



Reflections on the Discipline of Psychology in the Law Course

Geraldo Carreiro de Barros Filho¹
Gislene Farias de Oliveira²

Abstract: This article discusses questions about the discipline of Psychology, taught in many law schools in the region of the state of Ceará and surroundings of Cariri region. While retaining certain tradition, almost unchanged in terms of teaching methodology, a situation which, in a way, paralyzes its didactic, not always allowing an evolutionary bias of the legal positivism and transdisciplinary. Both salutary to survival and necessary changes to an adjustment to the labor market and the contemporary higher graduation academies. The exercise of the function does not dispense with critical view of legal epistemology. That, even though incipient in our institutions of higher education, as in many cases, it requires "knowledge by heart" in many cases. The results indicate the need for greater investment in crosscutting legal education, where psychological science has a key space; although in reality only take part in a minimum of 1.78% percentage of class hours, on average, a total 4,500 class hours in undergraduate courses.

Keywords: Legal Psychology, Education. Teaching of psychology. Academic education.

Introduction

The University is, of excellence, a knowledge production space. Knowledge is not only transmitted but produced by scientific research. In this sense, Barbosa et al (2013) understand that there is no single way to produce knowledge; there is no single explanation for a social phenomenon; there is no single way of interpreting data, as well as there is no single and unquestionable truth. Japiassu (1991) corroborates the question scientific thought which is based on definitive truths and leads us to reflect on the processual character of knowledge, recognizing it, not as a state, but always temporary, always a becoming.

This implies that the positivist paradigm, whose beginning goes back to middle of the XIX century, with August Comte, with the idea that knowing only means to measure and quantify, appears to be surmounted by a non-linear approach, as "a simplistic view of how the world works is being replaced by an essentially complex and paradoxical "(Parker & Stacey, 1995 p. 12).

¹ Bachelor in Communication / Public Relations - ESURP, Specialist in Constitutional Law - UNESA, Master in Education Program - Anne Sullivan University - <http://lattes.cnpq.br/4226086257152901>. E-mail: carreirog@hotmail.com;

² Psychology (1983) and PhD in Social Psychology by Federal University of Paraíba (2008). Postdoctoral in Health Sciences, ABC Faculty of Medicine / SP (2014). <http://lattes.cnpq.br/5084510934957372>. gislenefarias@gmail.com.



There are peculiarities amid the curriculum in legal education, because some legal academies follow the vanguard and others logic. Higher education institutions follow the logic of determining tradition in respect to a common sense and regulations of Ministry of Education and Culture – it does not paralyze, but advises well to maintain the status quo and thus it is present and omniscient.

Therefore, the subject at hand is there to seek curricular peculiarities - that arise and provide the educational services and with the firm intention of being recognized as logical and avant-garde without losing sight of the academicism tradition.

But what is the logic and what is the vanguard?

What is the purpose of the big brother supervised freedom, that all guides and are recognized by "certain, as long as they adhere in unison to the State leviathan"? It is a matter to be understood and it proposes this article and to the efforts of the text - which invites the salutary criticism, leading to discussion and good understanding - and never unanimous.

For this proposed study/research, it will be joined by 05 HEIs, that have published their syllabus and other 09 HEIs that only offer the bars, schedules, lists of faculty, in addition to scholars devoted to the theme.

Everyone without exception needs the good offices of a lawyer in court cases. Only one law operator, registered in the Order of Lawyers of Brazil can do it - there is no figure of shyster³ or technologist in law. It is the activity that brings along with career development, social status, positioning the right operator at high professional level. Example of that is the difference, when all committing crimes and have title of higher education, even if Post-Doctors are placed in special room⁴ - that is the graduate and registered with the OAB will be placed in the Staff Room⁵.

The social status brings power and an expanded territory of performance, range and this magnitude leads to hinder the assumption that this professional is a psychopath, after all this human being works in the judiciary and is "outside the judicial prisons and asylums." (Silva, 2010, p.44).

³ In the Brazilian empire period, the lawyer who, having no academic background in Law (BA), obtained the authorization of the competent organ of the judiciary, or the entity class (first of the Institute of Lawyers, from the 1930s OAB) to exercise in the first instance, the postulation in court.

⁴ separate cell from other ordinary prisoners.

⁵ Meeting room between the Command and commanded. It is found in barracks of the Armed Forces, military police and military firefighters. Does the art. 144, paragraph 6, of the 1988 Federal Constitution.



You can find one of these beings in academia and in any other environment and in all professions, after all these beings act: seeking access to the environment, evaluating it, manipulating those who exist there, promoting confrontation between the ones who live there - all in order to succeed, achieve the goal set at the beginning of the contract.

But what does all this have to do with the proposed theme? The academy and the courses in their syllabus says it will be offered studies: The different psychological approaches to human personality and its relationships; psychopathology notions and mental disorders, psychological and legal validity Reviews (Fortaleza University -UNIFOR, 2007). Interaction between psychology and law, roles and functions of the Forensic Psychologist; Forensic Psychologist interaction with professionals from other disciplines and necessity of knowledge and interdisciplinary practice (São Paulo University - USP, 2012).

It is observed that the interaction will lead to the maturity of scholar and if this person knows how to take advantage on what is taught, will soon have more to deal with the discipline of Criminology and there will further studies with classes on sociopaths - expanding range of studies, appropriate to those who ponder that the career in criminal area is the best career choice.

Note that psychology course is fundamental to mature students.

Panopticism is in Foucault's studies "enclosed space, cropped, guarded on all points where individuals are placed in a fixed place where the smallest movements are controlled, where all events are recorded, where an uninterrupted work of writing links the center and the periphery "(Foucault, 1987), brings resemblance to the academy in Brazilian national territory.

The law scholars undergo a process of survival in long five years, where it will be worth the own efforts and requirements of the curriculum, prepared by the professor; who sometimes no longer meet the need of society, but that should not be questioned - and the students are those who need to learn or the punishment will come no doubt.

Compared with the academic proposals of other national Higher Education Institutes - HEIs, for example with law school – Getúlio Vargas University of São Paulo, where the didactic delivers in the hands of the academi the access key to the exit, but everyone understands that permanence is more profitable, since their participation is active and the passivity, is punished with no use of the offer.



The theme of this article brings Freud (1987) so that is worth a branch of psychology, which lends to the law necessary and precious knowledge for the good relationship between the Legal system, composed by fact, value and norm - didactically well presented tribalism of Miguel Reale.

Psychology treated in the academies of legal sciences is received carefully by freshmen during the first semester of a total of ten and at the moment which worth the student population of curiosity, regarding the questions we all ask: why the person transgressed, committed a crime, why did he give a bad check to anyone, for what purpose?

It is the cathedra role to initiate scholars, who have understood the consequences of unlawful acts, from the second semester, but psychology will raise the scholar and will go to the forum, to feel the real face of theses raised by lawyers - theses that last for decades, since the crimes are essentially the same and the penalties idem.

Psychology on the law brings to light what is between the lines and make the academic to know that no matter the motive of the offense - all it will bring consequences to the cause.

It is that society governed by laws and codes of conduct and morality, has peculiarities, where for these we seek in Freud a fact updating the legal system, which initially should know that "'taboo' brings with it a sense of something unapproachable, It is mainly expressed in prohibitions and restrictions. Our sense of 'holy dread' can often coincide in meaning with 'taboo'."

To illustrate some broken taboos in recent years, we take the existence of homosexual relationship, the choice of the child to have two mothers, two fathers or other contemporary family configuration - psychology course should calm tempers and instigate academic thinking about which is the reason for existence of the rights of others to have the free choice of socio-affective coexistence without suffering sanctions or punishment in a penal code 70.

We treat the focused taboo on sexuality of human beings and we should be used when Freud sheds light on "the taboo restrictions are distinct from religious or moral prohibitions. Not based on any divine order, but can be said that are imposed on their own." Not conceived harvest that has more difficulty in changing that the law - there is mutation, which happens to be the way of thinking about a subject, but changing the code requires provision of Perseus (who rolled a stone all day). Because we believe that the violator of the post and accepted as taboo "transforms the transgressor himself taboo."



Complementing the theme of this topic, the totem is too much intimidating - the Supreme Court can be seen as a legal totem, because "the common ancestor of the clan; at the same time, is their guardian spirit and assistant, which sends oracles, and although dangerous to others, recognizes and saves his own children". (Trindade, 2010). It is observed a brief understanding agreed what was said about the Hall-of-the General Staff.

The psychology course receives a heavy burden to clarify to academics, not just thinking of psychopath or sociopath; but a lot more wholesome educational work of the antithesis that Freud deals: "In contrast, clan members the are the sacred obligation (subject to automatic sanctions) not to kill or destroy their totem and to avoid eating its flesh (or take benefit from other ways). "Unfortunate truth of the facts.

This topic is worth of studies that go in parallel, for a good understanding of healthy interdisciplinary coexistence where the law has to receive Psychology whole framework of knowledge that will prop the decisions handed down in the judgment final and unappealable since all the codes relations and penalties are focused on behavior, which is "what defines actions of human beings." The visible are directly judged by their guests, difficult for law professionals is the decision making as to the penalties when it comes to the "invisible behaviors such as anger, jealousy, pity, kindness, happiness, sadness" because they entail social damage - capable of legal punishment.

The psychology course in Law, has to do with the concept of legal institutions - from the well known "free expression of will", at this time the law has to wait (step aside) and let the psychology be placed into thinking about the foundations of law, to thereby promote a better understanding of what to do, for the one who transgressed.

It is a propedeutics course, it is independent, self-bias by having broad utility spectrum, but must overcome distrust walls, since after the first semester, nothing is treated until it reaches the optional course of Criminology - then it's been four years. It is understood poorly the real importance of this discipline.

The psychopath is like the cat, who does not think about the mouse feelings. He only thinks about food. The advantage of the mouse over the victims of the psychopath is that he always knows who the cat (Trindade, Beheregara & Cuneo, 2009). This quote received due prominence, being own kind of criminal law and is present in other areas of law practice.

It turns out that this is masked by not committing crime typified in the penal code – if only causes the resignation of a colleague; sometimes meets with intelligence above that



found in the average man and taking advantage of this differential, promotes crimes leading the other to commit it, making it difficult to punish the mastermind, for not leaving physical evidence.

Surely the crime performer, led to commit it, there is the option not to do so - even though, the wiles of the intellectual author are always subtle, causing the perpetrator feel protected and seduced by the intellectual author.

It is seen that the cathedra brings warning to future Civil Law operator and as in criminal law, especially to those who want the public prosecutor or the Magistracy - remember that no one is free from error of judgment, and lack of preparation is the best weapon used because sets free the its user to the operator of the illegal act.

Fiorelli (2015) brings to light understandings with an explanatory picture of what are two of psychology activities subdivisions, namely: clinical psychological diagnosis and psychological expertise

Both for the purpose of distinction, demand closure, truthfulness, confidentiality and presentation of results; that for Article we treat of psychological expertise activity: the judgment draws upon their knowledge to good pronouncing the sentence; participation only terminates with an experts procedure with the emission psychological diagnosis; which document will appear on dissimulation and conscious lie - with the defendant seeking to have won because of avoiding the punishment due; professional secrecy found in the office does not apply to the processes because they are public and can exercise power adapter jurisprudential creation of collective reality - finally there are the reports which can not run away from technical accuracy, in proper form containing diagnosis and prognosis .

It is observed that the practice of forensic psychology activity should be presented to students, as exercise of humility where future law professionals must support, to legal certainty and due process.

The new Civil Procedure Code, which came into effect in May 2016 brings new situation in the legal sphere, as the procedural deadlines, legal relationships, the possibility of plea bargaining become part active when it comes to operation of legal sciences materially - in this case.

But which operating subtleties psychology acquires when it comes to act in the legal environment, since the principle of professional secrecy, does not share the principle of own mandatory procedural advertising in legal sciences?



It is observed that there is a labor bifurcation without losing legality and without committing illicit because the clinical environment is sought - it is taxable in the analysis of action of the human psyche; because the legal causes psychologist - is subject for its services to avail of their expertise and thus make the most fair and agreed decision, in this case, ever since "is highlighted the specificity of behavior change factors analyzed because beyond the scope of health and reach society as a whole, both requiring the intervention of the law. " (Caires, 2003)

And this statement concerns about when it is in the author's words studied this topic "also clarifies that the skill is not reduced to mere evidence, because its function is to instruct and technically support the arguments of the parties and decisions of the judges." (Caires, 2003)

The judge is surrounded by all evidential means for making fair decision - because if he does not do it, incurs sin to judge by his own knowledge and not by the rule of law.

The Syllabus - freedom of gyms in drafting

In analysis of five syllabus presented and available on the websites of the Brazilian HEIs is observed that: 01 oferta 18 h / class, 01 offer 32h / class, 01 offer 80h / class, 02 offer 30h / class; and the two last of the federal network of higher education located in the Southeast Region and the other in the Northeast - bringing a case that runs off the curve by offering more than double the hours / class the other and almost five times the lowest bid.

Leaving the supply analysis behind, there can be found in the syllabus the concerns that are distinct to each HEI, according to the own pedagogical route, from the minimum offer of 18 hours / class where the fundamentals and trends are exposed, through HEIs that extend their studies with 30 hours / class and in those moments there is the discussion about the need of law operator in knowing - although diminutive in respect of the grandiosity of theme and the complexity of what is studied (the human being). Finally, the excellence in knowledge requirements with 80 hours / class that opens range of interdisciplinary knowledge when demand from academic scholars, studies focused on criminology, psychopathology and other fields of activity and application of psychology.



Northeastern HEI 1 (18h)

A minimum, but acceptable, is on a course of Human Sciences hours / classes that deal solely the fundamentals and practice in forensic psychology, with view of the emerging trends in forensic psychology.

Northeastern HEI 2 (32h)

The psychology itself becomes increasingly necessary to legal professionals, whose interpretations and / or decisions on cases, from the simplest to the most complex, ultimately require a broader understanding of human phenomena, understanding that is not limited to the aspects technical-legal or legal, but allow an interaction with multidisciplinary teams of professionals and a dialogue with another knowledge.

Northeastern HEI 3 (80h)

Concept and History of Psychology. Methods in General Psychology. Application fields of psychology. Determinants of behavior. Structuring and formation of personality. Personality types. Human motivations. Emotions and passions. Simulation and dissimulation. Psychopathology. Psychology topics related to law and criminology psychopathological. Violence and crime from the point of view of psychological science.

Southeastern HEI 1 (30h)

Basic information about the object of psychology and psychoanalysis. Concepts and psychological and psychoanalytical structures correlated with the object of the law and the legal categories of personality, ability, responsibility, accountability and unaccountability. Basic information on approaches and psychological strategies for conflict resolution.



Southeastern HEI 2 (30h)

Present, discuss and analyze the production of specific scientific knowledge and the possibilities of psychological practice within the institutions linked to justice, not only in the judiciary but the executive and legislative sphere as well as in civil society. After the analysis of the syllabus there is the disciplinary theme with keywords, exemplified in: fundamentals, concepts, structures, trends, understanding, multidisciplinary interaction, psychopathology, criminology, approach, strategy, conflict resolution and society.

It is observed that the forensic psychology cathedra should be better supplied, in communion with the dogmatic disciplines of Criminal Law, Criminal Procedure, Criminal Enforcement and Criminology - making it the most active, engaging learning environment.

Conclusion

This article sought to understand about the real importance of legal psychology cathedra in the Higher Education Institutes, which tend to offer without the due diligence called zetetic branches of law and excessive focus on dogmatic branches of the legal sciences.

It brought backer in scholars already established and their understanding to thereby present what they think are not law operators and try to bring focus on the importance of not wish solely go through the course of Legal Psychology, but much more to be approved and thus follow the good legal training at being (the academics) in the near future as criminalists Lawyers, Criminal Defense, Criminal Court Judges.

But how will such leverage career if nothing or know little about the human being defended, accused or sentenced?

The primary criticism in this article when the superficiality offering cathedra so important in educational moment talking about transdisciplinary, much more than interdisciplinarity.

Concluded and the judge, not yet - maybe a day.



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