

# Restoring Responsibility: Promoting Justice, Therapy and Reform Through Direct Brain Interventions

Nicole A Vincent

© The Author(s) 2012. This article is published with open access at Springerlink.com

**Abstract** Direct brain intervention based mental capacity restoration techniques—for instance, psycho-active drugs—are sometimes used in criminal cases to promote the aims of justice. For instance, they might be used to restore a person’s competence to stand trial in order to assess the degree of their responsibility for what they did, or to restore their competence for punishment so that we can hold them responsible for it. Some also suggest that such interventions might be used for therapy or reform in criminal legal contexts—i.e. to make non-responsible and irresponsible people more responsible. However, I argue that such interventions may at least sometimes fail to promote these responsibility-related legal aims. This is because responsibility hinges on other factors than just what mental capacities a person has—in particular, it also hinges on such things as authenticity, personal identity, and mental capacity ownership—and some ways of restoring mental capacity may adversely affect these other factors. Put one way, my claim is that what might suffice for the restoration of competence need not necessarily suffice for the restoration of responsibility, or, put another way, that although responsibility indeed tracks mental capacity it may not always track restored mental capacities.

**Keywords** Capacitarianism · Responsibility · Mental capacity restoration · Direct brain intervention · Competence for trial · Competence for punishment · Competence for release · Justice · Therapy · Reform · Characterianism

---

An early draft of this paper was presented on 12th April 2011 at the *TILTING Perspectives 2011: Technologies on the stand* conference at Tilburg University in The Netherlands, and it was published in the conference proceedings under the title “Capacitarianism, Responsibility and Restored Mental Capacities”.

---

N. A Vincent  
Philosophy Department, Macquarie University, Sydney, NSW, Australia

N. A Vincent (✉)  
Philosophy Section, TU Delft, Delft, The Netherlands  
e-mail: nicole.vincent@mq.edu.au