

Hermann Wegener
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Jochen Haisch
Editors

Criminal Behavior and the Justice System

Psychological Perspectives



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Edited by
Hermann Wegener
Friedrich Lösel
Jochen Haisch

With 26 Illustrations



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Research in Criminology

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Preface

Although psychology has long been one of the essential reference disciplines in jurisprudence and criminology, this has, for example in comparison to sociology, not always been clearly visible. Recently, however, there has been a noticeable change that we wish to document with this book.

The background to this publication was a conference on psycholegal research in Braunschweig, Federal Republic of Germany. To this conference, the editors, as chairmen of the Division of Psychology and Law in the German Psychological Society, invited experts from six countries. During the discussions, we decided to publish the contributions to this conference together with further papers on psychological research into criminal behavior and the justice system. The Division of Psychology and Law, like the corresponding divisions of the English and American Psychological Associations founded in 1977 and 1981, respectively, was established in 1984. One of its major goals is to develop and strengthen international collaboration within this special field of research.

In Germany, as long ago as the turn of the century, university professors began tackling problems with which they were confronted by the courts. Thus, at that time, W. Stern, H. Münsterberg, C. G. Jung, and M. Wertheimer, for example, examined the conditions and sources of error in witness testimonies. Following a period of varying research activities, after World War II there was a renaissance of "Forensic Psychology" in Germany. This was reflected, for example, in Undeutsch's (1967)¹ *Handbook of Forensic Psychology*. Then, in the 1970s and parallel to similar developments in other countries (see Monahan & Loftus, 1982²; Chapman, Müller & Blackman, 1984³), at several German universities there was an increase in experimental research in psycho-

¹ Undeutsch, U. (Ed.). (1967). *Handbuch der Psychologie: Vol. II. Forensische Psychologie*. Göttingen: Hogrefe.

² Monahan, J., & Loftus, E. F. (1982). The psychology of law. *Annual Review of Psychology*, 33, 441–475.

³ Chapman, A. J., Müller, D. J., & Blackman, D. E. (Eds.) (1984). Some applications of psychology to law [special issue]. *International Review of Applied Psychology*, 33 (1).

logy and law, which was later supplemented by qualitative research methods. In the process, this branch of applied psychology ceased to be restricted to assessing witnesses and the accused; rather it was expanded to encompass various other aspects of psychology. The present volume aims to document the results of this development for the field of criminal law⁴.

Up until the 1960s, scientific interest was dominated by the activities of psychologists as expert witnesses. As a result, this specialized area was named "Forensic Psychology". Its primary goal was the development of psychodiagnostic procedures and theories for application in court settings. Later, this was supplemented by research in criminal psychology, that mainly studied deviant behavior. During the last 15 years, jury, juror, and judicial decision-making, the effects of sanctions, social-psychological aspects of police activities, and the development and control of norms have become topics of psychological research. The field is now termed psychology and law, legal psychology, or psycholegal research.

The former procedure of ad hoc selection and eclectic combination of general psychological knowledge (used to solve practical problems) has nowadays been expanded by theoretically guided research. This involves examining and suggesting improvements to the actual functioning of the legal system, but also includes more basic research on the legal system with its norms and control mechanisms, its theories of human action, and its psychological foundations. We consider the present volume as a contribution to psychology and law in this broader sense.

The structure of this volume reflects four traditional key areas of psychological research within the framework of criminal law, which were also the major themes at the Braunschweig conference⁵:

- Prediction and explanation of criminal behavior
- Legal thought, attribution, and sentencing
- Eyewitness testimony
- Correctional treatment: clinical and organizational aspects

Since there is no general theory of legal psychology, the contributions represent different theoretical perspectives. We hope that this volume demonstrates that psychology and law is no longer merely applied psychology in the pragmatic sense, but instead, as a consequence of the enlargement of its research focus and its various relations to basic research, has developed into a significant and independent area of psychology.

We would like to express our gratitude to Professor Elisabeth Müller-Luckmann, our host in Braunschweig. The conference was funded by the German

⁴ For earlier reviews see, e.g., Wegener, H. (1981). *Einführung in die Forensische Psychologie*. Darmstadt: Wissenschaftliche Buchgesellschaft; Lösel, F. (Ed.) (1983). *Kriminalpsychologie*. Weinheim: Beltz.

⁵ The Division has held since a second conference that dealt especially with the psychological aspects of civil law.

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