Insights: Publications

The ”right” feeling - an interdisciplinary study of emotional biases in evidence evaluation (Att känna rätt – en tvärvetenskaplig studie om emotionell påverkan vid bevisvärdering)

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Evidence is a type of legal decision making that occurs to a greater or lesser extent in each trial. This activity is often decisive for the outcome of the criminal proceedings and must be carried out in an objective and legally secure manner. However, the members of the court are often faced with emotionally difficult situations, such as taking note of evidence containing unpleasant details or witnessing emotional victims. This can be expected to give the legal assessors several reasons and the traps to be emotionally affected, which would obviously risk the objectivity of the assessors. An interdisciplinary study by the authors of this article has shown that there is a great difference in the evidence judge 's judgmental judgment, depending on whether the assessors are exposed to evidence that may be perceived as unpleasant or not. The conclusions that have been drawn are unambiguous. Legal assessors' feelings affect their probative value, even though they themselves believe they are objective in their judgment. This is something that risks jeopardizing the legal certainty of the criminal procedure.