

LEGAL PSYCHOLOGY (Forensic Psychology)

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Legal Psychology (Forensic Psychology)

Primary Disciplinary Field(s): Applied Psychology, Criminology, Jurisprudence

1. Core Definition and Scope

Legal Psychology, often synonymously referred to as **Forensic Psychology**, is an applied field traditionally dedicated to addressing psychological issues within the legal system, such as evaluating **witness testimony**, developing effective methods of interrogation, and aiding in the detection of guilt. However, the scope of this discipline has expanded significantly in recent decades, moving far beyond its initial focus on evidence and reliability. Modern legal psychologists serve a diverse range of functions crucial to the functioning of justice systems globally.

Contemporary roles for the legal psychologist include serving frequently as an **expert witness** in courtroom proceedings, operating as a diagnostician or therapist within various **correctional institutions**, conducting specialized research on **antisocial behavior** and its origins, and acting as a consultant in the development of new laws and the formulation of legal policies involving complex human relations. This expansion reflects the growing recognition that psychological principles are integral to understanding criminal behavior, judicial decision-making, and the rehabilitation process.

2. Historical Development and the Study of Testimony

The earliest documented systematic engagement between psychology and the law centered almost exclusively on the reliability and accuracy of **testimony**. At the dawn of the twentieth century, several noted psychologists--including Alfred Binet, Hugo Munsterberg, and Wilhelm Stern--undertook pioneering research, publishing influential papers and books on the subject. These investigators established a critical body of experimentally verified findings essential for the informed evaluation of testimonial evidence.

The early research illuminated the psychological factors that compromise observation and memory, including known facts concerning **visual illusions**, the process of light and dark adaptation, the localization of sound sources, limitations in incidental memory, and systematic errors in the estimation of physical quantities such as size, distance, speed, and time intervals. These findings provided empirical grounding to challenge the assumption that human observation in high-stress or complex situations is inherently reliable.

A significant early contribution was Wilhelm Stern's development of the **Aussage test** ("testimony test"), a technique still utilized today to impress upon students the fundamental limitations of eyewitness accounts. A common procedure involves an unexpected, dramatic interruption of a class or lecture, followed by a detailed cross-examination of the students regarding the specifics of

the scene and the participants. Scores on the test consistently reveal that complete accuracy is exceedingly rare, with overall averages seldom exceeding 30 per cent correct recall. The results often reveal common errors among many individuals, which fundamentally questions the legal system's traditional emphasis on **consensus** among multiple witnesses as a guarantee of truth.

3. Key Research Findings in Interrogation and Judicial Process

Psychological experiments into procedures used for interviewing and interrogating witnesses have yielded revealing data that have profound implications for courtroom practice. Research demonstrates that **free recitals** of events provided by the witness are generally more accurate than reports obtained when the witness is answering specific questions, particularly when under the pressure of **cross-examination**. Furthermore, studies consistently show that problematic questioning techniques--such as the use of **leading questions**, questions containing hidden assumptions, or negatively phrased queries (e.g., "Didn't he have a gun?")--actively encourage false recall and introduce errors into the testimony. Conversely, asking a subject to delineate which facts they would be willing to report under oath tends to significantly reduce the incidence of reported errors.

Other critical psychological studies have examined variability in the judicial application of punishment, revealing marked differences in sentences imposed by different judges for the same crimes. Research has also analyzed the dynamics of jury deliberations, showing the tendency of jurors to be unduly affected by **social stereotypes** and by the dominant personality and attitudes of the foreman. In terms of evidence presentation, psychological research has highlighted the impact of the order in which information is presented to a jury. Most courtroom studies demonstrate that the first and last positions--known, respectively, as the **primacy effect** and the **recency effect**--tend to have equal and substantial influence, while a presentation occupying a middle position, sandwiched between two presentations by the opposing side, is consistently placed at a particular disadvantage regarding memorability and persuasive impact.

4. Psychology in the Courtroom: The Expert Witness

While psychologists were occasionally called upon to testify during the era of Wilhelm Stern, their regular employment as **expert witnesses** is a relatively modern phenomenon. Today, clinical psychologists are routinely requested to provide testimony in a wide array of cases, including commitment procedures related to mental deficiency or mental illness, cases involving adoption, contests over wills, accident litigation concerning behavioral or cognitive damage due to **brain injury**, and the crucial determination of **legal responsibility** for criminal acts.

The expertise of legal psychologists is not limited to clinical evaluations. Consumer psychologists are frequently asked to present scientific data in suits concerning **misleading advertising** or

infringements upon trade names. Additionally, a growing number of social psychologists serve as expert witnesses in complex cases involving matters of **racial discrimination** and segregation, providing data and analysis on group dynamics, systemic bias, and social attitudes.

A historical case example illustrates the role of the psychologist as an expert witness: A psychologist was called upon to testify in the case of a Canadian hunter mistakenly shot by his companions. The psychologist testified on two major points. First, he explained that the hunters' **mental set**, or expectation, would predispose them to perceive any moving object as a deer, biasing their perception. Second, he utilized the Purkinje phenomenon--the shift in human visual sensitivity towards the blue end of the spectrum in low light--to demonstrate that the accident, occurring late on a cloudy day, meant the human eye would perceive the man's red coveralls as black, thereby refuting the prosecution's claim that the victim should have been identifiable by his clothing color.

5. Professional Standards and Court Appointment

A significant trend in professional practice involves the appointment of the psychologist by the court itself rather than by either the prosecution or the defense. In such circumstances, the psychologist often serves as an **amicus curiae** (friend of the court) or is compensated jointly by both legal parties. This practice aims to ensure impartiality and objectivity in expert testimony. The professional standing and rights of legal psychologists were legally affirmed when the United States Court of Appeals in 1962 upheld the right of qualified psychologists to serve as advisers to the court in criminal cases concerning the mental condition of the defendant, cementing their role in the judicial process.

6. Psychology in Correctional and Rehabilitative Settings

Despite the immense need for their specialized services, psychologists remain relatively underrepresented in correctional settings, though their presence is essential. Counseling and clinical psychologists are employed on full-time, part-time, or consultative bases by courts, penitentiaries, probation departments, parole boards, and **training schools**. Their primary functions typically involve advising on **diagnosis and treatment protocols**, though they also serve actively as therapists and research workers aimed at improving institutional efficacy and inmate outcomes.

Many juvenile courts, along with a smaller number of domestic relations and criminal courts, maintain their own behavior clinics. In these clinics, psychologists utilize interviews and standardized tests to comprehensively evaluate offenders' intelligence, personality characteristics, attitudes, and motivations. They assess the potential for vocational training, education, and job placement, and identify individuals requiring special care due to conditions such as neurosis, **brain**

damage, mental defect, or psychosis. In juvenile court clinics, they may engage in short-term psychotherapy, arrange for parent counseling, develop remedial instruction programs, or facilitate foster-home placement, often proving effective in salvaging youthful offenders.

In prisons, where staffing ratios have historically been low (approximately one psychologist per three thousand inmates), the work often involves interviewing and testing new admissions to determine appropriate placement in work, educational, or vocational training programs. Similar evaluation procedures are undertaken for parole candidates, with a critical focus on assessing their capacity for adjustment and successful integration into the community. Prison psychologists may also facilitate **short-term individual or group therapy**, sometimes employing psychodramatic techniques, and help develop discussion groups for normal inmates while ensuring the severely disturbed are referred to specialized institutions. Training schools for delinquent youth focus heavily on **personality diagnosis**, psychotherapy, activity and play therapy, and crucial remedial educational programs.

7. Contribution to Law Development and International Relations

Legal psychology extends its influence to the domain of large-scale policy and international affairs. Organizations such as the Society for the Psychological Study of Social Issues (SPSSI), a division of the American Psychological Association since 1936, have been instrumental in publishing extensive research focused on topics of **war and peace**.

This area of specialization tackles complex societal and global issues, including the analysis of the **cold-war mentality**, the development of effective methods for resolving intergroup conflicts, comparative studies of national differences in personality, the psychological tensions affecting international understanding, and the factors underlying aggression. Further work involves assessing the value of student exchange programs, international cultural initiatives, and the use of simulated situations and political games for studying conflicting international interests and techniques of **conflict resolution**.

Further Reading

Alfred Binet: Pioneer in Experimental Psychology and Intelligence Testing.

Hugo Münsterberg and the Beginnings of Applied Psychology.

Wilhelm Stern and the Psychology of Testimony (Aussage Test).

Overview of Forensic Psychology (Wikipedia).

Society for the Psychological Study of Social Issues (SPSSI).