

Bringing Together Neuroscience and the Law: Some Reflections

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ABSTRACT

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The author, a lawyer and not at all a specialist of neuroscience, tries to present some reflections about the feasibility, usefulness, and possible dangers, of bringing together neurosciences and the Law. This interconnection has already started. In some criminal trials, lawyers submit to judges neurological evidence in order to demonstrate the innocence or guilt of the accused person, or the existence of mitigating circumstances. According to French Law the legality of cerebral imaging for judicial expertise may be admitted under conditions. The age of criminal responsibility is questioned on the grounds of brain development ecc.

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However criminal law is not the only field where neurosciences are able to interfere with legal solutions to various problems. Will the legal influence of neurosciences grow on in the future like DNA, for instance? Will “Neurolaw” become more and more important? Anyhow, some legal obstacles and ethical problems exist and must be scrutinized.

Finally, as the connection between neurosciences and legal theory and practice is manifestly to develop, that means that training, education and research should include more and more interdisciplinary studies, programmes and curricula. Specialized bodies should therefore be associated in order to “bridge the gap”.

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