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# Book Review: Minds, Brains, and the Law: The Conceptual Foundations of Law and Neuroscience

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Corporations or firms with significant practices dedicated to patents and antitrust law should consider adding this book to their collections. Likewise, academic libraries serving faculty with strong interests in the topics (especially faculty keen on empirical studies) would benefit from adding the book to their collections; it could even make a solid textbook for a seminar. The book will be most appealing to specialists, which makes it less attractive for collections not serving specialists if space or funds are a concern.

Pardo, Michael S., and Dennis Patterson. *Minds, Brains, and Law: The Conceptual Foundations of Law and Neuroscience*. New York: Oxford University Press, 2013. 240p. \$85.

*Reviewed by Karen Breda\**

¶61 With the emergence of neurolaw, neuroethics, and neuroeconomics, there has been an explosion of scholarly and popular interest in how neuroscience affects our understanding of human decision making, free will and determinism, and the corresponding impact on legal and moral theory. In their timely book, *Minds, Brains, and Law: The Conceptual Foundations of Law and Neuroscience*, Michael S. Pardo and Dennis Patterson explore the relationship between the mind, the brain, and jurisprudence from a conceptual standpoint. They go on to critically rethink legal arguments in favor of applying neuroscience to evidence, criminal law, and theories of punishment.

¶62 After a brief introduction, *Minds, Brains, and Law* presents three chapters that discuss the philosophical issues to be considered and the methodological framework applied throughout the book; three concepts of the mind: Cartesian Dualism, the neuro-reductionist conception, and the Aristotelian conception; and the current scholarship concerning ways in which neuroscience can transform jurisprudence and moral judgment.

¶63 The authors explain that logical conceptions of the mind, consciousness, knowledge, and memory are necessary before neuroscience can inform legal theory. The classic concept is that the mind is immaterial (or spiritual or supernatural, if you will) and is in causal interaction with the body. This concept, articulated by René Descartes, is known as Cartesian Dualism. This classical concept has been largely rejected by contemporary neuroscientists and neurolegalists as implausible. The neuro-reductionist concept that the mind *is* the brain is the conceptualization favored by contemporary scientists and legal scholars. However, the authors point out that neuro-reductionism is hampered by the fallacy of confusing the part for the whole. The authors argue that there is more behind a person's being and behavior than just the brain and its neural activity—that culture, individual experience, and a plethora of other factors work together with the brain to make up a person's mind and consciousness. The authors advocate an Aristotelian concept that the mind is an array of emotional and rational abilities manifested in thought, feeling, and action.

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¶64 The authors go on to discuss the complex relationships between law and morality and ways in which emotion affects moral and economic judgments. For example, the book includes a fascinating discussion of functional magnetic resonance imaging studies of persons presented with moral dilemmas and economic choices and then goes on to challenge assumptions about emotional versus rational choices. The discussion raises complex normative questions.

¶65 Readers who are unfamiliar with the concepts and vocabulary of legal and moral theory may find these first four chapters somewhat intimidating. However, the authors describe the concepts and illustrate the issues so well that by the end of the fourth chapter, a reader entirely new to the study of neurolaw will have gained a strong grasp of its philosophical foundations.

¶66 The next three chapters of the book build on these foundational chapters by applying the concepts to arguments in favor of integrating neuroscience into law in the areas of brain-based lie detection, adjudication of guilt, the insanity defense, and the constitutional limitations upon the government's use of neuroscientific evidence. The book ends with a critical evaluation of neuroscientific arguments for reforming punishment theories. As they have done throughout the book, the authors make an excellent case that there is more to human behavior and legal theory than brain states determined by external factors. In response to arguments that retribution is unjustified given claims of hard determinism, the authors ask us to imagine an open-minded group of policymakers tasked with designing a just system of criminal punishment. Those policymakers could evaluate options, conduct a cost-benefit analysis, and then choose a course of action, or they could simply wait for their neurons to make the determination for them.

¶67 The book features a comprehensive neurolaw bibliography nearly twenty pages in length, a table of cases and cited legal authorities, and an index. There is far more to *Minds, Brains, and Law* than can be summarized in this short review. It is a valuable resource for policymakers and scholars in criminal law, constitutional law, and penal theory. I highly recommend this book for all academic law libraries for its in-depth philosophical discussion of neuroscience and legal theory.

Phillips, David D. *The Law of Ancient Athens*. Ann Arbor: University of Michigan Press, 2013. 540p. \$95.

*Reviewed by Charles D. Wilson\**

¶68 In *The Law of Ancient Athens*, David D. Phillips collects in one place the fragmentary evidence of the substantive and procedural law of ancient Athens. The book covers archaic and classical Athens from the first known trial in about 636 BCE to the dissolution of the democracy in 322 BCE. The book is intended for "the widest possible readership, from specialists to those who come to the book with no knowledge of the subject" (p.v).

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