Perspectives on Children's Testimony

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Editors

Perspectives on Children's Testimony

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Preface

This volume is the second in a series that deals with child witnesses. Our first volume, *Children's Eyewitness Memory* (1987), was primarily concerned with issues surrounding the veracity and durability of children's recollections. It grew out of an APA symposium we organized in 1985, to coincide with an important trend in the American legal system, namely, increasing numbers of young children being called on to offer testimony in juvenile and criminal proceedings. At that time, we had little empirical knowledge about what factors influence children's recollections, especially as they relate to the law. Since then, there has been a steady accretion of knowledge on this topic—some of it sparked by that volume. The current volume, *Perspectives on Children's Testimony*, focuses on adults' attributions about child witnesses. It is an outgrowth of a symposium we organized for the biennial meeting of the Society for Research in Child Development in 1987. Among the many lacunae in our knowledge about child witnesses is how they are perceived by jurors. At present, little research has been directed to this issue. We hope that this volume makes a modest beginning toward filling this gap.

Perspectives on Children's Testimony contains current empirical research on factors that affect adults' (e.g., jurors', judges', and attorneys') perceptions of the child witness. These factors include characteristics of the child witnesses themselves, such as their age and speech style, as well as adults' beliefs concerning children's memory capabilities, including whether or not the child's testimony is "scripted" (i.e., whether it is a prepared script of their testimony or their own words). The book is designed to provide researchers, criminal justice workers, attorneys, judges, psychiatrists, and psychologists with knowledge about adult beliefs regarding child witnesses and how these beliefs may influence verdicts. A variety of new techniques are employed in assessing adult views of the child witness. This volume includes several special features. In addition to the contributions on adult perception, the volume includes one chapter that treats in-depth the techniques for interviewing child victims of sexual abuse and two other chapters that provide invited commentaries, one by a legal specialist affiliated

with the American Bar Association and the other by an experimental social psychologist who specializes in psycholegal issues. Both commentators have prepared critical/theoretical integrations of the empirical chapters; one provides interesting insights into the impact of current research on the child witness on sexual abuse prosecutions and the other suggests how these findings can be incorporated into a larger sociopsychological framework. Also of interest are two chapters devoted to an examination of children's perceptions and knowledge of the American legal system. These features help make this volume a resource for those who work with children and the law.

It has become a convention to acknowledge in the Preface the shortcomings of a volume while boasting of its strengths. The present volume's main shortcoming has to do with the applicability of the findings to juvenile and criminal justice proceedings. When we invited the contributors to write chapters, we asked that they describe their most recent empirical research on this topic without stipulating that the research be "applied." This was no oversight. We firmly believe that science and policy are intellectually separate enterprises and ought not be wed by fiat. Our volume is eclectic in this regard; some chapters are quite relevant to current legal practices and others less so. For example, several of the jury simulations reported here employ adults chosen from the community who resemble actual jurors demographically. And the mock trials are based on actual trial transcripts, with actual attorneys and judges playing their respective roles. Other chapters, however, employ far less realism, using student jurors, abbreviated (written) transcripts rather than video or live, and so forth. Is one approach better than the other? Well, one is far closer to application than the other. But that is not the sole, or even main, criterion for making this judgment, nor should it be. As scientists, we believe knowledge is an incremental process that slowly builds over time. A headlong rush to become ecologically valid and "applied" can result in a predominance of studies that focus on aspects of cases that are most congenial to applied research paradigms but ignore the more difficult basic mechanisms that need to be illuminated to permit a complete understanding.

Thus, we are not disappointed that some of these chapters contain descriptions of basic sociopsychological and cognitive mechanisms that underpin adults' attitudes about children; in fact, we are heartened by their inclusion. But they need to be recognized for what they are—namely, the beginning of a scientific struggle to gain a complete understanding. Once the basic mechanisms are known, the next generation of research can capitalize on these insights as a starting point for the next round of studies, until finally the end product is of practical relevance. This reflects our "logical positivist" interpretation of how science builds toward an understanding of a phenomenon. And if our own experience is anything to go on, this is what will happen in the aftermath of this volume, because it is precisely what we witnessed in our first volume. At that time commentators

with a strong applied orientation were concerned that much of the research literature lacked ecological validity. Now two years later, we see a plethora of studies that are characterized by their ecological validity. It is exciting to witness this building process, and these new studies appear to be quite relevant for practitioners. But the first steps in this process (the conduct of basic research) cannot be ignored, and often it is best studied within the constraints of a laboratory context.

Attorneys who are involved with child victim-witnesses know how harrowing and difficult such an experience can be. In addition to the fears surrounding the examination and cross-examination of child witnesses (e.g., fear of revictimizing the child), there is an overriding concern about judges' and jurors' reactions to the child's performance. We found very little that would help one predict how adults viewed child witnesses. Although there is still much we need to know before our understanding is complete, we are beginning to fathom the mind and attitudes of adults toward children. The picture is a complex one, as the reader will soon see.

Ithaca, NY

Stephen J. Ceci
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