

Nebraska Law Review

Volume 69 | Issue 1

Article 2

1990

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Recommended Citation

James R. P. Ogloff, *Law and Psychology in the 1990s: The Broadening of the Discipline*, 69 Neb. L. Rev. (1990)

Available at: <https://digitalcommons.unl.edu/nlr/vol69/iss1/2>

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Law and Psychology in the 1990s: The Broadening of the Discipline

Psycholegal scholars, and others who work in psychology and law, know well the curious look that comes over the face of people when we mention that we work in the area of psychology and law. Indeed, we have become accustomed to being asked how law and psychology could possibly be related.¹ This question occasionally causes us to be somewhat frustrated simply because it seems so obvious to us how intimately related the two areas really are. Somewhat ironically, the familiarity that psycholegal scholars have with the field of law/psychology may account for one of the most significant criticisms of the area. Indeed, law/psychologists often have been accused of being myopic; focusing on a rather narrow range of topics.² Thus, the “clear vision” that many of us believe we have of law/psychology may simply be a product of the difficulty we have stepping back and seeing the big picture — realizing the wide potential for law/psychology research.

Areas that have previously fallen within the spectrum of psycholegal scholarship generally include: forensic psychology, criminal justice system research, social psychology and law, and legislative and policy change.³ Following his first year as editor of *Law and Human Behavior*, Michael Saks expressed his discontent that the field of law and psychology was narrowly focused on topics such as eyewitness testimony and jury research.⁴ In noting that the “usefulness” of psycholegal scholars is necessarily limited by the array of topics they explore, Saks invited researchers to expand their horizons and to focus on other areas within the law. Although only four years have passed since Saks’ warning — and invitation — the areas being explored by psycholegal scholars appear to be expanding at a rapid rate.

1. The simplest answer to this query is that while all laws are made to regulate human behavior, psychologists study human behavior and are, therefore, able to investigate the efficacy of laws. See Hafemeister, Ogloff, & Small, *Training and Careers in Law and Psychology: The Perspective of Students and Graduates of Dual Degree Programs*, 8 BEHAV. SCI. & L. 263 (1990); Sales, *The Legal Regulation of Psychology: Scientific and Professional Interactions*, in PSYCHOLOGY AND THE LAW (C. James Scheirer & B. L. Hammonds eds. 1983).

2. See, e.g., Ogloff, *Law and Psychology in Canada: The Need for Training and Research*, 31 CAN. PSYCHOLOGY 61 (1990); Saks, *The Law Does Not Live By Eyewitness Testimony Alone*, 10 LAW & HUM. BEHAV. 279 (1986).

3. For a brief overview of the areas of law and psychology, see Ogloff, *supra* note 2.

4. Saks, *supra* note 2.

A glance through the table of contents of these two issues of the symposium on "Law and Psychology" will attest to that fact.

It is only fitting that the *Nebraska Law Review* should be the first mainstream law review to publish symposia issues on law and psychology. Indeed, it is at the University of Nebraska-Lincoln that the integrated law-psychology (law/psychology) training model established its roots. Once it was decided to devote this year's symposium issue to law and psychology,⁵ the question was on what specific topics to focus the issue. Those of us involved in developing the symposium issue decided to keep the choice of topics as broad as possible in order to demonstrate the wide array of areas that psycholegal scholars are now exploring. The articles presented in these two symposia issues are a good representation of the current state of law and psychology — as well as the directions in which it may move in the future. It is our hope that the articles published in these issues will serve both as an example of the kind of work psycholegal scholars perform and as a source of information from which future work will flow.

James R. P. Ogloff, J.D., Ph.D.
Symposium Editor, 1989

5. The idea for the symposium issue on law and psychology was initiated by fellow law/psychology student, Mark Small and my predecessor as Symposium Editor, Vicki Rugha. Initially, we had planned to devote one issue to the topic of law and psychology. It was only after receiving a resounding response to the issue that we decided to expand the symposium to two issues.