human behaviour, society is challenged to determine how reliable these findings might be and whether they can be used to solve real-life problems. If there are specific genes that predispose people to violence, how should the courts use this genetic information? Does it matter, in prosecution and sentencing, whether a genetic predisposition to criminality exists? How should we weigh this information against environmental influences such as poverty or physical abuse? This book examines these questions by considering the perspectives of leaders in science, medicine, law and philosophy, perspectives that don't neatly intersect. Essential reading for social scientists and criminal lawyers, "Genetics and Criminality" offers a thought-provoking analysis of the delicate balance between knowledge and justice.

From The New England Journal of Medicine Over the past few years, genetic research has produced rudimentary data on a possible direct connection between genetic makeup and major psychiatric illnesses (or traits such as impulsivity). These early findings may eventually have implications for diagnosis, treatment, and genetic counseling, but they also raise the issue of genetic determinism. In our legal system, criminal responsibility depends on the assumption of the individual person's capacity to choose his or her behavior freely. Circumstances that interfere with free will, including juvenile status or insanity (a major mental illness interfering with the ability to know right from wrong), have traditionally been reasons for limiting criminal responsibility. A genetic illness that interferes with free will could reasonably raise questions about the culpability of the transgressor. Evidence from genetics for a biologic basis of behavior would not go unnoticed by those searching for a "scientific" explanation of human behavior. The law has frequently turned to medicine for assistance in understanding behavior and has been variably rewarded. The judicial system has begun to use the initial genetic data, but concern has been expressed by geneticists and others regarding misapplication of these concepts and data. Genetics and Criminality succeeds in bringing together an interdisciplinary group of experts in philosophy, medicine, psychiatry, and law to review the implications of the new genetic data for the courtroom and society. The book has four sections: "History of Genetic Research and the Philosophy of Free Will and Determinism," "The Complex Interface of Clinical Psychiatry and Genetic Research," "Genetic Research in Relation to Criminal and Juvenile Law," and "Conclusions and Recommendations." There are 11 chapters; at the end of several of them, concepts are elaborated to assist the reader in understanding the material in the chapter. The philosophical discussion of free will and determinism in this book is lively because the judicial matters to be decided -- matters involving insanity, long jail sentences, and the death penalty, for example -- are of paramount importance. A shift toward the belief that genetic determinism may cause a propensity to criminality, violence, or both would raise the issue of a "genetic defense." However, some authors suggest that if a substantial genetic influence were proved, accused persons might be held to be more responsible because of their awareness of a propensity to antisocial conduct in circumstances that they chose not to avoid. More problematic would be the possibility of removing someone from society indefinitely because of a "genetic defect for dangerousness." The scientific authors emphasize the gaps in our knowledge of the relation between genotype and phenotype and note that the cause of psychiatric illness is multifactorial and includes undefined environmental components. The legal authors pull together philosophical and medical information by voicing skepticism and caution about the applicability of genetic data. They thoroughly review the conservative nature of the judicial system with respect to changes in fundamental presumptions in the law, particularly the concept of free will; issues of evidentiary and legal submissibility; potential use of genetic defects as aggravating (as opposed to mitigating) factors in sentencing; and the problem of separating genetic influences from biologic or environmental influences. These legal analyses are easy to comprehend and are the strong point of the book. The unevenness of the chapters of this multiauthored book is actually a strength, because certain issues are reinforced and because both sides of certain debates are presented. It would have been helpful to have, early in the book, an explanation of the legal doctrines of diminished capacity (in which a person is unable to form the intent to commit a crime or to consider other options) and diminished responsibility (in which a person intended to commit the crime and fully considered it but should be held less responsible because of other factors). This would have helped to clarify the arguments on degrees of legal responsibility. However, these criticisms do not materially detract from the overall messages of the book. Sean H. Yutzy, M.D. Copyright 2000 Massachusetts Medical Society. All rights reserved. The New England Journal of Medicine is a registered trademark of the MMS.