



SHOULD LAWYERS BE(COME) BRAIN SCIENTISTS AS WELL?

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I see several ways in which 'brain sciences' can influence the legal field. For starters, the value of eyewitness reports has always been up for debate. To what extent are they reliable? Is the first statement more reliable in comparison to a statement given weeks later? Could we use neuroscience to more accurately determine whether or not someone is telling the truth? And how should a judge 'weigh' a witness report? We all know human memory is not always as trustworthy as we take (or want) it to be.

Can we apply knowledge about the influence emotions have on our decision-making behavior when determining whether or not somebody is guilty? Were they even in control of their own actions or is it true that there is no such thing as free will? And should a judge take these considerations into account when determining the amount of jail time?

In my opinion, every legal professional can (and should) use knowledge about how the human brain is wired and use it to their

advantage when negotiating, litigating or strategizing. In the US, the influence the human brain has - in terms of emotions - on (legal) decision making is already part of an extensive research titled 'The Law and Neuroscience Project'.

Personally, I'm looking forward to learning how developments in the field of neuroscience will influence the legal field in the future. Neuroscience could provide us with a much better understanding of how our brain creates emotions, steers behavior and influences morality. Could this knowledge make a judge's ruling more merciful or rigorous? Could it show us that we are all manipulating each other into making certain decisions? Do those who are considered better negotiators simply have a better understanding of how the human brain works? And will help us to create an even better understand how design influences our choices; generating or playing into emotions - allowing us to create even more powerful legal designs?

I can't see into the future, yet excited to see what's to come in the field of neuro- and cognitive sciences. It's inspiring to be involved in a new discipline that will have a great impact on the legal industry in the years to come.

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— Author: S. van Hecke