

New DNA testing bring free will into play

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A new generation of DNA testing gives a peek at biological and psychological traits allowing lawyers to question free will in U.S. criminal cases, experts say.

Some defense teams are using DNA profiles to argue their clients had a genetic predisposition for certain ailments or behavior, The Washington Post reported Sunday.

More than 60 percent of antisocial and criminal behavior is linked to genetics and several high courts agreed, reversing murder convictions in some cases, the Post said. In one South Carolina reversal, the justices' decision implied biology and not free will prompted criminal behavior.

"To argue that behavior can be predicted, you are arguing (someone) does not have free will," said Markus Heilig, a neurochemist with the National Institute on Alcohol Abuse and Alcoholism. "So how can you hold someone accountable?"

But Nita Farahany, an expert on genetics and the law at Vanderbilt University countered, "Just because you can explain a behavior's cause doesn't mean it is excusable."

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