INTRODUCTION

Whereas the interest in personality descriptions in expert court reports is usually devoted to the explanation of the behavior of offenders, in the present study these descriptions are used as a means to assess the clinical judgement of the experts. Whatever the efforts of the experts to fulfill the condition of objectivity required by the legal proceedings, two major difficulties impedes the achievement of this task. The first one refers to the way in which the observations are presented (typically in natural or common language). The second one is related to the circumstances in which the expert report is carried out and especially to the information that is at the expert's disposal. As regards to the bias introduced by the language one of the most important criticisms rests on the fuzzy semantic content of trait attribution, exemplified by the polysemic nature of adjectives used to describe personality. It follows that when co-occurrences between trait attributions are examined, the principal semantic dimension found is usually an evaluative one. The opposition good-bad thus introduced is however without any informative value. This fact has been established from natural language trait attributions, but it is sometimes encountered when personality rating scales or even inventories are used.

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The importance of evaluation has fueled a controversy in which it is taken for granted that instead of defining psychological traits, personality descriptions simply mirror the semantic properties of the words used. If true, it can be hypothesized that personality statements derived from naive raters should be identical to those given by experts. But the problem of the verbal form of the expert court report is not of course confined to the court room practice. This is not the case for some other sources of bias which are peculiar to the expert court report on which this paper is focussed. One of the most important relates to the availability of information on the subject being examined in the case report. While the officers of the law consult the expert psychiatrist in order that he might give accurate information 1°) on the mental health of the subject being assessed; and, 2°) on the personality traits likely to mitigate his responsibility, in point of fact a record in which information concerning these two points is placed at the expert's disposal. It is likely that such information is used by the expert either consciously or implicitly.

The aim of the present study was to assess the influence of two kinds of information: a) the occurrence or a absence of an offence (i.e., penal vs civil cases); b) the presence and severity of previous mental attributed illness on the concepts (or standpoints) selected by the expert to describe the personality of the person. One of the elementary rules of an objective observation is that each individual be assessed on a common pool of relevant traits. If some flexibility is allowed, one can admit that certain traits being more relevant for some subjects than for others would occur more frequently: for instance psychiatric attributes for psychiatric patients, juridical content attributs for offenders compared to non offenders etc... As far as the frequency of occurrence of a semantic domain in the field of personality reveals the importance the rater gives to this domain, it will be important to know if the same expert psychiatrists use the same rating criteria for penal and civil appraisals and to describe mentally and non mentally ill persons.

METHOD MATERIAL

400 court room expert reports from a court of summary jurisdiction and 85 from a civil court, of the same district, written by the same 34 expert psychiatrists during the period from 1967 to 1976 were collected. This represents an exhaustive sample with regard to the experts and the courts.