In this concluding chapter, we review the different sections of the book, as well as respond to the challenge launched by Daniel Shuman and Jennifer Hardy in Chapter 20—to demonstrate the efficacy of the science of psychology in the area of causality in psychological injury. We include practice recommendations, and indicate directions for future conceptualization and research. Finally, we anticipate future trends in the law and how, in the area of psychological injury and law, psychology must keep its focus if it is to adapt and increase its capacity to present reliable, valid, trustworthy, and relevant evidence in court.

Psychological Order in the Universe

In their chapter, Shuman and Hardy ask us to examine carefully whether there is “psychological order in the universe.” They suggest that prediction of who will develop psychological “scars” after traumatic events is a most difficult task, and that such events lead to “significant and permanent” scars only in a minority of individuals. They pose the essential quandary about causality in psychological evidence offered to court; that is, they indicate that “[u]nless psychological distress occurs in an orderly, comprehensible process for the group (i.e., general causation) and therefore for the individual (i.e., specific causation), it is not logically possible to affix responsibility for causing that distress” (Chapter 20, p. 519), Shuman and Hardy add that the law needs to be confident in psychological experts’ conclusions about causality. There must be a “cause-in-fact,” “proved” as a “proximate cause” by showing that the plaintiff’s psychological harm would not have occurred “but for” the defendant’s negligent act. Should the defendant have “reasonably foreseen” that her or his act would have led to the harm? If found negligent regarding an injury to a plaintiff who had an “eggshell skull,” that is, one that is unusually sensitive causing more severe psychological distress than could have been foreseen, “the defendant is not responsible to compensate the plaintiff for preexisting harm” (p. 528), according to one legal principle, yet still must “take” the plaintiff as she or he is “found,” according to another.
Shuman and Hardy insist that in identifying and explaining causal links, along with other factors such as undertaking comprehensive assessments involving “scientifically” validated techniques, “good” science must be used. A reliable “scientific” foundation or basis is necessary to explicitly link the event in question to the psychological distress purportedly induced. Experts who follow this procedure, using “reliable methodology,” are offering to the court “specific causal attributions,” asserting a specific causal “nexus.” Psychologists must be able to demonstrate in their “cause and effect” evidence that they “understand” the psychological “process” resulting in the harm from the act in question, and “know” the factors that “caused” the process to occur. The explanation must be coherent, empirically grounded, and have “predictive value” in individual cases. Shuman and Hardy conclude by challenging psychologists to “advance” their “science” by explaining the “causal relationship” between negligent acts and psychological harm.

Our Response to the Challenge: The Science of Psychological Assessment and Causality

The authors of this book maintain that, along with the roster of internationally respected contributors to the first volume of this pair of books (see Young, Kane, and Nicholson, 2006), we have risen to the challenge, pertaining to causality, presented to the discipline of psychology by Shuman and Hardy. On the one hand, we have explained the concept of causality and related constructs, and their confusion and conflicts across the disciplines. Therefore, we have taken steps to facilitate the disciplines beginning to use a common language. Should this happen, psychology and law can more readily traverse their disciplinary boundaries. On the other hand, we have presented an up-to-date literature review on the three main areas germane to psychological injury and law, those of Posttraumatic Stress Disorder (PTSD), chronic pain, and mild Traumatic Brain Injury (TBI), including analysis of physiological and psychological mechanisms that serve to promote the persistence of the symptoms into chronic and disabling conditions. At the same time, we have provided cautions about threats to validity in individual assessments. We have examined confounds in interpretations, the need to consider alternative interpretations the need for comprehensive assessments with appropriate instruments, and the problems with current diagnostic categories such as PTSD, chronic Pain Disorder, and postconcussive syndrome (PCS).

We recommend that, in order to meet admissibility requirements for court, psychologists and other mental health professionals undertake, at all levels, scientifically informed assessments. They should base their work on multicausal, biopsychosocial models yet, at the same time, realize that, in extreme individual cases, there may be so much preexisting psychopathology, so many vulnerabilities and lifetime stresses, that it is difficult to determine the degree to which an index event in question has contributed to an individual’s presentation of psychological difficulties. The science of psychology is continually improving its knowledge base, both in terms of describing psychopathological conditions and associated behavioral