“If a defendant is arguably ‘not criminally responsible’ due to a genetic predisposition to crime or violence, legally they cannot be found guilty of murder for example, but is this how society wants its laws applied?”

This is one of the many thought-provoking questions considered in Senior Lecturer at UC’s School of Law Dr Debra Wilson’s new book, Genetics, Crime and Justice. The book examines the legal and ethical issues raised by genetic scientific research and explores how the criminal justice system currently reacts, and ought to react, to the new challenges presented by genetic evidence.

“Genetics and neuroscience are going to change the criminal justice system. The genetics defence has already been used in more than 200 cases in America and in Europe, which raises questions around verdicts, jury decisions and sentencing.”

Dr Wilson says her book does not provide the answers, but raises important questions that societies, governments and the legal fraternity around the world need to consider.

“We need to talk about these issues and figure out how to respond to these scientific discoveries. With the growing use of DNA databases, there are also issues around privacy and individual rights that need to be considered – should everyone be genetically tested and how should we respond when the gene is identified?”

Genetics, Crime and Justice was published by Edward Elgar Publishing in the United Kingdom. It includes a layperson description of the science related to the ‘criminal gene’ because Wilson says “we need to know what the science is telling us in order to consider the legal issues”. The content is relevant across a range of international jurisdictions and is focused on one particular legal system.

Since it was published in 2015, Genetics, Crime and Justice has received significant media attention and reviews, including forthcoming reviews in journals such as the Medical Law Review and the New Zealand Criminal Law review.

And this is exactly what Dr Wilson wanted. “I hoped to start a debate in publishing this book. The point is that use of genetic information in court is coming. Judges so far don’t know what to do with it when they are faced with it. This book provides the background so these arguments can be understood.”

By Bridget Gourlay