Annotated Bibliography

Stephanie Bollman

South University Online

Annotated Bibliography

**The Role of Psychology in the Legal System from a Historical Perspective**

Bijlsma, J., Kooijmans, T., de Jong, F., & Meynen, G. (2019). Legal insanity and risk: An international perspective on the justification of indeterminate preventive commitment. *International journal of law and psychiatry*, *66*, 101462.

***Summary***

Legal insanity offers a broad study on legal issues surrounding societal members. The aspect seeks to establish a link between crime and mental illness to ensure proper justification for such cases in law courts. Mental illness is a risk factor in the legal system since it can render a suspect free when it is established that they are psychologically unfit. However, appropriate tools are supposed to be utilized in the examination so that justice can be served to the parties’ involved (Bijlsma et al., 2019).

Preventive detention and legal insanity are argued from different legal perspectives. The first one is concerned about a criminal act committed in the past while the second analyzes the dangers of such a crime in the future. In the United States, individuals who have mental illness are protected by the law. In case a person suffering from the condition is found to be responsible for criminal activity, a verdict is made suggesting that the defendant is not guilty. This is based on their mental disorder, but the person might be subjected to strict custody for a stipulated period.

***Analysis and Evaluation***

The article seeks to explain the relationship between legal insanity and its risks. It suggests that the connection between insanity and its future consequences is weak and is not sufficient to illustrate the secure connection between preventive commitment and insanity. The authors analyze the jurisdiction processes in various countries, such as the United States, Germany, Norway, and the Netherlands. Throughout the process, they are concerned about how these nations examine cases related to mental illness and the sanctions provided by the law courts (Bijlsma et al., 2019). However, the authors are keen to establish the danger of mentally ill individuals to society, thus suggesting the amendment of specific laws that would ensure public safety. Therefore, it would be essential to provide mental treatment for the affected persons to reduce the risk of engagement in criminal activities that would negatively affect societal members.

Fiorilli, O. (2019). Policing the social body: Medicine and the administration of legal gender recognition in France and Italy, a historical perspective. *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, *78*, 101182.

***Summary***

Gender has been widely used to categorize human beings. In the past years, various groups have demanded the reclassification of their gender, and this has been brought about by transgender individuals. Requests for gender reclassification have faced numerous legal challenges since the constitutions for different countries do not provide the space for a third gender. It calls for medical, social, and psychological explanations. Medicine would play a significant role for transgender individuals to acquire justice (Fiorilli, 2019).

***Analysis and Evaluation***

The author focuses on the legal processes established by transgender individuals in Italy and France. Fiorilli indicates that the procedure began in the 1980s and 1990s, where both countries sought for medical knowledge. Despite significant differences in medical technologies utilized by the two countries, healthcare practitioners were dedicated to ensuring that this group would be recognized. However, the author does not provide the various procedures implemented by medical practitioners as they worked towards establishing a legal framework that would see transgender individuals acquire justice.

**Major Theories of Psychology and Law**

González-Sala, F., Osca-Lluch, J., Tortosa Gil, F., & Peñaranda Ortega, M. (2017). Characterization of Legal Psychology through psychology journals included in Criminology & Penology and Law categories of Web of Science.

***Summary***

Legal psychology utilizes the various aspects learned in the field hence incorporating them in the legal system. The methodologies and theories learned area applied in judicial proceedings also helping analyze human behavior from a criminal perspective.

Psychology and law are crucial in the determination of criminal cases since the interrogation process highly depends on psychological knowledge (González-Sala et al., 2017). Throughout the rehabilitation process for prisoners, psychologists use their expertise to ensure that individuals receive the right psychological treatment.

***Analysis and Evaluation***

To establish the relationship between psychology and law, the authors analyze different journals. These are drawn from educational, biological, social, and clinical psychology. The results obtained indicated that there were 16 journals related to legal psychology. This would help establish the evolution of legal psychology and the primary contributors to the aspect (González-Sala et al., 2017). With many industry players, it is an indication that legal psychology is related to criminology and law. The jurisdiction process depends on the interpretations made by psychologists as they focus on acquiring evidence.

Masías, V. H., Valle, M. A., Amar, J. J., Cervantes, M., Brunal, G., & Crespo, F. A. (2016). Characterizing the Personality of the Public Safety Offender and Non‐offender using Decision Trees: The Case of Colombia. *Journal of Investigative Psychology and Offender Profiling*, *13*(3), 198-219.

***Summary***

A decision tree is used as an appropriate method of identifying the personalities of offenders. This makes references to public safety since the legal systems are concerned about the welfare of societal members (Masías et al., 2016). An algorithm is used to help derive decisions concerning the personality of these offenders. The result is the construction of rules allowing useful classification of various crimes.

***Evaluation and Analysis***

The authors are concerned about public safety. They seek to establish a framework that would allow them to profile the offenders and understand the criminal activities carried out by these parties. The process becomes successful since they manage to determine criminals who have been engaged in offensive acts against the public. A decision tree proves to be an effective method of analyzing the profiles for various offenders.

**Multifaceted Nature of Psychology**

Scott, R. (2014). Psychopathy–An evolving and controversial construct. *Psychiatry, Psychology and Law*, *21*(5), 687-715.

***Summary***

Over the years, psychologists and psychiatrists have been engaged in studying behaviors for people involved in criminal activities. The quest for this knowledge led Cleckley to participate in research concerning psychopathy. In the process, he developed a checklist that would help identify specific members of society who appeared to be remorseless and callous. These individuals were less concerned about the consequences of their criminal acts (Scott, 2014). This research has continuously evolved and has assisted law enforcers in predicting violence.

***Analysis and Evaluation***

Psychology has assisted in the prediction of criminal activities. The article presents an instance where psychologists are engaged in researching behavioral characteristics by criminals. While the legal system is keen to ensure public safety, psychologists help establish evidence from serious offenders so that verdicts can be made. Psychopathy has played a crucial role in identifying individuals who seem to emotionally insensitive and are ready to engage in criminal activities amid severe consequences.

Shulayeva, O., Siddharthan, A., & Wyner, A. (2017). Recognizing cited facts and principles in legal judgments. *Artificial Intelligence and Law*, *25*(1), 107-126.

***Summary***

Legal practitioners refer to previous judicial decisions. This helps them argue their case and persuade judges on taking a specific legal path. Lawyers are interested in the earlier translations, and the moment a case entails similar features, they anticipate a similar decision. Every case utilizes a unique legal principle, and citing existing cases ensures that a legal pattern is established. Since a defined guideline to making references is not provided, legal professionals are supposed to analyze numerous decisions made in the past. This helps them make a sound prediction concerning the outcome of the case at hand.

***Analysis and Evaluation***

The authors have emphasized the importance of making legal references. This is because there is always a similar case that has already been determined, which helps create an appropriate judgment on the current proceeding. Cited cases have been widely used across the legal system since they entail facts essential for decision making (Shulayeva, Siddharthan, & Wyner, 2017). The article states that legal professionals use both primary and secondary sources for their cases so that they can provide substantial evidence at the law courts.

References

Bijlsma, J., Kooijmans, T., de Jong, F., & Meynen, G. (2019). Legal insanity and risk: An international perspective on the justification of indeterminate preventive commitment. *International journal of law and psychiatry*, *66*, 101462.

Fiorilli, O. (2019). Policing the social body: Medicine and the administration of legal gender recognition in France and Italy, a historical perspective. *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, *78*, 101182.

González-Sala, F., Osca-Lluch, J., Tortosa Gil, F., & Peñaranda Ortega, M. (2017). Characterization of Legal Psychology through psychology journals included in Criminology & Penology and Law categories of Web of Science.

Masías, V. H., Valle, M. A., Amar, J. J., Cervantes, M., Brunal, G., & Crespo, F. A. (2016). Characterizing the Personality of the Public Safety Offender and Non‐offender using Decision Trees: The Case of Colombia. *Journal of Investigative Psychology and Offender Profiling*, *13*(3), 198-219.

Scott, R. (2014). Psychopathy–An evolving and controversial construct. *Psychiatry, Psychology and Law*, *21*(5), 687-715.

Shulayeva, O., Siddharthan, A., & Wyner, A. (2017). Recognizing cited facts and principles in legal judgments. *Artificial Intelligence and Law*, *25*(1), 107-126.