

ANTHROPOLOGICAL PARADIGM IN LEGAL PSYCHOLOGY

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Summary

The article reveals and systematises the main evolutionary developments of the anthropological paradigm in the context of the development of legal psychology, as distinctive scientific field. The author identifies the main patterns of the anthropological paradigm, particularly it's role in the synthesis of legal and social problems in the context of determining the foundations of socio-legal behaviour (*Fuller, 1994*). This identification provides the background for a scientific framework that would help researcher to synthesize social, legal and institutional determinants of human behaviour in modern socio-legal systems from an anthropological paradigm standpoint. It should be recognized that the anthropological paradigm focuses on scientific conduct, involving facts, data, and examples from a huge body of knowledge in the «psychology-law» system, which is amenable to processing by «anthropometric» methodological techniques. Anthropological paradigm serves an interdisciplinary integrative purpose in legal psychology.

Key words: social anthropology, socio-legal conciseness, legal anthropology social psychology, legal decision-making, institution.

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1. Introduction

Article positions anthropological paradigm is one the two major paradigms in legal psychology, using it as the main socio-legal representation of human behavior regarding institutions and state structures (*Silvia, 2021*). The major theorists of anthropological paradigm in legal psychology include Cesare Lombroso, the founder of Italian school of school of criminology and Claude Levi-Stross, who is regarded as the founding figure of structural anthropology and the major figure, who played fundamental role in the development of socio-cultural anthropological science.

To observe the manifestation of elements of the anthropological paradigm approach (*Starynskyi, M., & Zavalna, Z., 2025*) in the context of legal psychology, a historical approach to the issues of evolution and borrowing of knowledge between different areas of scientific knowledge was used. To correlate the theory of anthropology, as an independent scientific field with its manifestation in legal psychology and also with practical issues regarding the problems of legal psychology an epistemological method was used, in particular, to characterize the process of scientific cognition according to the criteria of the paradigmatic approach in the context of integration the achievements of different scientific fields in legal psychology (*Ozerskyi, 2024: 1-7*).

When considering the manifestation of a person's social sense of justice (*Berlyessa, C. M., Allely, C. S., De Vel-Palumbo, M., & Granot, Y., 2022*), a behavioral approach was used to determine the influence of social factors on human behavior and its determination by external stimulus, as a founding concept in the anthropological paradigm in legal

psychology (Tyurina, 2026). A systematic approach was also applied to determine the stable relationships between the ideas of various representatives of the anthropological paradigm in legal psychology.

2. Main text

Paradigmatic approach to history of science

The early developments regarding the use of a term «paradigm» or «scientific paradigm» begin from early twentieth century with the works of philosopher and psychologist Martin Heidegger (Belgrano, 2021) and later developed by Thomas Samuel Kuhn in mid-50s.

The term «paradigm» was popularized in scientific discourse by American physician and historian of science Thomas Samuel Kuhn in his two fundamental works (Kuhn, 1961: 347-369; Kuhn, 1962), particularly in «*The structure of scientific revolutions*».

Legal psychology helps researchers to reveal the structure of the relationship between human beings and *the law*.

Accordingly, the main contribution to the definition of the concept of «paradigm» was made by the American physicist and philosopher Thomas Kuhn, who identified the main criteria, conditions and patterns of the paradigmatic approach in the study of the scientific process of development. Later, his scientific approach would be used in legal-psychological framework, particularly by adepts of clinical and anthropological approach (Melnyk, 2025: 299-306). Until the middle of the 20th century, the concept of «paradigm» was a term used in linguistics and semiotics to denote certain semantic relations. Kuhn resorts to a completely relativistic rhetoric, which hides the belief that all science has developed outside the line of a coherent structural-functional connection between the past, present, and future. After 1962, the concept of «paradigm» became a category of the history of science and in large variety of scientific fields, including legal psychology.

Genesis of legal psychology studies and paradigm shift in legal psychology in the context of anthropological paradigm

The elements of integrative method, used in the anthropological paradigm in legal psychology dates back however to XIX century and is interconnected with the law practice. The main theorist of the early period of anthropological approach to legal psychology is Italian criminologist Cesare Lombroso, who is perceived as one of the main figures in social anthropology as well as criminology (González-Sala, F., Osca-Lluch, J., Gil, F. T., & Ortega, M. P., 2017: 411).

Lombroso postulates the concept of «anomaly» in legal-psychological science. He does this since he included wounded soldiers in his statistical studies and anatomical comparisons. Later, he operated on a number of criminals, and during their autopsies, he began gathering data. I note that Lombroso's physical-anthropological «anomaly» later became one of the sources of interpretation of «anomalies» in social anthropology. According to the Italian doctor and his followers, «anomaly» reflected a certain anatomical and physiological discrepancy with the generally accepted physical-anthropological type of a person in a particular territory (Lombroso, 1876).

Lombroso's scientific publications on the diagnosis, statistical evaluation and treatment of schizophrenia, epilepsy, manic states, and addictions (primarily alcoholism) proved to be the foundation for the emergence of the Italian school of criminology (also known as the «anthropological school of criminal law»). The publication in 1876 of the first edition of Lombroso's monograph «*L'Uomo delinquente*» was a landmark.

In contrast to Lombroso, French anthropologist Claude Lévi-Strauss represents more democratic approach to the social anthropology, while Lombroso's works regarded as a political symbol of the most radical racism, which began to turn many democratically minded Italian intellectuals away from Lombroso himself. Claude Lévi-Strauss argued that anthropology must focus on the study of common and distinctive features of particular cultures («local cultures»), adhering to the foundation of the universality of manifestations of the «human» (corporeality, psychology, naturalism). This position of C. Lévi-Strauss (the universality of the human) contrasts sharply with the racist determinism of the Italian school of criminology and demonstrates a radically different way of anthropological thinking than in the case of the «criminal anthropology» of Cesare Lombroso.

Despite this, the work of Cesare Lombroso influenced not only the emergence and structuring of criminal anthropology as a separate discipline, but also the institutionalization of the new direction (*Lombroso, 1876*). The Department of Criminal Anthropology at the University of Turin turned out to be the most important center of legal and psychological studies at the turn of the XIX and XX centuries.

The problem of the psychological aspect of human relations and their' relations with the state intuitions and existence in features set of rules, that is the state law system was laid by two scientists, that can be considered as the most influential legal-psychological theorists. One of them is German lawyer and psychologist Robert Weimar, who developed an interdisciplinary approach of observing the law dynamics, while the other one is Italian psychologist Guglielmo Gulotta, who published in 2009 a fundamental work on the relations between human and juridical system, underlying the subject of juridical psychology. The work itself called «*Elementi di psicologia giuridica e di diritto psicologico*» (*Gulotta, 2002*).

Robert Weimar in his scientific work tried to underline the structure of human behaviour regarding the legal decision-making. His fundamental work, that is regarded as one of the most influential works in modern neuro-jurisprudence originally written in 1969 and republished in 1996 about psychological structure of human behaviour in system of law (*Weimar, 1996*) gives us inside into the abilities to implement structuralist models, particularly of those, who study anthropology into legal psychology (*Danagher, 2025*).

Paradigm shift in anthropology

According to the definition, that Thomas Samuel Kuhn gives to the word «paradigm» and «paradigm shift», which would include several essential elements as the existence of «normal science» in particular field and breakthrough in the research, that is ultimately accepted by the scientific community (*Kuhn, 1962; 39*). In anthropology however, according to Kuhn there might be no dominant paradigm, but considering the influence of mentioned set of works, the development of the structural anthropology by Claude Lévi-Strauss is the type of such a development. Thus, the paradigm shift in anthropology happens between 1949 and 1955, when Lévi-Strauss successfully formulated and integrated the formulaic definition of myth and it's working set of rules officially published in American journal in late 1955 (*Lévi-Strauss, 1955: 428-444*), however the early development in the theory of the structure of myth where made six years prior to this (*Kansa, 2025*).

Claude Lévi-Strauss's structuralist analysis of the category of myth returns us to the structural elements identified by de Saussure in linguistics. The essence of the Lévi-Strauss's structuralism itself is that the French anthropologist was looking for a formula that would contain a pattern that would determine all the «variables» of any *myth* (*Scubla, 2011: 259*). This once again characterizes the structuralist essence of Lévi-Strauss's research – the search for unchanging elements that reveal the very essence of the phenomenon or object, the process that is being studied regardless of any external conditions.

Anthropological approach in legal psychological context after paradigm shift is inherently connected with the works of social anthropologists. Regarding legal psychology, anthropological paradigm serves as an interdisciplinary function, while integrating scientific achievements primarily in psychology of law, sociocultural anthropology, and, to some extent, physical anthropology into one scientific paternal system, or into one scientific paradigm (Anders, 2015).

Anthropological paradigm in legal psychology integrates achievements of legal psychology with a broad set of social and natural sciences, humanities and other parts of the law science. This broad integration includes synthesizing the theory of psychology of law with philosophical anthropology, social anthropology, cultural anthropology, physical anthropology, the entire range of sociological sciences and political science, cultural studies, ethnology, linguistics, criminology (Mendoza, 2023: 5-7).

3. Conclusions

Anthropological paradigm in legal psychological is one among the two most integrative and influential paradigms in legal psychology among with the clinical paradigm. While setting ground for its implementation by legal psychologists at the end of 1940s, particularly in 1949, with Levi-Strass articles on structuralist anthropology (Caillé, A., Prades, P., 2015; Levi-Strass, 1973), anthropological paradigm in legal psychology became one of the two major defying theoretical foundations for psychological and legal studies during the second half of the XX century, regardless of the interpretation of its subject of study.

The paradigm shift in legal psychology is determined by the influence on its development by two intellectual scholars: Robert Weimar and Guglielmo Gulotta. Paradigmatic approach to legal psychology, thus, has its roots in neuropsychological and sociopsychological ideas in the 1950s and 1960s, followed by publications of fundamental works that shaped the academic worldview on the rules of decision making regarding legal relations and structure of socio-legal consciousness (Guggota, 2002; Weimar, 1996). Integrative methodological approach to legal psychology allowed to use the socio-cultural aspect of anthropology in the context of anthropological paradigm in solving problems, regarding institutional-humanitarian relations and the phenomena of socio-legal consciousness.

Anthropological paradigm in legal psychology serves as a primary tool to the constitution of social legal consciousness as the basis of socio-legal behaviour. It implements the basic category of «social group» into the realm of human-institution relationship studies.

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