# PSYCHOLEGAL RESEARCH AND CRIMINAL BEHAVIOUR: IMPLICATIONS FOR NIGERIA*

***Abstracts***

*This study explores the contributions of psychological theories and empirical research to advancing our understanding of a diverse array of practices and processes within the criminal justice system. Underpinning this exploration is the basic premise that such understanding is crucial for the development of effective practices within the legal system. Psychological theories and research on the causes of crime, psychological approaches to understanding crime, contributions of forensic neuroscience, effects of interpersonal crime on victims, eyewitness evidence, interviewing vulnerable witness, detection of deception, offender profiling and crime linkage, intimate partner violence and stalking, terrorism, the trial process, safeguarding witnesses, identification evidence, the role of expert witness, dealing with offenders, crime and punishment, risk assessment and offender programmes, interventions with dangerous offenders, interventions for offenders with intellectual disabilities, interventions with mentally disordered offenders, offenders rehabilitation, psychology and the police, children as witnesses, the jury, false memories, facial appearance and criminality, cognitive interview, confession, competence and insanity, work place law, harassment, discrimination and fairness, death penalty etc, show that psychology have made significant contributions in these areas that have influenced the legal system particularly the court judgments. The problem of this work therefore is that the Nigerian legal system is not benefiting from these areas of psychological research and theories due to lack of knowledge of its development, study and practice. Hence, psychological theories and research findings relevant to law is not yet advanced and practised in the Nigeria legal system as done in some western jurisdictions.*

***Keywords:*** *Law, Psychology, Psycholegal, Research, Crime, Criminal Behaviour*

## 1. Meaning of Psychology and Law

Psychology is the scientific study of human mind and its functions, especially those affecting behavior in a given context. It also means the mental characteristics or attitude of a person or group. The word 'psychology' comes from the Greek word *Psuche* meaning 'breath, spirit, soul' and the Greek word *Ligia* meaning the 'study of something'. [1] Psychology is the Science of behaviour and mind embracing all aspects of conscious and unconscious experience as well as thought. It is an academic disciple and

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[1] LD Fernald psychology: Six perspectives (thousand Oaks, CA: Sage publications)

a social science which seeks to understand individuals and groups by establishing general principles and reaching specific cases.[2]

*Law* is a system of rules that are created and enforced through social or governmental institutions to regulate behavior. It has been defined both as 'the Science of Justice' and 'the Art of Justice'. *Law* is a system that regulates and ensures that individuals or a community adhere to the will of the state. A body of rules of conduct of binding legal force and effect, prescribed, recognized, and enforced by controlling authority. Law is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties. The role of law in the ordering of human society cannot be over-emphasized. It is by law that offenders are brought to book and punished in view of deterrence and other purposes. It is also in accordance with the law that grievances should be ventilated and injuries suffered by the victims redressed. Law provides a framework of rules that determine the validity of private transactions and then leaves the individual with the option of arranging his private affairs the way he likes within the parameters of the law. Too, the regulation of administrative procedures and exercises, and formation of companies constitute a product of law. It is equally needless to mention that fiscal responsibilities and conferral of social benefits are more easily conducted by means of genuine legislations.

**2. The Nature of Psycholegal Research**

Ogloff[3] defines legal psychology as the scientific study of the effects of the law on people and the effect people have on the law. Legal psychology also includes the application of the study and practice of psychology to legal institutions and people who come into contact with the law. Psycholegal research involves applying psychology's methodologies and knowledge to studying jurisprudence, substantive law, legal processes and law breaking[4] Psychology and law became closer than they were to remain for the next two millennia in ancient Greece[5]. Research into and practice of legal psychology thus has a long tradition exemplified since the beginning of the 20th century by the work of such pioneer as Gross, Binet, Jung, Wertheimer and Munsterberg. Ogloff[6], Bartol and Bartol [7] remind us a number of well-known psychology's findings to law as early as the 1890s. More specifically, we should note Cattel's[8] article in science which was concerned with how accurately one

[2] H Hockenbury Psychology (worth Publishers, 2010

[3] JR Ogloff, 'Two steps forward and one step backward the Law and Psychology Movements in the 20th Century' (2000) 24(4) *Law and Human Behaviour,* 417-483.

[4]DP Farrington *et al,* 'Introduction: doing psycholegal research' In DP Farrington. K Hawkins and SMA Lloyd Bostock (ed), *Psychology, Law and Legal Processes*, xiii- ixvii (1979 b)

[5] DP Haward, *Foresenic Psychology* (London, Batsford Academic and Educational 1981)

[6] Ogloff, Op. Cit

[7]CR Bartol & AM Bartol, *Psychology and Law: Theory Research and Application* (London, Thomasson/widsworth, 2004b)

[8] JM Cattel, 'Measurement of the Accuracy of Recollections'(1895) 2 *Science*, 761-6

could recall information. Feud's lectures to judges in Vienna on the merits of psychology for law in establishing facts; Watson's view that judges could utilize psychological findings; the development in 1917 of the first modern polygraph by William Marston and in the same year, the use of Louis Terman of Psychological tests to screen law enforcement personnel; the employment in 1918 by the state of New Jersey of the first full time correctional psychologist and the first American psychologist to testify as an expert in a courtroom in the case *State v. Driver*[9]**.** Paynter's and Burt's [10] research into trademark name infringements which was presented in court; Hutchins and Slesinger's [11], published work on psychology and evidence law; and finally the Russian Psychology Luria's[12] work on the affect in newly arrested criminals before being interrogated by police in order to differenciate the guilty from the innocent. In early part of the 20th century a lot of publications in law and psychology have been established.[13]

The psycholegal field has been expanding at an impressive rate since the mid-1960s, especially in North America since the early 1980s. In Europe and America, research and teaching in legal psychology have grown enormously since the mid-1970s[14]. More recently, the field of psychology and law has also been expanding both in Europe, especially in Netherlands[15], pointed out that psycholegal researches have tackled some very crucial questions in society and inter-alia been instrumental in improving the ways eyewitnesses are interviewed by Law enforcement personnel; the adoption of a

[9] 88' w.Va479, 107 S.E 189 (1921)

[10] HE Burt, 'Measurement of Confusion between similar trade names' (1925) 19 *Illiais Law Review* 320-42.

[11] R M Hutchins & D Slesinger, 'Some Observations on the Law of Evidence: Spontaneous Exclamations' (1925) 28 *Columbia Law Revise* 432 is also RM Hutchins & D Slesinger, 'Some observations on Law of Evidence-Consciousness of Guilt' (1929 b) 77 *University of Pennsy Lvania Law Review,* 725-48.

[12] AR Luria. *The Nature of Human Conflicts*. (W. Worttey Grantt (trans). New York: Liveright, 1932)

[13] MR Brown, *Legal Psychology: Psychology Applied to the Trial of cases to crime and its treatment, and to mental states and processes* ( Indianapolis: Bobbs-Merrill. 1926): see also R M Hutchins & DSlesinger, 'Legal Psycholog' (1929 a) 36 *Psychological Review* 13-26; DG Mccarthy, *Psychology for the Lawyer* ( New York: Prentice Hall. 1929) and H Cairns , *Law and the Social Sciences (*London. Keganpaul, Trench Trubner 1935).

[14] Research and Teaching In Legal Psychology: an outline of British Developments. Psychology, *Crime and Law*, 1, 159-64. 1994

[15] PJ Vankoppen & S K Lockun, 'Portraying perpetrators: the validity of Offender descriptions by Witness'.(1997) 21 *Law and Human Behaviour*, 66-85 see also PA Granhag & LA Stromwall, *The Detection of Deception in Forensic contexts* (eds Cambridge: Cambridge University Press 2004a); S L Sporer, *Reality Monitoring and Detection of Deception in Forensic contexts* (Cambridge: Cambridge University Press 2004); JF Sigurdson & GH Gudjonson, 'Forensic Psychology in Iceland: a survey of members of the Icelandic Psychological Society' (2004) 45 *Scandiveman Journal of Psychology* 325-9; F Losel D Bender & T Bliesener, *Psychology and Law: International Perspectives*. (ed), (New York: Walter de Gruyter 1992 a) and C Hancey, 'Psychology and Legal Change: the impact of a decade' (1993) 17 *Law and Human behaviour,* 371-98

more critical approach to the issue of forensic hypnosis evidence in the courts; psychologists contributing to improving the legal status and rights of children and finally, generally making jury selection fairer.

Despite the early publications in legal psychology mentioned above, and while most lawyers would be familiar with forensic psychology traditionally dominated by psychiatrist, it was not until 1960s and 1970s that lawyers in the United States came to acknowledge and appreciate psychology's contribution to their work[16]. Since 1970s, a significant number of psycholegal textbooks have appeared in the United States[17], in England[18] and some have been written by legal psychologists on continental Europe. In addition, following Tapp's [19] first review of Psychology and Law in the *Annual Review of Psychology*, relevant journals have been published.[20].

Psychological associations outside the UK also set up relevant divisions, for example, in the United States in 1981 and in Germany in 1984[21]. In 1981, the American Psychological Association founded Psychology and Law as its forty-first Division[22]. A significant development in the United States was the inclusion in 1994 of law and psychology in the A*nnual Survey of American Law*[23]. It was not until 2001, however that the American Psychological Association recognized Forensic Psychology as a specialty, despite the fact that the specialty guidelines for forensic psychologists was published in 1991 by the American Academy of Forensic Psychology and the American Psychology –Law society. Besides, a spate of international conferences on legal psychology has been held in the UK and on continental Europe. There now exist both undergraduate and postgraduate programmes in Legal Psychology[24]. Finally, a number of Universities on both sides of the Atlantic have recognized the

[16] R Gordon, *Forensic Psychology: A Guide for Lawyers and Mental Health Professionals. Tuscon, Arizon* ( Lawyers and Judges Publishing Co. 1975.)
[17] CR Bartol & AM Barto, *Introduction to Forensic Psychology* (New York Sage, 2004b)
[18] JR Adler, *Forensic Psychology: Concepts, Debates and Practice Cullomption* ( Willan. 2004
[19] JL Tapp, 'Psychology and the Law: An overture. In M.L. Rosenzweig and L. W Porter (eds), *Annual Review of Psychology'* 1976, vol. 27, *Palo Alto: Annual Reviews.*
[20] Such as *Law and Human Behaviour* which was first published in 1977 as the official publication of the American Psychology-Law Society (APLS) founded in 1968 and is nowadays the Journal of the American Psychological Association's Division of Psychology and Law other journal *Behavioural Sciences and the Law; Expert Evidence; Law and Psychology Review; Criminal Behavioural and Mental Health.* New Psycholegal journals have continued to be published. The first issue of *Psychology, Crime and Law* was published in 1994 and those of *Legal and Criminological Psychology, and Psychology, Public Policy and Law* in 1996 in the UK and United States respectively.
[21] DP Farrington *et al, The Psychology of Crime and risk Assessment* ( London: Routledge. 2001)
[22] F Losel (ed), 'Psychology and Law' (1992 a &b) *Overturers Crescendos and Reprises* In F Losel, D. Bender &T Bliesener 3-21
[23]J Monaham & EF Loftus, 'The Psychology of Law' (1982) 33 *Annual Review of Psychology* 441-75.
[24] *Ibid,* p.3

importance of legal psychology by dedicating chairs to the subject in Psychology Departments and law schools[25].

It must not be forgotten, however, that while by the beginning of 1980s, one-quarter of graduate programmes in the United States offered at least one course and a number had begun to offer forensic minors and/or Phd/JD programmes, few psychology departments offered course in psychology and law prior to 1973. A search on the internet this year 2017 for forensic psychology graduate programmes in English-speaking common law countries will indicate numerous of such programmes in the United Kingdom (83 forensic Masters degree.)

It is worthy to note that these developments in the field of psychology and law across modern democracies and legal systems is as a result of the realization of the importance and relevance of the two areas of study and the need to develop and expand them due to the huge benefits therein. Nigeria has nothing close to the developments in the two areas of study and have no formal system, structure and engineering of both. It is on this note that the background of this study is anchored to introduce formally and officially the study of psychology and law and adopting the principles, theories and research findings into the administration of our criminal justice system for a better and more efficient and result oriented criminal justice system.

**3. Psychology and Criminal Behaviour**

Davies and Beach[26] noted that common law has long recognized the important link between psychology and criminal behaviour. It is embodied in the legal principle of *mens rea or 'guilty mind'***,** meaning that an individual cannot be guilty of crime unless he or she carries out the act both willfully and intentionally. Goldstein et al[27] relying on the early theories of criminal behaviour reflected in the work of the Italian criminologist Cesare Lombroso emphasized the heritability of criminal behaviour which drew on ideas from physiognomy (i.e. the idea that human traits are reflected in the structure of the face and body type) to argue that criminals were born to offend and that this was reflected in their particular facial characteristics and built, which he believed were present among habitual criminals and he suggested that he knew what a rapist or a murderer should look like. There is however little evidence that these stereotypes have any basis in fact. The application of psychological theories, starting with psychodynamic ideas of Sigmund Freud and his successors, has a significant influence on conceptions of many aspects of everyday life, including crime. The psychiatrist and psychoanalyst Bowlby[28] argued that separation of mother and child during the second six months of life had permanent damaging consequences for a child's later development and well-being (in terms of

[25] RJ Freeman & R.Roesch (eds), Pscyholegal Education Training for Forum and function (1992) In D. K. Kagehiro &WS Laufer 567-76

[26]G Davie & A Beach, *Forensic psychology: crime Justice, Law, Interventions* (Bps Blackwell, Sussex Uk, 2012)

[27]AG Goldstein *et al,* 'Facial Stereotypes of good guys and bad guys' 22 *A replication and extension Bulletin of the Pschonomic Society* 549 – 552.

[28]J Bowlby, *Attachment and loss: Separation, anxiety and anger* (New-York Basic Book (1973)

attachment to others and self) and could in a number of cases lead the individual to become a criminal later in life. The behaviourist school has also had an important influence in criminological psychology in terms of both understanding and changing anti-social behaviour through treatment. Behaviourism places a general emphasis upon the role of learning in shaping all human behaviour, whether normal or abnormal through the mechanism of conditioning. In this context, there are two broadlines of thought: Pavlovian/Classical conditioning and Operant learning. This approach has largely mutated into Bandura's Social Learning Theory[29]. Eysenck[30] incorporated biological and social factors into his theory, bringing them together as factors that determined an individual's personality. According to Eyseneck, an individual's personality determines, in large part their ability to learn from (or condition to) other people in their social environment. Thus, personality plays a fundamental role in the process of the child's socialization, with certain configurations of personality less likely to behave in a manner that is anti-social or criminal.

According to Davies and Beach[31]**,** somebody who has probably had more of an influence in linking behaviour to crime is B.F Skinner. He advanced Pavlovian theory with the development of the notion of Operant learning. Put simply, Skinner suggested that an individual's behaviour that produces consequences (social or material) that the person finds rewarding is likely to be repeated, in which case Skinner would say that the behaviour is being reinforced. If the behaviour produces consequences that the person finds aversive, then they are less likely to repeat that behavior in which case skinner would say that the behavior is being punished. Skinner's notion of Operant conditioning was taken and applied to explain criminal behaviour[32]. Further, Skinner's Operant learning was applied with some success in working with offenders to reduce the likelihood that they will subsequently re-offend.

In the late 20th century, the emergency of cognitive psychology encouraged the integration of internal processes such as thoughts and emotions, into behaviourist learning theory. This integration is most clearly seen in the development of Social Learning Theory (SLT) by Banduara;[33]SLT gave rise to interventions that aimed to change internal processes (i.e. cognitions) as well as overt behavior giving rise to the term cognitive-behaviourial treatment (CBT) and associated methods of therapy. CBT interventions have become increasingly popular for use with criminal offenders[34]. For example, the

[29]A Bandura, *Social Learning Theory* (New-York Practice- Hall, 1977)
[30] HJEyesenck, *Crime and Personality* (London: Reouttedge and Kegan Paul 1977)
[31] G.Davies & A Beech, *Forensic Psychology-Crime, Justice, Law, Interventions* (Glasgow, John Wiley & sons Ltd; 2012)
[32]C Jeffery, 'Criminal Behaviour and Learning Theory' (1965) 56 *Journal of Criminal Law, Criminology and Police Science*, 294-300
[33]D Laws & WL Marshal,l 'A brief history of Behavioual and cognitive behavioural approaches to sexual offenders: part 1 Early development. Sexual abuse' (2003) 92 *A Journal of Research and Treatment* 75-92 see also M.A Millan (eds) *Behavioural Approaches to correctional Management and rehabilitation*. In C.R. Hollin Handbook of Offender Assessment and Treatment Chicgester: (John Wiley & Sons Inc. 2001) p. 139-154
[34] KD Browne *et al, Handbook of forensic psychology practice* (Oxford: Wiley-Black Well; 2012) and A Bandura, *Social foundations of thought and action: A social cognitive theory* (Englewood Cliffs NJ pretence- Hall 1986)

social psychologist Raymond Novaco[35] emphasizes the central importance of anger in understanding some forms of violence. Hence the use of anger control treatments has become widespread with violent offenders. Similarly in sex offender treatment CBT is the mainstay of such interventions.

A different line of development also took place in the UK in the form of crime prevention measures based on Rational Choice Theory. Cornish and Clarke[36] proposed that crime results from rational choice to offend by the criminal with the prime motivation being personal gain, while avoiding detection when the opportunities arise. This theory led to measures known as situational crime or increasing police patrols to maximize the chances of crime detection. Poor upbringing is equally likely to lead to subsequent criminal behavior. For example, more than 60 years ago, Bowlby[37] argued in forty-four Juvenile thieves, that in all cases he described in the book, the cause of the delinquency could be traced to such 'maternal deprivation'. More recently, a number of authors have noted that a problematic upbringing (in terms of coercive parent-child interactions and the absence of positive and affectionate attachment bonds between parent and child, neglect, inconsistent parenting and severity of punishments) can lead to the development of disruptive aggressive and often violent behaviours.

Recent findings in neuroscience area[38], regarding brain scanning and other techniques that are looking at the structure and function of anti-social/psychopathic offenders; an understanding of how to assess the risk of such individuals for future offending and how to treat them is an important part of forensic psychology. It is important not to lose sight of the fact that around 70 percent of those in prison (both men and women) have mental health problems, in that there are many men, women and children in prison who need health care above all else. Studies have been conducted in variety of settings including prisons[39] probation services[40].

The American Board of forensic Psychology broadly defines forensic psychology as the application of the science and profession of psychology to questions and issues relating to law and the legal system. In his book on the witness stand[41], Munsterberg was critical of the legal profession in the United States for not appreciating the relevance of psychology to its works. However, Munsterberg was over selling psychology and his claims were not taken seriously by the legal profession. Psychology and

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[35] J L Ireland *et al, Assessment Treatment and Management of violent and Sexual Offende*r (Cullompton, Devon: Willan 2009)

[36]D B Cornish & RVG Clarke, *The Reasoning Criminal: Rational choice perspective on offending. New-York: Springer- Verlag. 1986 Offender* (Cullompton, Devon: Willan 2009)

[37]J Bowlby, *Forty-four Juvenile thieves* (London: Baillieere Tindall and cox (1946)

[38]SA Specnce *et al, A cognitive neurobiological account of deception: Evidence from functional neuroimaging*. In S. Zeki & O. Goode ought (eds) *Law and the Brand* (Oxford: Oxford University Press. 2006) p. 169-182 and A R Vriji, *et al,* 'Detecting Deception by Manipulating Cognitive Load' (2006) 10 *Tends in Cognitive Science* 141-142

[39]AE Mac Eachron 'Mentally Retarded Offender Prevalent And Characteristics' (1979) 84 *American Journal of Mental Deficiency* 165-176.

[40]J Mason & G Murphy 'Intellectual disability amongst people on probation: prevalence and outcome' (2002) 46 *Journal of intellectual disability research* 230-238

[41] H Munsterberg, *On the witness Stand: Essays on Psychological Crime*. New York: Clark Boardman

law suffered in its development from opposition with the discipline of psychology[42] but also by a conservative backlash in law which limited the progressive scholars in the field. By 1960s as psychology matured as a discipline, social psychology blossomed in the United States and the experimental method came to be applied to problems not traditionally the concern of psychologists. Psychologists began turning their attention to understanding deception and its detection, jury decision-making, the accuracy of eyewitness testimony and sentencing decision-making as a human process. Most of the early psycholegal researchers with a strong interest in social psychology focused on juries in criminal cases. Those with affinity to clinical psychology concerned themselves with the insanity defence while cognitive psychologist examined eyewitness testimony. These same areas continue to be of interest to psycholegal research today, but the questions being asked are more intricate and the methods used to answer them are more sophisticated[43]. Carson and Bull[44] urged legal psychologist to broaden their research interest to include more areas of law, including administrative law, antitrust, civil procedure, corporate law, environmental law, patent law and family law. The somewhat narrow focus of psycholegal research caused enough concern to Sax[45]. For him, it is important to remind such researchers that the law does not live by eyewitness testimony alone and urge them to explore under-represented areas of legal landscape. McConkey[46] wrote that major industrialized societies have come to realize the wide ranging benefits of psychology. At the same time, legislators have increasingly been paying more attention to empirical findings by psychologists[47]. Carson[48] argues that psychologist and lawyers do have a lot of common ground when human behaviours are the very purpose of both psychology and law. Both disciplines focus on the individual[49]. Yamey[50] wrote that both psychology and the courts are concern with predicting, explaining and controlling behaviours while according to Saks and Hastie[51] . 'Every law and every institution is based on assumptions about human nature and the manner in which human behaviour is determined. Achieving justice is the concern of law and lawyers while he search for scientific truth is the concern of psychologists'[52] . Ogloff[53] gave a more

[42] JRP Ogoff, 'Two Steps Forward and One Step Backward: Law and Psychology Movement(s) in the 20th Century' (2000) 24(4) Law *and Human Behaviour.* 457-83

[43] SS. Diamond, Foreword. In D.K Kagehiro and W.S Laufer (eds*)* v-ix (1992)

[44] D Carson & R. Bull 'Psychology in Leal Contexts: Idealism and Realism. In R. Bull & D. Carson (eds) (1995a)' *Handbook of Psychology in Legal context.* Chichester: Niley p 3-11

[45] M J Saxs, 'The Law does not live by Eyewitness Testimony alone'.(1986) 10 *Law and Human Behaviour.* 279-80

[46] K M McConkey 'The Social Sciences, The Lumalitiecs and Science and Technology in Economic Development: the Place of Psychology' (1992) 14 (6) *Bulled of Australian Psychological Society,* 3- 6

[47]J Mc-Ewan. *The Verdict of the Court: Passing Judgment in Law and Psychology.* [Oxford : Hart publishing 2003] p 43

[48]LRC Harward, *Forensic Psychology [*London: Batsford Academic Educational 1981] p 15

[49] Costanzo, M. *Psychology Applied to Law*. [Belmont, Wadsworth/Thomson 2004]

[50] A D Yamey, *The Psychology of Eyewitness Testimony,* [New York: Free Press 1979] p.7

[51] MJ Saks & R Hastie, *Social Psychology in Court.* [London: Van Nostrand 1978] p.1

[52] Goldberg, S. *Culture Clash: Law and Science in America*. [New York NYY Press. 1994]

realistic position to adopt on the relationship between psychology and law when he stated that to the extent that every law has as its purpose the control or regulation of human behaviour, every law is ripe for psychological study. Haward[54] pointed out that the law lags behind contemporary social thinking while psychology tends to anticipate it. Also, while the law relies on assumptions about human behaviour and psychologist concern themselves with understanding and predicting behaviour, both psychology and law accept that human behaviour is not random. More specifically, research in psychology relates to various aspects of law in practice[55]. Admittedly, different psychologists have different ideas about what psychology should be about[56] and law like happiness, poverty and good music is different things to different people[57]. The simple fact is that there are significant differences in approach between psychology and law. In fact, psychologist and lawyers are characterized by different objectives and the use of different reasoning[58]. This point is well illustrated by eight issues which according to Haney[59] are a source of conflict between the two disciples- namely:

i. The Law is authoritative, Psychology is empirical
ii. The Law relies on adversarial process, Psychology relies on experimentation
iii. The Law is prescriptive, Psychology is descriptive
iv. The Law is idiographic, Psychology is homothetic
v. The Law is emphasizes certainty, Psychology is probabilistic
vi. The Law is reactive, Psychology is proactive
vii. The Law is operational; Psychology is academic

It can be seen that the two disciplines operate with different models of man. The Law, whether civil or criminal, generally assumes free will and emphasizes individual responsibility in contrast to the tendency by a number of psychological theories to highlight unconscious and uncontrollable forces operating to determine aspects of individuals' behaviour[60]. In addition, the psychologists' information

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[53] JRP Ogoloff, *Jingaism, dogmatism and other evils in Legal Psychology: Lessons learned in the 20th Century.* In R. Roesch *etal Psychology in the Law Courts: International Advances in Knowledge* [London and New York: Rutledge. 2001] p 13-14

[54] *Ibid* p. 1

[55] SMA Llpyd-Bostock, *Law in Practice: applications of Psychology to Legal Decision Making and Legal Skills.* (London: Routledge/ British Psychological Society. 1988 p. 1)

[56] D Legge, *An Introduction to Psychological Science.* [London: Methue 1975] p.5

[57] R Chisholm & G Nettheim *Understanding Law: An Induction to Australia's Legal System.* [Sydney: Butterworths 1992 ] p.1

[58] J McEwan. *The Verdict of the Court: Passing Judgment in Law and Psychology* [Oxford: Hart Publishing. 2003] p.1

[59] C Haney, 'Psychology and Legal Change: on the Limits of Factual Jurisprudence' (1980 )4 *Law and Human Behaviour,* 147-99

[60] M King, *Psychology in and out of Court: A Critical Examination of Legal Psychology.* [Oxford: Pergamon. 1986] p. 76

is inherently statistical, the legal system's task is clinical and diagnostic[61]. As Clifford[62] has put it that the two disciplines appear to diverge at the level of value, basic premises, their models, their approaches, their criteria of explanation and their methods. In a submission to the Australian Science and Technology Council in the context of its investigation to the role of the social sciences and the humanities in the contribution of science and technology to economic development[63]. It is stated that: Psychology discovers, describes and explains human experience and behaviour through the logic and method of science. Psychological research and application is based in a logical, empirical and analytical approach, and that approach is brought to bear on an exceptionally wide range of issues. On the other hand, tradition is important to lawyers and as Farmington et al put it, law is a practical art, a system of rules, a means of social control concerned with the solving of practical problems. Psychology researchers (for example in eyewitness testimony and jury decision making) having utilized a variety of research methods including incident studies, field studies, archival studies and single case studies[64]. Many psychologists rely a great deal on the experimental method including field experiments, to test predictions and formulate theories that predict behaviours and are skeptical of lawyers reliance on commonsense generalizations about human behaviour based on armchair speculation however ratified by conceptual analysis[65]. A feature that unifies a lot of psychological research is its preference for subjecting assertions to systematic empirical research and where possible, testing them experimentally. This will often involve randomly allocating persons to different conditions who at the time are normally not told the aim of the experiment. McEwan[66] noted that in this context that it is virtually impossible to duplicate exactly court proceedings in the laboratory. One basic reason for this is that often, such is the complexity of the evidence in a trial that lawyers have to continuously scrutinize their materials making trials long and boring. Long duration and boredom, examination in chief, cross-examination, and re-examination of witnesses is not a feature of experimental simulations of eyewitness testimony.

Theoretical models of man espoused by experimental psychologist have involved man as a black box, a telephone switchboard and more recently, man as a computer. These models which are different from the lawyer's notion of free will have been rejected by cognitive psychologist because they do not

[61] JM Doyle, *Legal Issues in Eyewitness Evidence.* In DC Raskin (ed) *Psychological Methods in Criminal Investigation and Evidence* [New York: Springer 1989(a) ] p. 125-47

[62] BR Clifford, *Psychology's Premises, Methods and Values.* In R Bull & D Carson (ed), *Handbook of Psychology in Legal Contexts* [Chichester: Wiley, 1995] p.15

[63] *Ibid* p. 28

[64] GM, Davies *Influencing Public on Eye witnessing: problems and possibilities.* In E Lossel, *et al* (eds) *Psychology and Law: International Perspectives* [New York: Walter de Gruyter. 1992 ] p 265-74

[65] DP Farrington *et al*, *Introduction doing Psychological Research.* In DP Farmington *et al, (eds)* Psychology, Law and Legal Processes [London: Macmillan 1979a] p xii

[66] *Ibid* p. 28

take into account man as a thinking, feeling, believing totality[67] as someone who interacts with the environment in a dynamic way. For many psychologists, a great deal of information processing is done without people being aware of it. The lawyer on the other hand operates a model of man as a free conscious being who controls his/her actions and is responsible for them. More than two decades ago, King[68] criticized legal psychologists' strong reliance on experimental method arguing that there is a tendency to exaggerate its importance. That treating legal factors as things and applying to them experimental techniques and statistical methods gives rise to the problem of inaccessibility, external validity, generalizability and completeness. King also argued that exclusive reliance on experimental simulation also encourages legal psychologist to focus on inter-individual behaviours without taking into account the social context to which they belong. Highlighting the dangers inherent in studying eyewitness testimony under rather artificial conditions in the laboratory, Clifford and Bull[69] reminded their reader that such research could lead psychologist to advance knowledge that is in fact the reverse of truth as in the case of the influence of physiological arousal on recall accuracy. Losel[70] pointed out that psychologists have plethora of theories and perspectives while the main goal for law is uniformity and avoidance of disparity. Greer[71] called the attention of his readers to the fact that many psychologist attempting to investigate questions of legal relevance on their own have a limited view of legal objectives and as a result in the case of eyewitness testimony for example, they fail to appreciate the intricacies and complexities of legal procedures for eliciting testimony. Ogloff[72] wrote on the need for legal psychologists to have an in-depth understanding of the relevant law they are conducting research on. McEwan[73] has drawn attention to the fact that often psychologists involved in psycholegal research do not consider the legal implications of their work while Bartol and Bartol[74] go a step further and argues that psychologist should learn to do legal research.

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[67] BR Clifford & R. Bull, *The Psychology of Person Identification.* [London. Routledge & Keagan Paul. 1978] p. 5

[68] M King, *Psychology in and out of Court: A critical Examination of Legal Psychology.* [Oxford: Pergaman. 1986]

[69] BR Clifford & R Bull, *The Psychology of Person Identification.* [London Routtedge & Keagan Paul. 1978]

[70] F Losel, *Psychology and Law: Overtures crescendos and reprises.* In DF Losel et al (eds) *Psychology and Law: International Perspectives.* [New York. Walter de Gruyth 1992] p. 15

[71] DS Greer, 'Anything but the truth: the reliability of Testimony in Criminal Trails.'(1971)11 *British Journal of Criminology* 131-54

[72] JRP Ogloff, 'Two Steps forward and one step backward: The Law and Psychology Movement in the 20th Century' (2000)24(4) *Law and Human Behaviour,* 457-83

[73] J McEwan, *Breaking down the barriers. Paper presented at the 9th Annual Interdisciplinary Colloquium, University College,* [London, 2005] p 11-12

[74] CR Bartol & AM Bartol, *Psychology and Law: Theory Research and Application* [Thomas/ Wadsworth. 2004a]

Despite differences between psychology and law, the two disciplines are inextricably bound together by virtue of their common role as far as regulation of human behaviours and their responsibility for maintaining the social fabric in a civilized society as well as their use of common psychologal concepts are concerned. Finally on the relationship between law and psychology, Carson[75] suggested that the way forward for psychology and law is primary through collaboration focused upon change. Carson and Bull[76] were more specific about what the way forward for psychology and law should be when they advocated for ways in which psychology's products can appropriately and always questioningly and critically aid and question legal processes and ways.

**4. Way Out for Nigeria**

There is no gainsaying that the above developments in the link between psychology and law across modern democracies and legal system are as a result of the realization of the importance and relevance of the two areas of study and the need to develop and expand them due to the huge benefits therein. Nigeria has nothing close to the developments in the two areas of study and has no formal system, structure and engineering of both. There is real need for study of psychology and law and for adopting the principles, theories and research findings into the administration of law and justice in Nigeria. Psychology should be made a compulsory course in the faculties of law in Nigeria Universities in view of the strong influence that psychology is welding on law based on scientific research and acceptance by law of these finding in major legal jurisdictions of the world. To this effect, psychology and law no longer be a borrowed course but a core law course designed and taught by law faculty lecturers. Lecturers interested in the study of psychology and law especially the younger ones should be sponsored by faculties of law or the university abroad as there are many universities in the United States, Europe, Australia and other countries that have double doctorate programmes that award PhDs in psychology and JDs in law. There is need for the establishment of Psychology-Law interdisciplinary journals across faculties of law in Nigeria. More funds should be made available by all funding institutions within and outside the university to sponsor research in the development of psychology and law. There should be training and re-training in the form of seminars, workshops, conferences for judges, magistrates and other judicial officers and judges of other inferior courts of records on research findings and application of psychology and law. Relevance and application of psychological research and findings among law enforcement agencies especially the Nigeria Police for the benefit of the legal system should be made.

[75] D Carson, *Law Premises Method and Values.* In R. Bulll and D. Carson (eds) *Handbook of Psychology in Legal context* [Chichester: Willy 1995] p 29-40)

[76] D Carson & R Bull, *Psychology and Law: Future Directions.* In R. Bull and D. Carson, *Handbook of Psychology in Legal Contexts* [Chichester. Wiley 1995] p 3-11