

May, 2019

Stephen J. Morse

Present

Employment:

Ferdinand Wakeman Hubbell Professor of Law  
University of Pennsylvania Law School  
3501 Sansom Street  
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[smorse@law.upenn.edu](mailto:smorse@law.upenn.edu)

Professor of Psychology and Law in Psychiatry  
University of Pennsylvania School of Medicine

Associate Director, Center for Neuroscience & Society  
University of Pennsylvania

Education:

Tufts University  
A.B., 1966, Cum Laude (History, Philosophy)

Harvard Law School  
J.D., 1970, Cum Laude

Harvard Graduate School of Education  
Ed.M., 1970

Harvard Graduate School of Arts and Sciences Psychology and Social  
Relations Department Ph.D., 1973 (Personality and Developmental  
Studies)

Field Training: Massachusetts General Hospital Psychiatry  
Outpatient Department, 1969-1970;  
McLean Hospital Outpatient Clinic, 1970-  
1973

Professional  
Qualifications:

Admitted to Bar, Commonwealth of Massachusetts, 1972

Licensed Psychologist, Commonwealth of Massachusetts, 1975

Registered Psychologist, National Register for Health Service Providers in  
Psychology, 1978(continued)

Diplomate, American Board of Forensic Psychology, Inc., 1981

Diplomate, American Board of Professional Psychology (Forensic  
Psychology), 1986

Previous  
Experience:

Visiting Professor, Faculty of Law, University of Zurich, 2018

Visiting Scholar, Centre for the Study of Mind in Nature, Oslo University, 2010

Visiting Distinguished Scholar, University of Southern California Law Center, 2009

Visiting Professor, Interdisciplinary Center, Herzliya, Israel, 2005

Solow Visiting Professor of Law, Cardozo School of Law, 2002

William Minor Lile Visiting Professor of Law, University of Virginia, 1998, 1999

Visiting Professor of Law, Georgetown University Law Center, 1995, 1997

Associate Dean for Academic Affairs, University of Pennsylvania Law School, 1990-1992

Orrin B. Evans Professor of Law, University of Southern California Law Center, 1982-1988

Professor of Psychiatry and the Behavioral Sciences, University of Southern California School of Medicine, 1979-1988

Professor of Psychology, University of Southern California, 1982-1988

Visiting Professor of Law and Social Science, California Institute of Technology, 1983

Professor of Law, University of Southern California Law Center, 1979-1982

Associate Dean for Academic Affairs, University of Southern California Law Center, 1979-1980

Associate Professor of Law, University of Southern California Law Center, 1976-1979

Associate Professor of Psychiatry and the Behavioral Sciences, University of Southern California School of Medicine, 1977-1979

Previous  
Experience:  
(continued)

Consultant, Center for Law and Health Sciences, Boston University  
School of Law, 1974-1977

Assistant Professor of Law, University of Southern California Law Center,  
1974-1976

Visiting Assistant Professor of Psychology, Boston University, 1973-1974

Principal Investigator, Center for Law and Health Sciences, Boston  
University School of Law, Project to study "Rights of Adolescents  
Receiving Mental Health Services" under N.I.M.H. grant, 1973-1974

Professional  
Memberships:

American Bar Association  
American Psychological Association (Fellow)

Professional  
Activities  
& Awards:

American Psychological Association Task Force on Legal Action, 1976-  
1977

Board of Directors, American Psychology-Law Society, 1977-1981

Visiting Psychologist, American Psychological Association Visiting  
Psychologist Program, Alaska Psychiatric Institute, Anchorage, Alaska,  
1979

Advisory Committee to California Legislature Joint Committee on  
Revision of the Penal Code, 1980-81

California State Psychological Association Committee on Legal and  
Social Issues Concerning the Mental Health of Children and Families,  
1980-1981

Book Review Editor, Law and Human Behavior, 1980-87

President, American Psychology-Law Society, 1981-1982

Director (ex officio), American Board of Forensic Psychology, Inc., 1981-  
1982

Professional  
Activities  
& Awards:  
(continued)

Editorial Advisory Board, International Journal of Law and Psychiatry, 1982-2006

Consulting Editor, Professional Psychology, 1983-1993

USC University Associates Award for Excellence in Teaching [University-wide], 1984

President, Division 41/American Psychology-Law Society, American Psychological Association, 1986-87

Editorial Board, Perspectives in Law and Psychology (book series of Division 41 of the American Psychological Association), 1986-1995

John D. and Catherine T. MacArthur Foundation Research Network on Mental Health and the Law, 1988-1996

Editorial Board, Law and Human Behavior, 1988-91

Distinguished Contribution to Forensic Psychology Award, American Academy of Forensic Psychology, 1989

Fellow, American Psychological Association, 1991

Trustee, Bazelon Center for Mental Health Law, 1995-2016

Criminal Law Advisory Board, The Journal of Criminal Law and Criminology, 1995-

Lindback Award for Teaching Excellence [University-wide], University of Pennsylvania, 1997

Faculty, American Academy Forensic Psychology 1999-

Referee (Criminal Law), Stanford-Yale Junior Faculty Forum, 2000, 2002, 2004, 2006, 2008

P. Browning Hoffman Memorial Lecture in Law and Psychiatry, University of Virginia School of Law and Institute for Law, Psychiatry and Public Policy, 2003

Board of Advisors, Ohio State Journal of Criminal Law, 2003-

Professional  
Activities  
& Awards:  
(continued)

Expert Consultant, President's Council on Bioethics, 2004

Editorial Board, Criminal Law and Philosophy, 2005-

Founding Director, Neuroethics Society, 2006.

Deinard Memorial Lecture in Law and Medicine, University of Minnesota, 2007.

Visiting Distinguished Fellow, Sage Center for the Study of the Mind, University of California, Santa Barbara, 2007.

Co-Director, Governing Board and Co-Director of the Research Network on Criminal Responsibility and Prediction, John D. And Catherine T. MacArthur Foundation Law and Neuroscience Project, 2007-2010.

A Leo Levin Award for Excellence in an Introductory Course [Law School], 2007

Editorial Board, Journal of the American Academy of Psychiatry and the Law, 2007-2016

Editorial Board, Legal Theory, 2009-

MacArthur Foundation Research Network on Law and Neuroscience, 2011-2016.

Isaac Ray Award (for distinguished contributions to forensic psychiatry and the psychiatric aspects of jurisprudence), American Psychiatric Association, 2014

Barrock Lecture in Criminal Law, Marquette University Law School, 2014

Elizabeth Hurlock Beckman Award (awarded by the Beckman Award Trust for a teacher who has inspired former students to create an organization which has demonstrably conferred a benefit on the community at large), 2014

Legislative  
Testimony:

“The Role of the Mental Health Expert,” in Hearings on the Role of Psychiatry in Determining Criminal Responsibility 47-61. California Joint Committee on Revision of the Penal Code (1979)

“Diminished Capacity,” in Hearings on The Defenses of Diminished Capacity and Insanity 51-71. California Joint Committee on Revision of the Penal Code (1979)

“The Morality and Practicality of the Insanity Defense,” in Insanity Defense in Federal Courts 208-43. Subcommittee on Criminal Justice of the Committee on the Judiciary, United States House of Representatives (97th Cong., 2d Sess.) (July-September, 1982)

“Reforming the Insanity Defense,” in Reform of the Federal Insanity Defense 296-358. Subcommittee on Criminal Justice of the Committee on the Judiciary, United States House of Representatives (98th Cong., 1st Sess.) (March-May 1983)

Publications:

Books &  
Book Chapters:

Psychotherapies: A Comparative Casebook. New York: Holt, Rinehart & Winston, 1977 (co-edited with Robert I. Watson, Jr.)

“A General Introduction to Psychotherapy,” in Morse & Watson, pp. 1-14 (with Robert I. Watson, Jr.)

“An Introduction to Dynamic Psychotherapy,” in Morse & Watson, pp. 16-43

An Introduction to Behavior Therapy,” in Morse & Watson, pp. 272-292 (with Robert I. Watson, Jr.)

“Psychological and Psychiatric Issues [pertaining to the rights of adolescents in the mental health system],” in J. Wilson, The Rights of Adolescents in the Mental Health System 81-122. Lexington, Mass: Lexington Books, 1978

“Family Law in Transition: From Traditional Families to Individual Liberty,” in V. Tufte & B. Myerhoff, eds., Changing Images of the Family 319-360. New Haven: Yale University Press, 1979

Books &  
Book Chapters:  
(continued)

“Malpractice Liability for Psychosurgery,” in E. Valenstein, ed., The Psychosurgery Debate: Scientific, Legal, and Ethical Perspectives 397-421. San Francisco: W.H. Freeman and Company, 1980

“Understanding Adversary Process and Conflict in The American Criminal Justice System,” in M.W. Klein and K.S. Teilmann, eds. Handbook of Criminal Justice Evaluation 331-356. Beverly Hills, CA: Sage Publications, 1980

“Mental Health Implications of the Juvenile Justice Standards” (with Charles H. Whitebread, II), in G. Melton, ed., Legal Reforms Affecting Child and Youth Services 5-27. New York: Haworth, 1983

“Mental Health Law: Governmental Regulation of Disordered Persons and the Role of the Psychologist,” in B.D. Sales, ed., The Professional Psychologist's Handbook 339-422. New York: Plenum Press, 1983

“The Role of the Mental Health Expert,” in S. Kadish et al., eds., 3 The Encyclopedia of Crime and Justice 1041-1046. New York: The Free Press, 1983

“The Mentally Disordered Offender,” in S. Kadish et al., eds., 3 The Encyclopedia of Crime and Justice 1046-1051. New York: The Free Press, 1983

“Mental Disorder and the Law,” in N. Endler & J. McV. Hunt, eds., Personality and the Behavioral Disorders, 2d ed., 1183-1217. New York: J. Wiley & Sons, 1984

“Psychology, Determinism and Legal Responsibility,” in G.B. Melton, ed., 33 Nebraska Symposium on Motivation, 1985: The Law as a Behavioral Instrument 35-85. Lincoln, NB: University of Nebraska Press, 1986

“The Legal Concept of Normality” (with L. Roth & R. Wettstein), in D. Offer & M. Sabshin, eds., The Diversity of Normal Behavior 275-301. New York: Basic Books, 1991

“Mens Rea: The 'Guilty Mind',” in D. Kagehiro & W. Laufer, eds., Handbook on Psychology and Law 207-229. New York: Springer-Verlag, 1991

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Book Chapters:  
(continued)

“Diminished Capacity,” in S. Shute, J. Gardner & J. Horder, eds., Action and Value in Criminal Law 239-278. Oxford: Clarendon Press, 1993

“Diminished Capacity,” in R. Audi et al., eds., The Cambridge Dictionary of Philosophy 204. Cambridge: Cambridge University Press, 1995

“Insanity, Legal Concept Of,” in R. Chadwick, ed., 3 Encyclopedia of Applied Ethics 699-710. San Diego: Academic Press, 1998

“Excusing and The New Excuse Defenses: A Legal and Conceptual Review,” in, M. Tonry, ed., 23 Crime and Justice 329-406. Chicago: University of Chicago Press, 1998

Foundations of Criminal Law. New York: Oxford University Press, 1999; Foundation Press, 2000 (co-edited with L. Katz & M.S. Moore)

“Deprivation and Desert,” in W. Hefferman & J. Kleinig, eds., From Social Justice to Criminal Justice 114-160. New York: Oxford University Press, 2000

“Criminal Responsibility and Legal Insanity,” in Alan E. Kazdin, ed., Encyclopedia of Psychology 351-353. New York: Oxford University Press, 2000

“From 'Sikora' to 'Hendricks': Mental Disorder and Responsibility,” in L.E. Frost & R.J. Bonnie, eds., Mental Health Law in Evolution 129-166. Washington: American Psychological Association Press, 2001

“The Mentally Disordered Offender,” in J. Dressler et al, eds., Encyclopedia of Crime and Justice (2d Ed.) New York: Macmillan, 2001

“Psychopathy,” in J. Dressler et al, eds., Encyclopedia of Crime and Justice (2d Ed.). New York: Macmillan, 2001

“Diminished Capacity,” in J. Dressler et al, eds. Encyclopedia of Crime and Justice (2d Ed.). New York: Macmillan, 2001

“Drugs, Decriminalization of,” in N.J. Smelser & P.B. Baltes, Eds., International Encyclopedia of the Social & Behavioral Sciences. Amsterdam: Pergamon, 2001



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Book Chapters:  
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“Mad or Bad? Sex Offenders and Social Control,” in B. Winick & J.Q. LaFond, eds., Protecting Society From Sexually Dangerous Offenders: Law, Justice, and Therapy 165-182. Washington: American Psychological Association Press, 2003

“New Neuroscience, Old Problems,” in B. Garland, ed., Neuroscience and the Law: Brain, Mind and the Scales of Justice 157-198, New York: Dana Press, 2004

“The Jurisprudence of Craziness,” in Francesco Parisi & V.L. Smith, eds. The Law and Economics of Irrational Behavior 225-267. Stanford, CA: Stanford University Press, 2005

“Moral and Legal Responsibility and the New Neuroscience,” in J. Illes, ed., Neuroethics in the 21<sup>st</sup> Century: Defining the Issues in Theory, Practice and Policy 33-50. Oxford: Oxford University Press, 2006

“Affirmative Defenses,” in Vincent N. Parillo, ed., 1 Encyclopedia of Social Problems 32-33. Sage, 2008

“Diminished Capacity,” in Brian L. Cutler, ed., 1 Encyclopedia of Psychology & Law 217-220. Sage, 2008

“Insanity Defense Reform Act (IDRA),” in Brian L. Cutler, ed., 1 Encyclopedia of Psychology and Law 372-374. Sage, 2008

“Neuroethics,” in S. Bloch & S. Green, eds., Psychiatric Ethics, 4<sup>th</sup> ed. 309-335. Oxford University Press, 2009

L. Alexander & K. Ferzan, with S. Morse, Crime and Culpability: A Theory of Criminal Law. Cambridge: Cambridge University Press, 2009

“Addiction, Science and Criminal Responsibility,” in N. A. Farahany, ed., The Impact of Behavioral Sciences on Criminal Law 241-288. Oxford: Oxford University Press, 2009

“Against Control Tests for Criminal Responsibility” & “Reply,” in P. Robinson, S. Garvey, & K. Ferzan, eds., Criminal Law Conversations 449-459 & 469-472. Oxford University Press, 2009

“The Neuroscience Challenges to Criminal Responsibility” in A. Santosuosso, ed., Le Neuroscienze e Il Diritto 93-120. Ibis, 2009

Books &  
Book Chapters:  
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“Psychopathy and the Law: the United States Experience,” in Luca Malatesti and John McMillan, eds., Responsibility and Psychopathy: Interfacing Law, Psychiatry and Philosophy 41-61. Oxford University Press, 2010

“Lost in Translation?: An Essay on Law and Neuroscience,” in Michael Freeman, ed., Law and Neuroscience 529-562. Oxford University Press, 2011

“Gene-Environment Interactions, Criminal Responsibility and Sentencing,” in Kenneth A. Dodge & Michael Rutter, eds., Gene-Environment Interaction Effects in Developmental Psychology 207-234. Guilford Press, 2011

“The Future of Neuroscientific Evidence,” in C. Henderson & J. Epstein, eds., The Future of Evidence 137-163. American Bar Association, 2011

“Addiction and Criminal Responsibility,” in Jeffrey Poland & George Graham, eds., Addiction and Responsibility 159-199. MIT Press, 2011

“Avoiding Irrational NeuroLaw Exuberance,” in Bibi van den Berg & Laura Klaming, eds., Technologies on the Stand: Legal and Ethical Questions in Neuroscience and Robotics 23-40. Wolf Legal Publishers, 2011

“Neuroscience and the Future of Personhood and Responsibility,” in Jeffrey Rosen and Ben Wittes, eds. Constitution 3.0: Freedom and Technological Change 113-129. Brookings, 2011

“Neuroimaging Evidence in Law: A Plea for Modesty and Relevance” in J. Simpson, ed., Neuroimaging in Forensic Psychiatry 341-357. Wiley, 2012

“Diminished Capacity, Neuroscience & Just Punishment,” in Sarah Richmond, Sara Edwards & Geraint Rees, eds., I Know What You are Thinking: Privacy and Neuroscience 155-172. Oxford University Press, 2012.

“Evaluation of Criminal Responsibility” (with Alan Goldstein and Ira Packer), in Alan Goldstein, ed., Forensic Psychology Handbook, 2<sup>nd</sup> ed. 381-406, Wiley, 2012.

Books &  
Book Chapters:  
(continued)

“Common Criminal Law Compatibilism,” in Nicole Vincent, ed., Neuroscience and Legal Responsibility 29-52. Oxford University Press, 2013.

“Compatibilist Criminal Law,” in Thomas A. Nadelhofer, ed., The Future of Punishment 107-131. Oxford University Press, 2013.

“Preventive Detention of Psychopaths and Dangerous Offenders,” in Kent A. Keihl and Walter A. Sinnott-Armstrong, eds., Handbook on Psychopathy and Law 321-345. Oxford University Press, 2013.

“Scientific Challenges to Criminal Responsibility,” in Joel Feinberg, Jules Coleman, & Christopher Kutz, eds., Philosophy of Law, 9th Edition 839-853. Cengage Learning, 2013.

Primer on Criminal Law and Neuroscience, Stephen J. Morse & Adina L. Roskies eds., Oxford University Press, 2013

“Introduction,” in Morse and Roskies, eds., pp. xv-xxiii

“Criminal Responsibility, Competence and Prediction” (with Bill Newsome), in Morse and Roskies, eds., pp. 150-178

“Neuroscience and Law: Looking Forward” (with Adina L. Roskies), in Morse and Roskies, eds., pp. 240-256

“The Insanity Defense,” in H. LaFollette, ed., International Encyclopedia of Ethics. Sage, 2013.

“Genetics and Criminal Justice,” in Turhan Canli, Ph.D., ed., Oxford Handbook of Molecular Psychology 409-425. Oxford University Press, 2015.

“Drugs Decriminalization of,” in James D. Wright, ed., International Encyclopedia of Social and Behavioral Sciences, 2d Ed. 674-678. Elsevier, 2015.

“Neurolaw,” in Robert Audi, ed., Cambridge Encyclopedia of Philosophy (3d.ed.), Cambridge University Press, 2015.

“Indispensable Forensic Psychiatry & Psychology,” in R. Sadoff, ed., Forensic Psychiatry: Past, Present, and Future Directions. Oxford University Press, 2015.

Books &  
Book Chapters:  
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“Neuroscience, Free Will and Criminal Responsibility,” in W. Glannon, ed., Free Will and the Brain: Neuroscientific, Philosophical, and Legal Perspectives. Cambridge U. Press, 2015.

Legal, Moral and Metaphysical Truths: The Philosophy of Michael S. Moore (edited with Kimberly Kessler Ferzan), Oxford University Press, 2016.

“Editors’ Introduction” (with Kimberly Kessler Ferzan), in Ferzan & Morse.

“Moore on the Mind,” in Ferzan & Morse.

“Du Cerveau, Encore du Cerveau, Rien Que Du Cerveau: Rencontre Avec Stephen Morse,” in Boris Cyrulnik ed., Le Cerveau est-il coupable?, Philippe Duval, 2016.

“The Inevitable Mind in the Age of Neuroscience,” in D. Patterson, ed., Philosophical Foundations of Law and Neuroscience, Oxford University Press, 2016.

“Legal Insanity in the Age of Neuroscience,” in, S. Moratti & D. Patterson, eds., Law and Neuroscience: Revising the Legal Standard of Insanity, Hart Publishing, 2016.

“Addiction, Choice and Criminal Responsibility,” in, N. Heather & G. Segal, eds., Addiction and Choice, Oxford University Press, 2016.

“Neuroethics: Neurolaw,”  
<http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199935314.001.0001/oxfordhb-9780199935314-e-45?rskey=JzxC92&result=3>,  
(March 2017)

“Law and the Sciences of the Brain/Mind,” in R. Brownsword, ed., Oxford Handbook of Law and the Regulation of Technology. Oxford University Press, 2017.

“Mental Disorder and Criminal Justice,” in, E. Luna, ed., Academy for Justice, A Report on Scholarship and Criminal Justice Reform. Arizona State University, 2017.

Books &  
Book Chapters:  
(continued)

“The Neuroscience Non-Challenge to Meaning, Morals and Purpose,” in, G. Caruso & O. Flanagan, eds, Neuroexistentialism: Meaning, Morals, and Purpose in the Age of Neuroscience. Oxford University Press, 2018.

“Neuroscience in Forensic Contexts: Ethical Concerns, in E.A.E. Griffith, ed., Ethical Challenges in Forensic Psychiatry and Psychology Practice, Columbia University Press, 2018.

“Mental Disability, Criminal Responsibility and Civil Commitment,” in, T. Grisso & S. Brodsky, eds., The Roots of Modern Psychology and Law. Oxford University Press, 2018.

“Involuntary, Competence in United States Criminal Law,” in, R. MacKay, ed., Fitness to Plead: International and Comparative Perspectives. Oxford University Press, 2018.

“The Promise of Neuroscience for Law: Hope or Hype?,” in, D. Boonin, ed., The Palgrave Handbook of Philosophy and Public Policy, Palgrave Macmillan, 2018.

*Criminal Law and Addiction*, in H. Pickard & S. Ahmed, eds, ROUTLEDGE HANDBOOK ON PHILOSOPHY AND SCIENCE OF ADDICTION 540 (Routledge, 2019).

“Neurohype and the Law: A Cautionary Tale,” in R. Thibault & A. Raz eds., The Dark Side of Imaging: What a Scanner Won’t Tell You. Elsevier, 2019.

“The Insanity Defense,” in H. LaFollette, ed., International Encyclopedia of Ethics (2d, Ed.) (forthcoming, Sage).

“Neuroscience and Criminal Responsibility and Competence,” in L. Alexander & K.K. Ferzan, eds., The Palgrave Handbook of Applied Ethics and Criminal Law (forthcoming, Macmillan).

*Neuroscience and Law: Conceptual and Practical Issues*, to appear in Antonio D’Aloia & Maria Chiara Errigo, eds., NEUROSCIENCE AND LAW: COMPLICATED CROSSINGS AND NEW PERSPECTIVES (forthcoming, Springer).

## Articles:

- “Structure and Reconstruction: A Critical Comparison of Michael Balint and D.W. Winnicott,” 54 International Journal of Psycho-Analysis 487-500 (1972)
- “The Psychological Theory of Michael Balint,” 3 Psychiatry in Medicine 407-416 (1972)
- “Perfecting the Parents: A Family Romance Resistance,” 17 American Journal of Psychotherapy 410-420 (1973)
- “The After-Pleasure of Suicide,” 46 British Journal of Medical Psychology 227-238 (1973)
- “The Twilight of Welfare Criminology: A Reply to Judge Bazelon,” 49 Southern California Law Review 1246-1268 (1976). Reprinted in revised form: 49 New York State Bar Journal 11 (1977)
- “The Twilight of Welfare Criminology: A Final Word,” 49 Southern California Law Review 1275-1276 (1976)
- “Crazy Behavior, Morals, and Science: An Analysis of Mental Health Law,” 51 Southern California Law Review 527-654 (1978)
- “Law and Mental Health Professionals: The Limits of Expertise,” 9 Professional Psychology 389-399 (1978)
- “Diminished Capacity: A Moral and Legal Conundrum,” 2 International Journal of Law and Psychiatry 271-298 (1979)
- “A Preference for Liberty: The Case Against Involuntary Commitment of the Mentally Disordered,” 70 California Law Review 54-106 (1982). Published in modified form in C. Warren, The Court of Last Resort: Mental Illness and the Law 69-109. Chicago: University of Chicago Press, 1982
- “Failed Explanations and Criminal Responsibility: Experts and the Unconscious,” 68 Virginia Law Review 973-1084 (1982)
- “Diminishing Diminished Capacity in California” (with Edward R. Cohen), 2 The California Lawyer, June, 1982 at 24-26
- “Reforming Expert Testimony: An Open Response from the Tower (and the Trenches),” 6 Law and Human Behavior 45-47 (1982)

Articles:  
(continued)

“Predicting Future Dangerousness,” 3 The California Lawyer, December, 1983 at 16-18

“Save the Insanity Defense,” 10 Litigation, Fall 1983 at 3-6, 51

“Undiminished Confusion in Diminished Capacity,” 75 The Journal of Criminal Law and Criminology 1-55 (1984)

“Justice, Mercy and Craziness,” 36 Stanford Law Review 1485-1515 (1984)

“Retaining a Modified Insanity Defense,” 477 The Annals 137-147 (1985)

“Excusing the Crazy: The Insanity Defense Reconsidered,” 58 Southern California Law Review 777-836 (1985)

“Why Amnesia and the Law Is Not a Useful Topic,” 4 Behavioral Sciences & the Law 99-102 (1986)

“Treating Crazy Persons Less Specially” (Edward G. Donley Memorial Lecture, West Virginia University College of Law), 90 West Virginia Law Review 353-385 (1987-88)

“Introducing Criminal Law,” 87 Michigan Law Review 1294-1306 (1989)

“The Misbegotten Marriage of Soft Psychology and Bad Law: Psychological Self-Defense as a Justification for Homicide,” 14 Law & Human Behavior 595-618 (1990)

“Culpability and Control,” 142 University of Pennsylvania Law Review 1587-1660 (1994)

“Causation, Compulsion and Involuntariness,” 22 Bulletin of the American Academy of Psychiatry and the Law 159-180 (1994)

“The 'New Syndrome Excuse Syndrome',” 14 Criminal Justice Ethics 3-15 (Winter/Spring, 1995)

“Blame and Danger: An Essay on Preventive Detention,” 76 Boston University Law Review 113-155 (1996)

“Brain and Blame,” 84 Georgetown Law Journal 527- 549 (1996); reprinted in 1 Seminars in Clinical Neuropsychiatry 222-235 (1996)

Articles:  
(continued)

“Immaturity and Irresponsibility,” 88 Journal of Criminal Law and Criminology 15-67 (1997)

“Fear of Danger, Flight from Culpability,” 4 Psychology, Public Policy and Law, 250-267 (1998)

“Moral Responsibility: A Story, An Argument & A Vision” 4 Graven Images 73-80 (1998)

“Craziness and Criminal Responsibility,” 17 Behavioral Sciences & the Law 147-164 (1999)

“Delinquency and Desert,” 564 The Annals of The American Academy of Political and Social Science 56-80 (July, 1999)

“Neither Desert Nor Disease,” 5 Legal Theory 265-309 (1999)

“Waiting For Determinism To Happen,” [www.LegalEssays.com](http://www.LegalEssays.com) 1-10 (1999)

“Not so Hard (and Not so Special), After All,” 6 Virginia Journal of Social Policy & the Law 471-496 (1999)

“Crazy Reasons,” 10 Journal of Contemporary Legal Issues 189-226 (1999)

“Hooked on Hype: Addiction and Responsibility,” 19 Law and Philosophy 3-49 (2000)

“The Moral Metaphysics of Causation and Results,” 88 California Law Review 879-894 (2000)

“Rationality and Responsibility,” 74 Southern California Law Review 251-268 (2000)

“Uncontrollable Urges and Irrational People,” 88 Virginia Law Review 1025-1078 (2002)

“Involuntary Competence,” 21 Behavioral Sciences & the Law 311-328 (2003)

“Diminished Rationality, Diminished Responsibility,” 1 Ohio State Journal of Criminal Law 289-308 (2003)



Articles:  
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“Inevitable Mens Rea,” 27 Harvard Journal of Law & Public Policy 51-64 (2003)

“Reason, Results and Criminal Responsibility,” 2004 Illinois Law Review 363-444

Book Review [review of S. A. Bandes, ed., The Passions of the Law], 114 Ethics 601-604 (2004)

“Preventive Confinement of Dangerous Offenders,” 32 Journal of Law, Medicine & Ethics 56-72 (2004)

“Medicine and Morals, Craving and Compulsion,” 39 Substance Use and Misuse 437-460 (2004)

“New Neuroscience, Old Problems: Legal Implications of Brain Science,” 6 Cerebrum 81-90 (2004)

“Brain Overclaim Syndrome: A Diagnostic Note,” 3 Ohio State Journal of Criminal Law 397 (2006)

“Genetics, Addiction and Criminal Responsibility,” 69, Law & Contemporary Problems 165-207 (2006)

“Steel Traps and Unattainable Aspirations: A Comment on Kress,” 24 Behavioral Sciences & the Law 599-606 (2006)

“The Non-Problem of Free Will in Forensic Psychiatry and Psychology,” 25 Behavioral Sciences & The Law 203-220 (2007)

“Voluntary Control of Behavior and Responsibility,” 7 American Journal of Bioethics 12-13 (2007)

“Criminal Responsibility and the Disappearing Person,” 28 Cardozo Law Review 2545-2576 (2007)

“The Uneasy Entente Between Insanity and Mens Rea: Beyond *Clark v. Arizona*” (with Morris B. Hoffman), 97 Journal of Criminal Law & Criminology 1071-1149 (2007)

“Thoroughly Modern: Sir James Fitzjames Stephen on Responsibility,” 5 Ohio State Journal of Criminal Law 505-526 (2008)

Articles:  
(continued)

“Determinism and the Death of Folk Psychology: Two Challenges to Responsibility from Neuroscience,” 9 Minnesota Journal of Law, Science and Technology 1-35 (2008)

“Psychopathy and Criminal Responsibility,” 1 Neuroethics 205-212 (2008)

“The Ethics of Forensic Practice: Reclaiming the Wasteland,” 36 Journal of the American Academy of Psychiatry and Law 206-217 (2008)

“Vice, Disorder, Conduct and Culpability,” 15 Philosophy, Psychiatry, & Psychology 47-49 (2008)

“The Irreducibly Normative Nature of Provocation/Passion,” 43 Michigan Journal of Law Reform 193-205 (2009)

“An Accurate Diagnosis, But Is There A Cure?” 3 Hastings Science & Technology Law Journal 157-164 (2011)

“Mental Disorder and Criminal Law,” 101 Journal of Criminal Law & Criminology 885-968 (2011)

“Avoiding Irrational NeuroLaw Exuberance: A Plea for Neuromodesty,” 62 Mercer Law Review 837-859 (2011)

“Severe Environmental Deprivation (AKA RSB): A Tragedy, Not a Defense,” 2 Alabama Civil Rights & Civil Liberties Law Review 147-173 (2011)

“Protecting Liberty and Autonomy: Desert/Disease Jurisprudence” 48 San Diego Law Review 1077-1126 (2011)

“Genetics and Criminal Responsibility,” 15 Trends in Cognitive Neuroscience [TiCS] 378-380 (2011)

“The Status of NeuroLaw: A Plea for Current Modesty and Future Cautious Optimism,” 39 J. Psychiatry and Law 595-626 (2011)

“New Therapies, Old Problems, Or, A Plea for Neuromodesty,” 3 American Journal of Bioethics—Neuroscience, 60-64 (2012)

“Brain Overclaim Redux,” XXXI J. Law and Inequality 509-534 (2013)

Articles:  
(continued)

“A Good Enough Reason: Addiction, Agency and Criminal Responsibility,” 156 Inquiry 490-518 (2013)

“Abolition of the Insanity Defense Violates Due Process” (with Richard J. Bonnie), 41 Journal of American Academy of Psychiatry and Law 488 (2013)

“Commentary: Reflections on Remorse,” 42 Journal of American Academy of Psychiatry and Law 49 (2014)

“Brain Imaging in the Courtroom: The Quest for Legal Relevance,” 5 Am. J. Bioethics-Neuroscience 24 (2014)

“The Status of Neurolaw: A Plea for Current Modesty and Future Cautious Optimism,” 50 Court Review 94 (2014)

“Law and Neuroscience: Recommendations Submitted to the President’s Bioethics Commission,” (with all the members of the MacArthur Foundation Research Network on Law & Neuroscience), 1 Journal of Law & the Biosciences 224 (2014)

“Criminal Law and Neuroscience: Present and Future,” 65 Northern Ireland Law Quarterly 243 (2015)

“Criminal Law and Commonsense: An Essay on the Perils and Promise of Neuroscience” (the Barrock Lecture in Criminal Law at Marquette Law School) 99 Marquette L. Rev. 39 (2015)

“Essay Review of M. Pardo & D. Patterson’s MINDS, BRAINS AND LAW,” 8 Jurisprudence 158 (2016)

“Neuroprediction: New Technology, Old Problems,” 8 Bioethica Forum 128 (2016),

“fMRI and Lie Detection (with all members of the MacArthur Foundation Research Network on Law and Neuroscience),  
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