

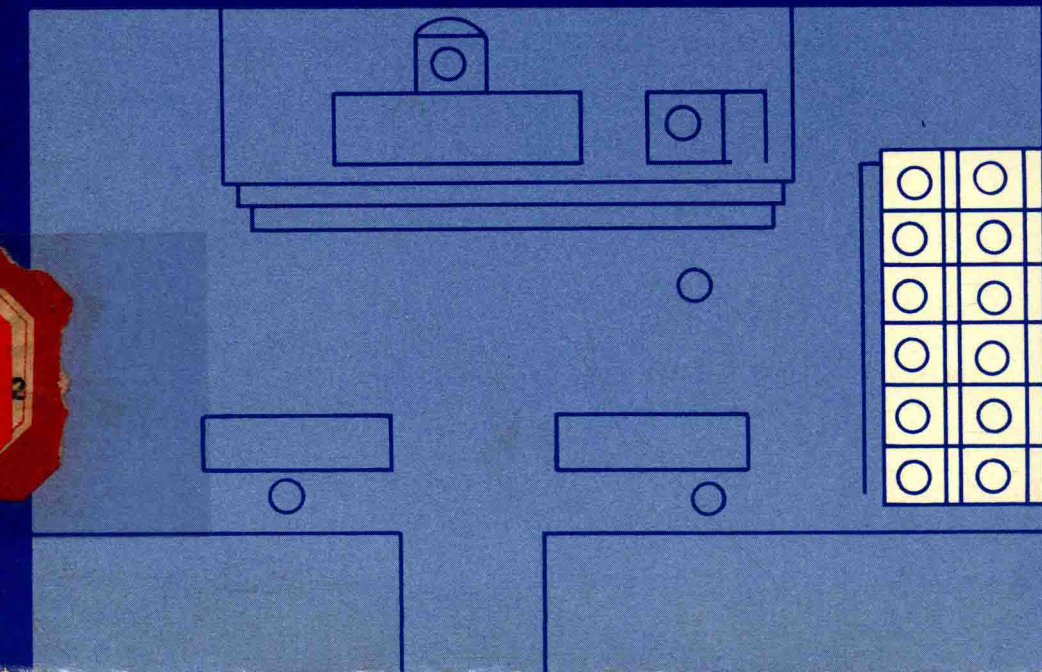
# IN THE JURY BOX

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## Controversies In The Courtroom

EDITORS

Lawrence S. Wrightsman,  
Saul M. Kassin, & Cynthia E. Willis



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**SAGE** PUBLICATIONS

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## Overview

Jury trials have long fascinated and mystified the public, the news media, and legal scholars. Even those of us who have actually served on juries often cannot fully describe what a dramatic experience it is. While the process of forming a verdict is subtle and complex, it is also capable of measurement and understanding. Jurors are people and verdicts are their behavior. Only with an appreciation for state-of-the-art psychology, its concepts, and its research, can we fully understand their role in the courtroom drama.

In the last decade and a half, psychologists and other social scientists have begun to study these processes systematically. One of the merits of the empirical approach is that it can provide data that help resolve controversial issues. Does jury selection “work”? Are jurors able to make unbiased judgments? Should complex civil cases be determined by an experienced judge rather than a set of novice jurors? Does it make any difference in verdicts if the size of the jury is reduced or the decision rule is changed?

Each of these is a challenging question, for which there is plausible speculation to support a variety of answers. This book is a collection of articles from the professional literature—mostly psychological journals and law reviews—relevant to the above questions. The book is divided into four sections, each on a different aspect of jury process. Each section contains three or four reprinted articles, plus an introduction and summary prepared by the editors for this volume. The latter materials place the articles in an appropriate context, bring the issue up to date, and provide conclusions.

Designed for a broad interdisciplinary audience, *In the Jury Box: Controversies in the Courtroom* is of use as a supplement in undergraduate psychology-and-law courses and criminal justice courses. It also has value for advanced general psychology courses and honors

courses that aim to provide students a mix of theory, empirical research, and applications to policy issues.

Legal scholars, trial judges, and practicing attorneys will find in this collection of reprinted articles a number of provocative ideas relevant to trial work.

## Preface

In the last two decades social psychologists and other social scientists have been increasingly responsive to the demand that they make their studies relevant to the real world. The courtroom has become one of the prime real-world settings for the testing of their theories and the application of their concepts.

When one discipline “invades the turf” of another, controversy is inevitable. Every discipline has its own view, its way of describing the world, its way of gaining new knowledge about the world. There is a temptation to conclude that one discipline’s view is “correct” and another’s is “faulty,” when, in actuality, each may be perceiving the same phenomenon through different conceptual filters.

The purpose of this book is to highlight some of the controversies that emerge when social scientists examine the behavior of jurors and juries. We have identified four aspects of the jury trial process that, we believe, are justifiably entitled “controversial” because there remains for each a difference of opinion within disciplines or between disciplines. The four topics are jury selection, jury bias, jury competence, and the recent Supreme Court decisions that reduce the size of juries and permit less-than-unanimous verdicts. We have selected, for reprinting, three or four articles for each section; some of these articles are reviews of the literature; many are reports of empirical studies; a few reflect opinions of experts in the field. Most of these articles were originally published in psychological journals; a few are from law reviews. Authors of these articles come from a variety of disciplines: social psychology, journalism, experimental psychology, communications, and the legal profession.

Several special features have been employed to increase the value of the book as a learning device. Each section contains an introduction and a summary written for this volume. The purposes of the introduc-



tions are to define the concepts under study, to place them in a historical perspective, and to alert the reader to the significant aspects and relationships in the selections that follow. The purposes of the summaries are to highlight the basic findings in the articles, to describe other recent work on the issue, to attempt to resolve conflicting findings, and to point out unanswered questions. Original bibliographies have been retained, so that readers can pursue the topic in more depth if they wish.

This book of readings has a multitude of uses. In conjunction with its companion volume, *On the Witness Stand: Controversies in the Courtroom*, the material in this volume is appropriate for the increasing number of undergraduate courses on the psychology of the law or the psychology of the criminal justice system. A significant proportion of the coverage in such courses relates to the trial process and specifically to jury trials. Textbooks appropriate for such courses cover the issues examined in this volume and often refer to the specific articles reprinted in this book; the supplementary use of this book and its companion book provides further detail on findings, more extensive reviews of the literature, and expositions of methodology. Another use of this book is in social issues courses and advanced social psychology courses that concentrate on recent applied research topics. A further application is in law school courses in trial advocacy and similar courses that seek collections of empirical work relevant to the task of the trial attorney. Scholars may find the compilation of recent articles from a variety of sources to be a useful resource for teaching and research ideas.

We wish to thank a number of people who assisted in the preparation of this book. Charles T. Hendrix, Executive Editor for Sage Publications, Inc., supported our pleas for this rather different approach to psychology and the law; he was quite helpful in adapting to our needs to produce a comprehensive set of materials. Julie A. Allison assisted in the collection of articles and preparation of introductions and summaries. We especially want to thank the authors and the publishers of the selections for permission to reprint this material. We have benefited from our reading of these articles and are pleased to assist in providing the opportunity for others to do so, too.

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