The Concept of Mind
Michael S. Pardo and Dennis Patterson

This chapter examines issues that illustrate the importance of conceptions of “mind” in the debates over how to think about the role of neuroscience in law. It discusses the explanatory strategy of “reductionism,” of which neuro-reductionism is one particular form. It illustrates the neuro-reductionist conception of mind that underlies much neuroscientific research and the proposals for its increased use in law with an example of a prominent neuro-reductive approach: “eliminative materialism.” It discuss two examples of how this reductionist conception is employed in claims about the relationship between neuroscience and law. This conception of mind is contrasted with two other alternatives: Cartesian Dualism and an Aristotelian conception of mind as an array of powers, abilities, and capacities.

Dualism and Doctrine
Dov Fox and Alex Stein

This chapter argues that remnants of substance dualism or the ‘Cartesian’ theory of mind remain entrenched in legal doctrine in torts, criminal law, and constitutional criminal procedure. It contends that neuroscience reveals that dualism is both conceptually bankrupt and empirically flawed. As other chapters in this book argue, advances in neuroscience are putting pressure (or worse) on existing legal doctrines.
in ways that will force much-needed change. This chapter provides an alternate account of human action, one that avoids the errors of dualism without compromising the law’s goals in these areas, and it suggests changes to correct the doctrine accordingly. The chapter then concludes by bringing the doctrinal and normative implications of this integrationist account full circle.