

## *Neuroscience in Court: Scientific Assessment of Free Will and Related Issues*

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Whether human beings have free will has been a philosophical question for centuries. The debate about free will has recently entered the public arena through mass media and newspaper articles commenting on scientific findings that leave little to no room for free will. The topic of free will is particularly relevant in the forensic setting, where, for defense purposes, defendants might malingering a deficit of the free will pretending to suffer from some psychiatric disorder, which are usually considered relevant to the capacity for self-determination. Malingering is an important clinical problem in forensic psychiatric and psychological contexts, both in criminal and civil cases. In criminal setting psychotic conditions are usually malingered, while in the civil settings posttraumatic stress disorder and depression are usually feigned. Thus, in the forensic context, the evaluation of the free will is necessarily integrated with the evaluation of the possible feigned psychiatric condition. In this scenario, instrumental tests, from neuroimaging to psychological tests, should be considered in light of the disclosed symptoms and previous experiences with the disease.

In addition, deficit in social cognition, often altered in psychiatric disorders, also impact on free will. For instance, the inability to decode negative emotions or the deficit in moral thinking. How could a person who is unable to decode negative emotions understand the emotional signals coming from the victims of his aggression? How does an individual incapable of understanding moral violations evaluate the moral implications of his own actions so that he may inhibit them before they are carried out?

In this talk I would focus on the scientific evaluation of free will and of malingered deficit of the free will through the study of the malingered psychiatric conditions where the free will is altered.