

JURIDICAL PSYCHOLOGY

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Summary

Juridical psychology constitutes an interface between psychology and law. Its origins can be traced to the beginning of the twentieth century and it has now attained scientific autonomy. It is possible to distinguish juridical psychology in many fields of application: judicial psychology, criminal psychology, legal psychology, forensic psychology, re-educative psychology, and legislative psychology.

The use of psychology can be both direct and indirect. It is direct if scientific content is strictly considered, as, for instance, in the evaluation of defendants' personalities or the memory of eyewitnesses. It is indirect if psychological methods are used, as, for instance, to establish and improve diagnostic techniques in expertise or cross-examination.

Moreover, psychology can aid the law to strive toward a truthful reconstruction of reality. Indeed, the focus of trials is not historical reality, but the construction of a new reality that tends towards historical reality through all available procedural means.

During World War I, psychologists worked especially as psychometricians, supervised by psychiatrists, interested in the use of the lie detector. They were also dealing with victims of post-traumatic stress disorder (PTSD). Between the two world wars, psycho-juridical research continued and it began to work in more natural contexts. Shortly after World War II, psychologists were requested to give their expert opinions about the reliability of confessions given after exhausting examinations, eyewitness testimony, lie-detector tests, hypnosis, and many other issues of juridical relevance all over Europe.

In the USA, during the 1950s, the courts of appeal required expert psychologists and psychiatrists to participate in trials. In the 1980s and 1990s, also in the USA, psychologists became part of the Los Angeles Police Department, Los Angeles County Sheriff's Department, Federal Bureau of Investigation (Quantico, Virginia), and Department of Correction in prisons. During the last decades of the twentieth century, research about victims increased all over Europe (the U.K., Germany, Croatia, etc.). This topic was approached from the psychoanalytic point of view but it also included some other theoretical perspectives.

Psychological law studies from a juridical standpoint legal norms deserving of a psychological evaluation for their interpretation or application. Psychology specifically focuses on cognitive and behavioral aspects and how they affect third parties. Psychology is therefore the specific discipline that might help to judge human conduct in a legal sense. From a substantial perspective, it refers to “psychological states,” “situations,” “circumstances,” and “responsibility.”

Psychotherapeutic law means those aspects of both legislation and jurisprudence the aim of which it is to safeguard individual well-being from a psychic standpoint. It addresses instances that can be defined in terms of preventing and dealing with psychological problems.

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Biographical Sketch

Guglielmo Gulotta has written 25 books as author or editor in Italian, one of which has been translated into French and Portuguese. He has published more than 250 papers in Italian, French, English, and Spanish. It is possible to see his complete output on the World Wide Web at www.guglielmogulotta.com.