

# JUDGING ANTIGONE IN OLD AGE: (NEURO)PSYCHOLOGY AND LAW IN THE TWENTY-FIRST CENTURY

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Although medicine, psychology and law have a long history behind them (Frank, 1930; Kapardis, 2009), and several issues may emerge at the interface of these scientific fields, new specific disciplines have been created to fill the research gap, such as legal psychology and forensic psychology (Taylor, 2019). In this direction, forensic neuropsychology combines not only psychometric testing, but also interviews, behavioral observations, and record reviews as additional sources of information for answering cognitive functioning questions in legal and forensic settings (Fink, 2007). Additionally, the emergence of a new promising interdisciplinary field, neurolaw, explores how neuroscience and advanced techniques can be used in the legal system (Meynen, 2014; van Dongen & Franken, 2019). Although there are still a plethora of topics that are not adequately described and need further research in neuropsychology, several attempts have been made to collect data for different research questions linked to this complex field (Canter & Žukauskiene, 2019). Methods and protocols regarding the processes of criminal profiling, the examination of cognitive biases in legal decision making, interrogations and confessions, detection of deception, eyewitness memory and false memories-distortions, cognition and emotions of child witnesses, and competence to stand trial, are still not clear (Bornstein & Miller, 2016; Brewer & Douglass, 2019).

Neuropsychology and its applications to the legal forum, still disregard areas that are lacking cross-cultural investigation by (neuro)psychologists, such as crime and legal issues in the process of assessment of intellectually disabled individuals (Giannouli, 2016). A more socially oriented approach may include the research of attitudes towards legal issues in adults with cognitive deficits, and specifically in older adults (Giannouli, 2014; Giannouli & Tsolaki, 2015; Giannouli, Tegos, Zilakaki, & Tsolaki, 2019), as well as the objective testing of law-related capacities in elders suffering from different types of cognitive deficits (Giannouli, 2018; Giannouli, Stamovlasis, & Tsolaki, 2018; Giannouli & Tsolaki, 2014) or different forms of dementias (Giannouli & Tsolaki, 2019a). Given the rising numbers of elders worldwide (Giannouli, 2017), the evaluation of competence for this population may be of utmost importance in the next years, as competence and the law-related problems can take a number of different forms, such as assessment of specific capacities concerning the capacity for medical consent, capacity for sexual

consent, financial capacity, testamentary capacity, driving capacity and capacity for independent living (Giannouli & Tsolaki, 2011; Giannouli & Tsolaki, 2014). The need to use imaging techniques and numerical data linked to biological functions as predictive factors of different forms of law-related capacities (Giannouli & Tsolaki, 2019b), emphasizes the fact that the question 'Are we there yet?', still triggers the process of questioning ourselves about 'What we can and cannot conclude'. In addition to that, an unanswered question across different cultural settings is how to communicate and translate the knowledge of neuropsychology and relevant results to the judges, lawyers, as well as the general public in order to inform policy and practice, as well as the public opinion (Postal, 2019), while the ethical dimensions when clinical-therapeutic issues are involved in legal procedures are heavily debated (McLachlan, 2019).

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