

Psychology & Law
Psy 420/520
Spring 1996

Class: UH 11:00-12:20
142 Straub
CRN: 34873/34888
<http://darkwing.uoregon.edu/~rmauro/psy420>

Instructor: Robert Mauro
311 Straub
Phone: 346-4917
E-Mail: mauro@oregon.uoregon.edu

Office Hours: UH 10:00-11:00 and by appointment

TA: Ruth Bennet
326 Straub
Phone: 346-4993
E-Mail: rbennett@darkwing.uoregon.edu

Office Hours: H 12:30-14:30 and by appointment

Texts: Bartol, C. & Bartol, A. (1994). Psychology and Law: Research and Application (2nd Ed.). Pacific Grove, CA: Brooks/Cole.

Reading packet available at U of O Bookstore.

Course Requirements:

This is an advanced undergraduate/graduate course. Students in this course are expected to be able to read and write at that level. If you feel uncomfortable with this expectation, do not take this course.

Examinations: There will be two examinations. A midterm examination (20% of final grade) and a final examination (35% of final grade). Both examinations will be composed of a combination of short answer/essay questions and multiple choice questions. The goal of the examinations is to provide opportunities for each student to demonstrate broad knowledge and understanding of the material covered in class and in the assigned readings.

Term Project: Students will also be required to complete a term project (45% of final grade). The goal of this project is to provide an opportunity for the students to delve more deeply into a topic at the intersection of social science and the law than is possible in class. Projects will be graded on: 1) the depth and completeness of the coverage of the topic, 2) the quality of the analysis of the topic, and 3) the quality of the manner in which the information is communicated. The term project may take many different forms. Two options are listed below. You may also propose your own format; options not listed below require prior approval from the instructor. Because students frequently experience some difficulty in beginning term projects and because of the size of this class, we will adhere to a reasonably strict timeline: Late work will be penalized at 1% per day. Consulting with the instructor and TA about projects is strongly encouraged.

Term Project Timeline

April 10, 1996. Notification of Topic and Format Choice (5% of grade).

By 5:00 PM on this date, you must inform the TA in writing of your topic. This should include a title and a one paragraph description. If you have questions about the feasibility or appropriateness of your topic, consult with the instructor or the TA before this date. A list of students and their topics will be published on the class WWW page.

April 29, 1996. Outline and Reference List (5% of grade).

By 5:00 PM on this date, you must produce a 2 page outline and a reference list for your project and turn it in to the TA.

May 15, 1996. Project Draft. (5% of grade).

By 11:00 AM on this date, your project must be available for peer evaluation. By this time, give a copy of your paper to the TA with only your student identification number on the cover. This copy will be given to another member of the class to review and return to you

May 20, 1996. Project Review. (5% of grade).

By 5:00 PM on this date, your peer review must be completed and returned to the TA so that we can return all of the papers to the authors during the next class period. The review should consist of at least comments on the content and writing on the draft.

June 3, 1996. Final Project (25% of grade).

By 5:00 PM on this date, your project must be available for evaluation. Before this time, return a final copy of your paper to the TA.

Term Project Format Options: Because students always ask, suggested (not required) page lengths are given in parentheses -- feel free to write more or less, but please don't pad. All papers should begin with an abstract summarizing the issues and your work and include an outline.

Structured Review Paper: a review of the literature covering the law and social science related to a particular topic. The paper should include a (5 page) discussion of the legal issues, a (5 page) discussion of the relevant social science and a (5 page) analysis. A search for recent literature on the topic is expected. The analysis may contain recommendations for social policy or further research.

Empirical project: original research on a topic at the intersection of social science and the law. This paper should be written in standard APA format (i.e., Abstract, Introduction (5 page), Methods (2 page), Results (4 page), Discussion (4 page)).

Collaboration on term projects is encouraged. To facilitate cooperative efforts, you will be required to choose your topic by the second week of the term. A list of students, topics, and e-mail addresses will be published on the class WWW page (you may request that your information not be posted). You may choose to work alone, to cooperate on gathering information but produce individual projects, or to produce a true group project. Group projects are expected to reflect (in scope and quality) the number of individuals involved. Be very careful before committing to a true group project; good friends do not necessarily make good co-workers.

Syllabus:

B indicates a chapter in the Bartol & Bartol text. Please plan to read the assigned material before the class session for which it is assigned. In most instances, only excerpts from the cases listed are included in the reading packet.

4/1 Introduction: Overview of Psychology and the American legal system
 B 1, 4

Actions & Actors: What happened and who did it.

4/3 Eyewitness Identification
 B 3, 9

4/8

4/10 Psychological Profiling [Notification of Topic Due 5:00 PM]
 B 2
 Pinizzotto, A. & Finkel, J. (1990). Criminal personality profiling: An outcome and process study.
 Law & Human Behavior, 14, 215-234.
 US v Lopez (1971) 328 F.Supp. 1077

4/15

4/17 Interrogation and lie detection
 B 10
 Miranda v AZ (1966) 384 US 436, 86 S.Ct. 1602, 16 L.Ed.2d 694
 Bashore, T. & Rapp, P. (1995). Are there alternatives to traditional polygraph procedures?
 Psychological Bulletin, 113, 3-22.
 Ofshe, R. (1989). Coerced confessions: The logic of seemingly irrational action. Cultic Studies
 Journal, 6, 1-15.
 Rosenfeld, J. (1995). Alternative views of Bashore & Rapp's (1993) alternatives to traditional
 polygraphy: A critique. Psychological Bulletin, 117, 159-166.

4/22

State of Mind

4/24 Legal responsibility & defenses
 B 5
 R. v Dudley & Stephans (1884) 14 QBD 273
 Ewing, C. (1990). Psychological self-defense: A proposed justification for battered women who
 kill. Law & Human Behavior, 14, 579-594.
 Morse, S. (1990). The misbegotten marriage of soft psychology and bad law: Psychological self-
 defense as a justification for homicide. Law & Human Behavior, 14, 595-618.

4/29 [Outline Due 5:00 PM]

5/1 Midterm Examination

5/6 Competence & insanity
 R v M'Naghten (1843) 8 Eng. Rep. 718.
 Finkel, J. (1991). The insanity defense: A comparison of verdict schemas. Law & Human
 Behavior, 15, 533-556.

Legal Procedures

5/8 Issues in legal decision-making
 B 7, 8

- 5/13 Juror and jury decision-making
Ballew v GA, 435 US 223 (1978)
Lockhart v McCree, 106 S. Ct. 1758 (1986)
 Elliot, R. (1991). Social science data and the APA: The Lockhart brief as a case in point. Law & Human Behavior, 15, 59-76.
 Ellsworth, P. (1991). To tell what we know or wait for Godot. Law & Human Behavior, 15, 77-90.
- 5/15 [Draft of Term Projects Due 11:00 AM]
- Social Science and Social Policy
- 5/20 Punishment and Rehabilitation: Issues in choosing sanctions
 [Reviews of Term Projects Due 5:00 PM]
 B 12, 13
 Campbell, D. (1969). Reforms as experiments. American Psychologist, 24, 409-429.
Barefoot v Estelle, (1983) 463 US 880, 103 S.Ct. 3383, 77 L.Ed.2d 1090
- 5/22 Capital Punishment
Furman v GA (1972) 408 US 238, 92 S.Ct. 2726, 33 L.Ed.2d 346
- 5/27 Discrimination
 B 2
Brown v Board of Education, 347 US 483 (1954)
McCleskey v Kemp 107 S. Ct. 1756 (1987)
- 5/29 Mental health law
 B 6
Tarasoff v. Regents of UC (1976) 17 Cal.3d 425, 131 Cal. Rptr. 14, 551 P.2d 334
- 6/3 Obscenity [Term Projects Due 5:00 PM]
Miller v CA 413 US 15 (1973)
 Kutchinsky, B. (1991). Pornography and Rape: Theory and Practice? Evidence from crime data in four countries where pornography is easily available. International Journal of Law & Psychiatry, 14, 47-64.
 Wilcox, B. (1987). Pornography, social science, and politics: When research and ideology collide. American Psychologist, 42, 941-943.
 Koop, C. E. (1987). Report of the Surgeon General's workshop on pornography and public health. American Psychologist, 42, 944-945.
 Linz, D., Donnerstein, E., & Penrod, S. (1987). The findings and recommendations of the Attorney General's commission on pornography: Do the psychological facts fit the
- 6/5 Children & the Law
 B 11
In re Gault (1967) 387 US 1, 87 S.Ct. 1428
 Woolard, J. L., Reppucci, N. D., & Redding, R. E. (1996). Theoretical and methodological issues in studying children's capacities in legal contexts. Law & Human Behavior, 20, 219-228.
 Sorensen, E. & Goldman, J. (1990). Custody determinations and child development: A review of the current literature. Journal of Divorce, 13, 53-67.
 Hart, S. (1991). From property to person status: Historical perspective on children's rights. American Psychologist, 46, 53-59.
 Goodman, G., Levine, M., Melton, G., & Ogden, D. (1991). Child witnesses and the confrontation clause: The American Psychological Association brief in Maryland v. Craig. Law & Human Behavior, 15, 13-30.
- 6/11 Final Examination 15:15