

Behavioral Sciences Central To Law And Forensics

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July 13, 2009 - [PRLog](#) -- A new Encyclopedia of Forensic Science just released by publisher John Wiley & Sons, also to be available as an online resource, reflects the central role that the behavioral sciences play in law and forensic science. The landmark work contains entries on all of the forensic disciplines; including criminalistics, medicine, toxicology and trace evidence; prepared in twelve editorial sections with the individual topics distributed alphabetically throughout five color-illustrated volumes. The largest section, however, constituting 29% of the Encyclopedia's 3,104 pages, is the Behavioral Sciences.

Boston-area attorney and psychologist Carl N. Edwards assembled, edited, and in addition wrote many of the 108 behavioral sciences articles' 900 printed pages. "The authors are a world's who's who in this field," Edwards says, "and every one of the several hundred experts I invited to contribute accepted."

While the behavioral sciences receive little attention in law school, their importance becomes quickly evident to anyone practicing criminal law or preparing a for a jury trial.

"America is often seen as a nation obsessed with psychological excuses," Edwards observed, "but our history and constitutional structure is unique in many ways." Under English and most world legal systems, juries simply decide whether a defendant committed a particulate act. If that party then believes that he or she deserves some form of dispensation, an appeal must be made to royal authority such as the English Chancery, or to religious leaders as in most Muslim nations. "The United States was the first and still among only a few nations that reject religious and royal authority," Edwards explains. "Consequently even the most complex moral and societal issues in America are left to our peers. Trials constitute a public forum, from which forensic gets its name, so it is the open and often contentious public debate of trial outcomes and other issues of justice and equity that shape our laws and evolving customs."

American laws do not simply specify punishments for criminal acts. They are filled with qualifiers such as "willful," "premeditated," "knowingly," and "malice" which are psychological concepts. "America is unique in the extraordinary level of freedom which it affords its citizens, but also in the extent to which these complex concepts are left to the interpretation of ordinary people," Edwards points out. "For these reasons, behavioral testimony is by far the court's most frequently sought expertise, and behavioral disciplines are relevant to everything from corrections and criminal penalties to social and public policy."

This often leads to a criticism that America and its behavioral 'experts' have made the U.S. a nation soft on crime and overly introspective at the expense of decisive action. Edwards, a fellow of the American Academy of Forensic Sciences and holder of a post-doctorate in pharmacology who has written extensively about behavior and legal history, would argue that the evidence does not support this understandable belief.

"American justice has waxed and waned as we have dealt with new behavioral theories," Edwards has said, "but we have really seen very little that was new even a thousand years ago. You can argue that everything anyone does has at least some psychological roots, but this has to be balanced against the need for social order. Freedom carries responsibilities, and the American concept of justice today has arrived at a balance remarkably similar to that reached in other nations well before there even was a United States."

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