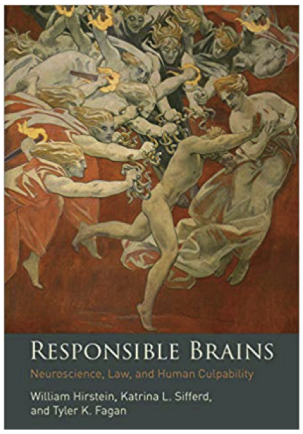
Psychosomatics 2019:■:■–■
© 2019 Published by Elsevier Inc. on behalf of Academy of Consultation-Liaison Psychiatry.

Book Review

Nicholas Kontos, M.D.
Book Review Editor



Responsible Brains: Neuroscience, Law, and Human Culpability:
By William Hirstein, Katrina L. Sifferd, Tyler K. Fagan. MIT Press, Cambridge, MA; 2018
ISBN: 9780262038782
292 pages
$45.00

Reviewed by:
Nicholas Kontos, M.D.

Consultation-liaison psychiatrists are quite aware of the "manifest" and "latent" questions that drive a consult. At least equally challenging are "implicit" questions about how we ought to regard the personhood of an individual with psychiatric illness. How much extra help with medical care is a nonadherent patient owed? How do we think about the authentic wishes of patients with "pervading" pathology such as a personality disorder or a severe eating disorder or addiction? Perhaps most vexing are questions of whether and when a mentally ill patient should be considered responsible or blameworthy for problematic behaviors. This latter question has a bearing on stigma, health care system design, the medicolegal interface, and individual patient care. Personal responsibility is at the core of many attitudes and platitudes about mental illness. We often convey our stances on it through actions without conscious consideration or explanation.

The authors of "Responsible Brains: Neuroscience, Law, and Human Culpability" take on the daunting task of developing a model of human responsibility that pays due attention to today's neuroscience. William Hirstein, Katrina Sifferd, and Tyler Fagan, all philosophers by discipline, apply as much rigor to their brain-based arguments as their philosophical ones and, most impressively, to the linkages between the two. Rather than content themselves with abstracted and diffuse attention to brain-behavior and brain-self relationships, they state early on a specific, ambitious thesis and goal.

> "We think the pertinent question is not *whether* brain science can inform responsibility assessments, but in which sorts of cases, and to what extent … to determine which mental capacities are necessary to responsible agency, and which facts about brains are relevant to those capacities."

They argue that, within the constraints of what we currently know about the brain, those capacities and facts lie in the executive functions and, accordingly, in their underlying cognitive control network and its interactions with the brain's other major networks (e.g., salience, default mode). From here, they postulate a "minimal working set" of executive function that correlates with responsibility.

"Responsible Brains" is bookended by the presentation and analysis of 3 real cases of utterly horrific deeds. Each demands consideration of whether environment/development, psychosis, personality disorder, and/or the neuroscience of psychopathy mitigate culpability and calibrate consequences. With unusual practicality for a book of this type, the authors work through and arrive at conclusions to these dilemmas. The meat between this case-based bread is stacked with neuropsychology (defining the executive functions), neuropsychiatry/neuroscience (summaries of the relevant neural networks), philosophy of

mind (materialism, determinism, compatibilism), moral philosophy (developing and supporting the minimal working set argument), and forensics (insanity defenses, punishment/sentencing).

Throughout, Hirstein, Sifferd, and Fagan demonstrate the rigor of good philosophy and good science in presenting, defending, and acknowledging the limitations of their theory. Along with other more historical sources, much time is spent analyzing and critiquing the recent work of philosopher, Neil Levy, on human responsibility (that Levy is acknowledged for helping the authors pick apart his own work is a refreshing side note about the fruits of collaborative academic dispute). The executive/minimal working set idea is buttressed by discussions of neuropsychological compensation in the face of deficit, diachronic responsibility, and other means of expecting responsibility from those who perhaps "could not" act responsibly in a given instance but "should have" known better or done otherwise at the time or earlier (sometimes much earlier, through habit formation). The limits of current neuroscience, particularly in matching measurement to responsibility determination, are acknowledged appropriately though not seen as a roadblock to current usage and future advancement of the executive function approach.

As the title of this book and the nature of the cases suggest, "Responsible Brains" leans toward forensic concerns. However, it is extraordinarily relevant to psychiatrists in general and consultation-liaison psychiatrists in particular. As representatives of our specialty to the rest of medicine, we have a duty to responsibly handle the "implicit" issues cited at the beginning of this review. Furthermore, and most obviously, the assessment of medical decision-making capacity and its attendant autonomy concerns lean heavily toward more foundational concepts, such as "capacity-responsibility," which is covered thoroughly by the authors. Advice to providers to "set limits," invoked differently for patients who are actively psychotic or manic versus those who have eating disorder, addiction, or personality disorder, displays and conveys ideas about the bearing of different psychiatric diagnoses on personhood and responsibility. Every commitment decision and against-medical-advice discharge "clearance" is a comment on at least cross-sectional responsibility.

Most of us are better educated in the mechanics of these assessments than in what is being assessed. One can certainly argue with the authors of "Responsible Brains" about the sufficiency of the minimal working set of executive function to do the work asked of it. However, after getting through this book, I doubt that anyone will find it unnecessary, and I am certain that everyone will be better equipped to defend or debate what Hirstein, Sifferd, and Fagan are proposing. While the actual text is less than 250 pages, "Responsible Brains" is a dense read. It is worth a close read, however, and the highest complement I can pay is that by the end, I felt that I had read at least 3 books on a range of topics relevant to my daily work. My brain was definitely packed and maybe even a bit more responsible.

Nicholas Kontos, M.D.*
*Send correspondence and reprint requests to Nicholas Kontos, M.D., Massachusetts General Hospital, 55 Fruit Street - Warren 610, Boston, MA 02114; e-mail: nkontos@mgh.harvard.edu