

Legal implications of neuroscience research—Harvard Review of Psychiatry presents update

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New research on the biological basis of psychiatric disorders has important implications for legal proceedings as well as mental health treatment, according to a special issue on "Psychiatry, Neuroscience, and the Law," presented in the *Harvard Review of Psychiatry*.

The special issue seeks "to educate and inform mental health researchers and clinicians about the increasing use of their work in judicial contexts, and to prepare them for the ethical and practical issues that will arise when their work enters the legal arena," write Guest Editors Judith Gallen Edersheim, JD, MD, and Rebecca Weintraub Brendel, MD, JD, of MGH Center for Law, Brain & Behavior, Massachusetts General Hospital, Boston.

Neuroscience and the Law - Update on Four Key Mental Health Topics

The special issue presents expert perspectives on "four central areas" where neuropsychiatric research is rapidly making its way into the courtroom:

- *Addiction*. Although substance use disorders raise clear legal issues, there is wide divergence between the medical and legal viewpoints. Ongoing research on the neurobiology of substance abuse raises questions about the legal concepts of "voluntariness"

and "choice," with the current focus on addiction as a disease. Insights into the neuroscience of substance use disorders also add to arguments against severe legal penalties for possession and use of illegal drugs.

- *Dementia and Decision Making.* Both legal and medical professionals face challenges in assessing the decision-making capability of people with cognitive impairment. Recent studies have shown that patients with dementia have other types of impairment beyond their ability to reason, including deficits in value-based decision making and awareness of their own thought processes (metacognition). Key examples illustrate how these concepts should be used in assessing decision-making capacity.
- *Chronic Pain.* New insights into the neurobiology of chronic pain are overturning entrenched legal concepts of a dichotomy between brain and body. Improved understanding of how chronic pain develops and persists has important implications for reforming state and federal disability systems. For mental health professionals, these discoveries also help in understanding the contribution of [chronic pain](#) in patients with mood disorders and/or substance abuse.
- *Behavioral Genetics.* Research on genetic factors affecting [mental health](#) has implications for understanding the propensity toward violent behavior and susceptibility to [psychiatric disorders](#). The special issue includes a discussion of how these behavioral genetic discoveries are being introduced in the courtroom, while raising caution about using such evidence in individual criminal cases or litigation.

Drs. Edersheim and Brendel—both trained as attorneys and forensic psychiatrists—emphasize the importance of ensuring that advances in psychiatry and neuroscience research are introduced into [legal proceedings](#) in a responsible and accurate way. They conclude, "We hope that these seminal articles will help researchers and clinicians to

understand their important role in this process and to prepare themselves to venture into this novel terrain in furtherance of both science and justice."

[Click here to read the special issue.](#)

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