

Neurolaw and Direct Brain Interventions

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Abstract This issue of *Criminal Law and Philosophy* contains three papers on a topic of increasing importance within the field of “neurolaw”—namely, the implications for criminal law of direct brain intervention based mind altering techniques (DBI’s). To locate these papers’ topic within a broader context, I begin with an overview of some prominent topics in the field of neurolaw, where possible providing some references to relevant literature. The specific questions asked by the three authors, as well as their answers and central claims, are then sketched out, and I end with a brief comment to explain why this particular topic can be expected to gain more prominence in coming years.

Keywords Neurolaw · Overview · Direct brain interventions

Neurowhat?

In terms of its history, *neurolaw* is a relatively recent field. Although discussion of many of the issues still at the heart of current debates dates back to the early 1990s (Martell 1992), much of the activity in this field has taken place during the past decade. In this respect this field’s youthfulness reflects the relatively-recent advances made within the field of cognitive neuroscience, in large degree made possible by the development of powerful new diagnostic neuroimaging techniques—ones with fancy acronyms like CAT, PET, SPECT, MRI, fMRI and DTI, etc. (Jones et al. 2009)—that made it possible to study the structure and function of living brains in situ, with hitherto-unprecedented detail, without ever having to reach for cranial saws, drills and scalpels. In terms of content, I find it useful to categorize the topics discussed in this field under four headings—scientific discoveries, diagnostic techniques, intervention techniques, and legal procedure—though this categorization is by no means conventional nor prescriptive (for other categorizations see e.g.

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