Two Steps Forward and One Step Backward

The Law and Psychology Movement(s) in the 20th Century

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The development of the synthesis of law and psychology will be a long and perhaps a tedious process; but it is a process, however much patience it may require, which for the law will yield a fruitful harvest. (Cairns, 1935, p. 219)

As we enter the waning months of the 20th century, it seems appropriate to look back at the two law and psychology movements that have occurred this century. It is fitting, too, that I should be giving this speech in Boston where just over a century ago the soil was tilled at Harvard Law School to allow for the roots of the law and psychology movement to be planted. It was at Harvard University more than a century ago, under the direction of University President Charles Eliot and Law School Dean Christopher Columbus Langdell, that the 3-year postgraduate law school curriculum was initiated. The change from a 1- or 2-year undergraduate

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program to one which required that students hold a baccalaureate degree before beginning the study of law ensured that law students would begin their studies with a formal background in another field—and in many cases a degree in a social science (Ogloff, Tomkins, & Bersoff, 1996).

Once the academic soil was tilled, just over 90 years ago, Prof. H. Munsterberg—again of Harvard University—published his seminal book, On the Witness Stand (1908), which helped plant the seeds that grew into the initial law and psychology movement. Unfortunately, as I will note below, Munsterberg’s book was not received openly by either lawyers or social scientists. Indeed, in a book arguing for the advancement of social science, including psychology, in the law Cairns (1935) referred to On the witness stand as a "rash and presumptuous little book" (p. 169).

While I decided that it would be appropriate to reflect back on the development of law and psychology this century, I decided that I would not just merrily list our many accomplishments. Rather, my goal is to be more critical in looking back in order to learn from what we have done, and failed to do. Such a perspective, it is hoped, will help ensure the continued growth and success of our field into the 21st century. Because this paper is somewhat cynical and even critical, it is important to put it into perspective by briefly highlighting some of the many advances we have made in the field of law and psychology in the latter part of this century.

Just 30 years ago, there was no journal dedicated to the study of law and psychology, there had not yet been a convention of the American Psychology-Law Society, there were fewer than 500 articles catalogued in Psychological Abstracts on topics broadly related to our field, very few sessions at the APA convention were in law and psychology (only one in 1965, for example), APLS was newly formed (with 101 charter members listed in the first membership directory published in 1969), and there were no formal graduate or joint degree training programs in the field (see generally, Fulero, in press; Grisso, 1991; Monahan & Loftus, 1982; Tapp, 1976).

Despite our growth, the development of the law and psychology movement has occurred more by chance than by planning and we have had far less influence on the legal system than we tend to believe. Indeed, as Melton (1990) detailed, the course of psycholegal studies (or whatever you want to call "it") has not been particularly well plotted.

\footnote{Given the limited space here, I shall not detail the advances that have been made in the field of law and psychology. I want to emphasize that while I take a decidedly critical perspective in this article, I fully appreciate the many advances that have been made in our field. Those advances have been well documented elsewhere (see, e.g., Brigham, 1999; Grisso, 1991; Melton, 1990; Ogloff, 1992; Ogloff, Tomkins, & Bersoff, 1996; Roesch, Hart, & Ogloff, 1999).}