

PSIHOLOGIE SOCIALĂ

PECULIARITIES OF SOCIAL REPRESENTATION OF FORENSIC PSYCHOLOGICAL EXPERTISE

PARTICULARITĂȚILE REPREZENTĂRII SOCIALE A EXPERTIZEI PSIHOLOGICE JUDICIARE

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Abstract

Forensic psychological expertise is at the beginning of its development and establishment, being used rarely in criminal/civil proceedings. The “status” of forensic psychological expertise is undefined, mainly because of the lack of specialists, as well as because psychologists face negative and skeptical attitudes from legal workers. In this context, the purpose of this research is to reveal the social representations of forensic psychological expertise among specialists working in the legal field.

The given research has involved 417 specialists in the legal field (officers of criminal investigation, lawyers, attorneys), aged between 24-62, men and women, with different professional experience in the legal field, who have completed a questionnaire (elaborated by the author). The analysis of the results emphasized the knowledge, attitudes and beliefs of specialists regarding the forensic psychological expertise integrated in the structure and silent zone of the social representation.

Keywords: forensic psychological expertise, social representation, lawyer, central core, peripheral elements, silent zone.

Rezumat

Expertiza psihologică judiciară este la început de dezvoltare și înființare în Republica Moldova. „Statutul” expertizei psihologice judiciare este nedefinit, pe de o parte din cauza lipsei de specialiști, pe de alta, psihologii din domeniul judiciar se confruntă cu atitudinea sceptică ale altor specialiști în domeniul ocrotirii normelor de drept. În acest context, scopul cercetării date este de a releva reprezentările sociale despre expertiza psihologică judiciară în rândul specialiștilor care activează în domeniul juridic.

Eșantionul cercetării a inclus 417 specialiști din domeniul juridic (ofițeri de urmărire penală, avocați, juriști), cu vârsta cuprinsă între 24-62 de ani, bărbați și femei, cu experiență profesională diferită, care au completat un chestionar (elaborat de autor). Analiza rezultatelor a evidențiat cunoștințele, atitudinile și credințele specialiștilor cu privire la expertiza psihologică judiciară integrate în structura și zona mută a reprezentării sociale.

Cuvinte-cheie: expertiză psihologică judiciară, reprezentare socială, jurist, nod central, teme periferice, zona mută.

Introduction. According to many authors, the research of social representations can provide a multitude of information regarding a social phenomenon or object, subject, etc. In the specialized literature, there are many theories related to different aspects of social representation – definitions, dynamics, structure, intra- and inter-relational peculiarities of the elements of social representations, etc. Accordingly, taking into account that there are many angles of the approach to social representation, there is no specific or exact definition. Therefore our aim is to synthesize and underline the main aspects of the notion: social representations are the totality of opinions, attitudes, and knowledge at a cognitive, emotional level regarding a certain phenomenon, object, or thing from our reality that encompasses our life experience determined by interactions with people and things in the environment that surrounds us, from birth to present [3]. Social representation, according to researchers, is the “reflection” of reality in a certain group of people determined by its socio-cultural context [1].

In our research we used the structural perspective of J.C. Abric concerning the analysis of the social representation, determining the central and peripheral elements of the social representation of forensic psychological expertise. According to the native author, who contributed and continues to contribute to the foundation of legal psychology in the Republic of Moldova, S. Rusnac [2]: “forensic psychological expertise is presented as an in-depth scientific-practical research activity, carried out in the judicial process on issues with psychological content in order to formulate conclusions that can constitute evidence

for establishing the truth in judging criminal, civil or contravention cases”. Thus, the basic purpose of forensic psychological expertise is to carry out specialized research and to provide answers (in the form of conclusions, or reports) to the questions of the criminal investigation institution, the prosecutor’s office, or the court of law applying knowledge, methodology and methods from psychological practice. Forensic psychological expertise in most cases is related to mental processes, psychic states, temporary, non-pathological changes in consciousness, factors that have influenced (or can influence in difficult, new, or unpredictable situations) the person’s psychic state that could be influenced by age, emotional, volitional particularities, personality/character traits, etc. [2].

The main objective of our research is to determine the structure of the social representation of the forensic psychological expertise in lawyers. Accordingly, we set the hypothesis that the central core of the social representation of the forensic psychological expertise among lawyers will include elements related to its definition and features (*research, assessment, judicial process, conclusions, truth, criminal/civil case*), the peripheral elements would be determined by functional features of the forensic psychological expertise as well as elements related to its object (*mental health, individual psychological peculiarities, psychic state, emotional state*), and the silent zone will reveal the participants confusing attitude toward psychology perceiving it as psychiatry. It is to mention the fact that the content of the given representation will show us the attitude and “position” of the forensic psychological expertise among

specialists of legal field. According to the results, we will shape further steps in developing forensic psychological expertise in the Republic of Moldova.

Methodology and methods of research. In order to determine the structure of social representation, we applied classic methods, widespread in social representation research. The methodology applied in the given research involved the *free evocation method* developed by J. C. Abric and the *prototypical analysis* by P. Vergès [5]. The method involves the collection of data by generating free association (5 associations) for the inducing term (in our research it is the expression “forensic psychological expertise”), followed by the arrangement of the associations made on a 5-point Likert scale from the most important to the least important. The first stage of data collection allows us to determine the frequency rank of the associative terms for representation, and the second stage – allows us to calculate the importance rank indicators. The method also involves establishing the minimum threshold for frequency, or rank of appearance (5% of the number of subjects in the sample) to determine the content (“field”) of the social representation, as well as the minimum threshold for the rank of importance – which includes the associative terms with the potential of central core elements (15% of the number of subjects from the sample) [3].

In order to determine the “silent zones” of the social representation, we used the *substitution method* (initiated by K. Cates and D. Messik, used and developed by J.-L. Beauvois, C. Flament, C. Guimelli, J.-C. Deschamps, etc.) which consists in placing the subject in another context – substitut-

ing the context involved in the research [3]. The subjects are asked to generate associations for the *inducing* term, imagining themselves as belonging to other groups – they “see” the object of the social representation from another angle.

Frequently, the method of substitution in social representation research involves taking off a part of self-censorship and “social positive desirability” of the participants [4], i.e. the research of silent zone allows firstly to check the centrality of the central elements and secondly – it reveals the true perceptions of the subjects regarding the object of the social representation [3]. In the given research, in order to determine the silent zone, we asked the subjects to mention what “other legal workers” believe (what they think in general) – context 1, and the “majority of the population” – context 2 (also 5 associations for both contexts).

The research sample is composed of 417 subjects, all of whom are professionals working within the legal field and possess legal expertise. The sample subjects are aged between 24–62 years, including a greater part of men – 67%, but there are as well 33% of women, with different professional experience in the targeted field (legal).

Results and interpretation. According to the gathered data we determined 232 associative terms for the inducing expression “forensic psychological expertise” mentioned 1982 times. According to the minimum threshold of 5%, which consists of 21 evocations for the content of the social representation, we have obtained 25 associative terms: *assessment, mental health, discernment, individual psychological peculiarities, psychic state,*

crime, victim, conclusion, emotional state, psychologist, offender, level of development, person, criminal case, criminal responsibility, analysis, research, minor, evidence, procedural action, expert, psychiatrist, expertise, delay, and psychology.

Table 1.
The frequency, rank of appearance and rank of importance of the associative terms for “forensic psychological expertise”

№	Associations	Frequency		Rank of appearance	Rank of importance (average)
		nr.	%		
1	mental health	166	39.6	1	2.98
2	assessment	143	34.3	2	2.97
3	discernment	126	30	3	2.68
4	individual psychological peculiarities	108	26	4	3.17
5	psychic state	93	22.3	5	2.71
6	crime	92	22	6	2.82
7	victim	73	17.5	7	2.40
8	conclusion	59	14.1	8	3.05
9	emotional state	55	13.2	9	2.80
10	psychologist	49	11.8	10	2.57
11	offender	44	10.6	11	3.09
12	level of development	44	10.6	11	3.52
13	person	42	10.1	12	2.93
14	criminal case	39	9.4	13	2.38
15	criminal responsibility	37	8.9	14	2.03
16	analysis	35	8.4	15	3.17
17	research	35	8.4	15	2.94
18	minor	35	8.4	15	2.31
19	evidence	34	8.2	16	2.15
20	procedural action	32	7.7	17	2.84
21	expert	32	7.7	17	2.91
22	psychiatrist	25	6	18	3.36
23	expertise	24	5.7	19	2.63
24	delay	23	5.5	20	3.26
25	psychology	23	5.5	20	2.78

As we can observe, the field of the so-

cial representation of within forensic psychological expertise encompasses numerous aspects of the procedure of forensic psychological expertise in scientific and “popular” meanings.

Next, we have determined the associations eligible for the central core which should have the number of evocations minimum or equal to 15% of the number of subjects. Accordingly, we got 7 associative terms with a number of evocations equal or bigger than 62, which are: *mental health, assessment, discernment, individual psychological peculiarities, psychic state, crime* and *victim*.

In order to structure the social representations in central and peripheral categories we calculated the median, having the minimum threshold of 3 – the value of the importance rank should be smaller than 3 ($M < 3$). So, we have obtained associative terms with a high level of im-

portance (frequently arranged on the first places by subjects) and terms with a low level of importance (arranged on the last position, i.e., less important in the hierarchy of participants). We notice that there are many terms with a high rank of importance, but with a different rank of frequency: “mental health” (30%, $M=2.98$), “assessment” (34.3%, $M=2.97$), “discernment” (30%, $M=2.68$), “psychic state” (22.3%, $M=2.71$), “crime” (22%, $M=2.82$), “victim” (17.5%, $M=2.4$), “emotional state” (13.2%, $M=2.8$), “psychologist” (11.8%, $M=2.57$), “criminal case” (9.4%, $M=2.38$), “criminal responsibility” (8.9%, $M=2.03$), “research” (8.4%, $M=2.94$), “person” (10.1%, $M=2.93$), “minor” (8.4%, $M=2.31$), “evidence” (8.2%, $M=2.15$), “procedural action” (7.75, $M=2.84$), “expert” (7.75, $M=2.91$), “expertise” (5.7%, $M=2.63$), “psychology” (5.5%, $M=2.78$).

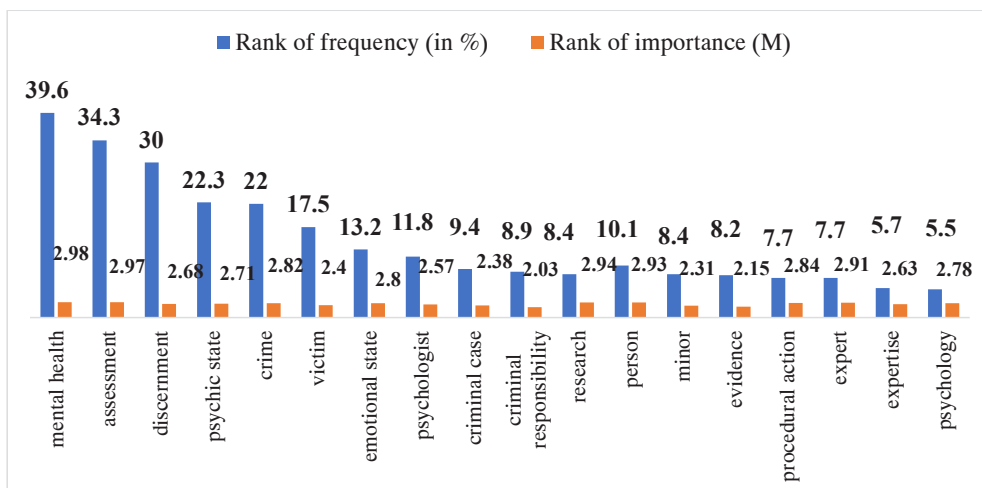


Fig. 1. Associative terms of the social representation “forensic psychological expertise” with high rank of importance (<3)

Terms with a low rank of importance are less – 7, most of which have a low rank

of frequency (less than 15%): “conclusion (psychological)” (14.1% $M=3.05$),

“offender” (10.6%, M=3.09), “individual psychological peculiarities” (26%, M=3.17), “analysis” (8.4%, M=3.17),

“delay” (5.5%, M=3.26), “psychiatrist” (6%, M=3.36), “level of development” (10.6%, M=3.52).

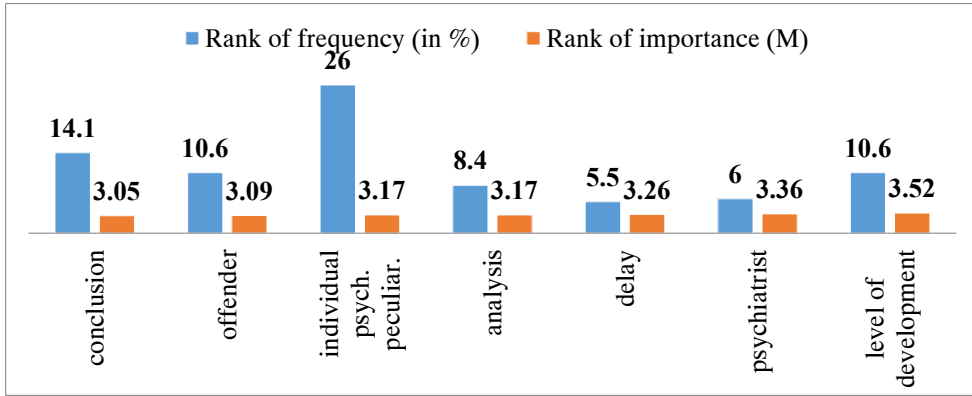


Fig. 2. Associative terms of the social representation “forensic psychological expertise” with low rank of importance (≥ 3)

According to the results, we have the following structure of the social representation of the forensic psychological expertise: the associative terms with high frequency and high rank of importance entered the central core of the targeted social representation. These terms are “assessment”, “men-

tal health”, “discernment”, “psychic state”, “crime”, “victim”. The given terms are related to definition of the forensic psychological expertise referring to its functionality, taking into account the way of realization, the subject of research, the purpose and the context of its realization.

Table 2. Structure of the social representation of the “forensic psychological expertise”

	High rank of importance (elements placed mainly on the first three positions of the associative chain - $M < 3$)	Low rank of importance (elements placed mainly on the last positions of the associative chain - $M > 3$)
High frequency (more than 15%)	mental health, assessment, discernment, psychic state, crime, victim (central themes)	Individual psychological peculiarities (ambiguous statute)
Low frequency (less than 15%)	emotional state, psychologist, person, criminal case, criminal responsibility, research, minor, evidence, procedural action, expert, expertise, psychology (ambiguous statute)	conclusion, offender, level of development, analysis, psychiatrist, delay (peripheral themes)

In the peripheral zone of the social representation of forensic psychological expertise, six terms with a low rank of frequency and low rank of importance entered: “conclusion”, “offender”, “level of development”, “analysis”, “psychiatrist”, “delay”. Peripheral elements are influenced by the subjects’ attitude towards the expertise at the given moment revealing its structure (as lawyers usually see it – in the form of a report or conclusion), and its confusion with the psychiatric expertise that is frequently done when there are doubts about mental health of the person involved in legal issues under investigation. Lawyers also associate expertise with time delay, noting that the psychological expertise procedure could impede the legal procedure, criminal investigation or trial, given that there are few specialists who can carry out such kind of expertise.

According to Abric & Vergès structural theory and prototypical analysis of the social representation, there are several terms that do not enter either the central core or the peripheral area. These associations have ambiguous status according to the author. Thus, this category includes terms with high frequency and low importance: “individual psychological peculiarities”. This category also includes the associative

terms with low frequency and high importance: “emotional state”, “psychologist”, “person”, “criminal case”, “criminal responsibility”, “research”, “minor”, “evidence”, “procedural action”, “expert”, “expertise”, “psychology”.

In order to identify the silent zones of the social representation of forensic psychological expertise, we used two contexts: the legal context represented by *other* workers in the legal field and the general social context represented by the population of the Republic of Moldova. Thus, the subjects had the opportunity to imagine themselves in the role of known or unknown colleagues and the role of ordinary citizens of the country. Being placed in the general legal context, subjects generated 173 associative terms for the inducing term “forensic psychological expertise”, with a frequency of 1858. The general content of the given social representation among most legal workers is determined by 23 associative terms: *discernment, psychic state, assessment, evidence, conclusion, mental health, individual psychological peculiarities, truth, emotional state, finding, victim, level of development, crime, criminal case, analysis, procedural action, research, specialists, criminal responsibility, person, action qualification, suspect, expert.*

Table 3.

**Silent zone in “the other lawyers” of the social representation
 “forensic psychological expertise”**

№	Associations	Frequency		Rank of frequency
		nr.	%	
1	discernment	146	35	1
2	psychic states	109	26	2
3	assessment	107	25,7	3
4	evidence	100	23,9	4
5	conclusion	88	21,1	5
6	mental health	60	14,4	6

7	individual psychological peculiarities	55	13,2	7
8	truth	48	11,5	8
9	emotional state	45	10,8	9
10	finding	45	10,8	9
11	victim	43	10,3	10
12	level of development	42	10,1	11
13	crime	41	9,8	12
14	criminal case	38	9,1	13
15	analysis	33	7,9	14
16	procedural action	33	7,9	14
17	research	32	7,7	15
18	specialists	27	6,4	16
19	criminal responsibility	26	6,2	17
20	person	26	6,2	17
21	qualifying actions	25	6	18
22	offender	25	6	18
23	expert	24	5,8	19

For the general social context of the Republic of Moldova (the population), we obtained 149 associative terms generated by the subjects, with a frequency of 1826 evocations. Thus, taking into account the minimum threshold of 5% for determining the content of the representation, we attested that the social representation of forensic psychological expertise in the population of the Republic of Moldova is formed

by 22 associative terms generated by the subjects: *mental health, assessment, discernment, emotional state, psychic state, individual psychological peculiarities, psychiatric hospital, conclusion, psychologist, treatment, psychiatrist, specialists, truth (justice), research, ignorance, medical examination, procedural action, level of development, evidence, crime, guilt and expert.*

Table 4.

**Silent zone in „the majority of people of the Republic of Moldova”
of the social representation of “forensic psychological expertise”**

№	Associations	Frequency		Rank of frequency
		nr.	%	
1	mental health	318	76,2	1
2	assessment	123	29,5	2
3	discernment	123	29,5	2
4	emotional state	81	19,4	3
5	psychic state	80	19,2	4
6	individual psychological peculiarities	70	16,8	5
7	psychiatric hospital	59	14,1	6
8	conclusion	59	14,1	6

9	psychologist	50	12	7
10	treatment	47	11,3	8
11	psychiatrist	44	10,6	9
12	specialist	38	9,1	10
13	truth	35	8,4	11
14	research	31	7,4	12
15	ignorance	29	6,9	13
16	medical examination	26	6,2	15
17	procedural action	26	6,2	15
18	level of development	25	6	16
19	evidence	24	5,8	17
20	crime	24	5,8	17
21	guilt	23	5,5	18
22	expert	23	5,5	18

For the three contexts, we have associative terms that are part of each representational field – “ordinary”, “other specialists from the legal field” and “the population of the Republic of Moldova”. These terms are: *procedural action, research, conclusion, discernment, assessment, expert, crime, developmental level, individual psycholo-*

gical peculiarities, evidence, mental health, emotional state, and psychic state. We can conclude that the subjects possess a comprehension of the theoretical aspects of forensic psychological expertise, revealing through these terms the defining elements of the inductive expression – *forensic psychological expertise.*

Table 5.
Representations of fields of forensic psychological expertise in different contexts

Regular context	Context: other lawyers	Context: Population, citizens of the Republic of Moldova
procedural action	procedural action	procedural action
	truth	truth
analysis	analysis	
offender	offender	
	qualifying actions	
criminal responsibility	criminal responsibility	
criminal case	Criminal case	
research	research	research
conclusion	conclusion	conclusion
	discover (detect)	
discernment	discernment	discernment
assessment	assessment	assessment
		medical examination
expert	expert	expert

expertise		
crime	crime	crime
minor		
		ignorance
developmental level	developmental level	developmental level
individual psychological peculiarities	individual psychological peculiarities	individual psychological peculiarities
person	person	
evidence	evidence	evidence
psychiatrist		psychiatrist
psychologist		psychologist
psychology		
mental health	mental health	mental health
	specialists	specialists
		psychiatric hospital
emotional state	emotional state	emotional state
psychic states	psychic states	psychic states
delay		
		treatment
victim	victim	
		guilt

The associative terms for the ordinary, regular context and the context of the “other legal specialists” are: *analysis, offender, criminal responsibility, criminal case, person, and victim*. Here we observe the terms mainly specific to legal specialists, the work of lawyers, involving the parties of the legal process (criminal/civil case).

Associative terms determined only in silent zones (social representation in other contexts) are: *truth, qualifying actions, medical examination, ignorance, specialists, and guilt*.

The silent zones researched by substituting the context revealed terms that we can consider as subjects’ real, true beliefs and opinions. Thus, the participants of the sample believe that forensic psychological expertise is about revealing the truth – establishing the subjective circumstances of the crime from a psychological perspective. We noted that the lawyers also menti-

oned the fact that forensic psychological expertise is also perceived as a medical examination – the confusion between psychology and psychiatry among lawyers as well as among the population in the Moldovan space. The research participants believe that forensic psychological expertise is related to the qualification of actions and establishing guilt. It should be noted that forensic psychological expertise is related to the multilateral analysis of the person subjected to the expertise in a legal context and it only provides information (in the form of a report, or conclusions) that can help judges or other people with decision-making power to qualify the actions of the expertized person or to establish guilt.

It is noteworthy to mention that the respondents underscored the significance of having specialized professionals involved in the execution of forensic psychological expertise. Moreover, they acknow-

ledged their limited knowledge of psychological expertise, attributing this to its infrequent application and the scarcity of

specialists (typically 2-3 licensed experts per country), and as a result, the procedure takes too long to be accomplished.

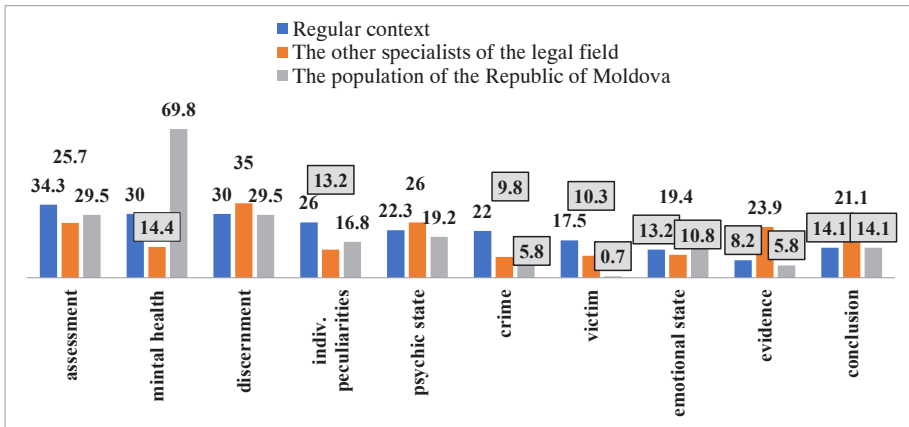


Fig. 3. Comparison of the distribution of associative terms with a frequency greater than 15% at different research stages of the targeted social representation (%)

Upon analyzing associative terms with a frequency rank equal to or exceeding 15% within each context, we made the following observations:

The associative term “assessment” is a central element of the social representation of forensic psychological expertise, respectively it maintains this position - with high frequency rank. The associative term “mental health” is part of the central core. In the context of “other specialists” the term loses its central value, but in the context of the RM population this associative expression is the most popular term. We can say with certainty that social representation is strongly influenced by general knowledge about psychology and distrustful and discriminatory attitude towards psychology, and its perception as psychiatry. The associative terms “discernment” and “psychic state” are also central elements, and retain their high level of frequency, thus confirming their centrality.

The associative expression “indivi-

idual psychological peculiarities” has an ambiguous status, and we note that it is influenced by the context, in the legal one it has a low frequency and in that of the population of Moldova it has a high frequency. The associative terms that are part of the central core – “crime” and “victim” have a low frequency in both contexts – thus their centrality is under question.

The associative term, with an ambiguous status – “emotional state” – is not considered as a particularity that can be studied, or evaluated – it has a high frequency only in the ordinary population, lawyers usually deny emotions, respectively, they do not even take them into account when it comes to carrying out the psychological expertise. The associative term with ambiguous status “evidence”, in a general legal context has a high frequency, but among the population - it is not considered as a term associated with forensic psychological expertise.

And the associative term “conclusi-

on”, a peripheral element in the structure of the representation, has a high frequency in the context of workers in the legal field who know that the product of the expertise is the specialist’s report or conclusion – an aspect related to the procedure in realizing, elaborating the expertise.

Conclusions and final discussions.

In the present research we determined that the social representation of forensic psychological expertise is primarily determined by such terms as *assessment, mental health, discernment, psychic state, crime and victim*. These central themes are supported by other elements that complete it such as *emotional state, individual psychological peculiarities, research, minor, psychologist, psychology, criminal case, criminal responsibility, expert, expertise*. Representation at the present time is characterized by the presence of the psychiatrist, the analysis of the level of development and the integration of the results in the conclusions. The obtained structure of social representation in the given sample indicates that lawyers do not have well-defined attitudes, perceptions regarding forensic psychological expertise, they being influenced by legal practice (*procedural action, offender, criminal responsibility, criminal case, expert, expertise, crime, minor, evidence, victim, delay*) and general knowledge acquired during their legal training, formation (*psychiatry, person*). It is notable the fact that they included in the representation field the object of the forensic psychological expertise, according to definition and description in specialized literature as *individual psychological peculiarities, mental health, emotional state, psychic state, developmental level*. Regarding the social representation of the forensic psychological expertise in the context of other specialis-

ts of legal field (other lawyers), we could observe that some other associative terms related to their professional activity have appeared such as *qualifying actions, discover/detect, truth*. As well, we would like to mention that the terms of *psychology, psychologist* and *psychiatrist* – persons that are assessing the mental health, and psycho-emotional state of the person involved in the legal process (the subject of the expertise) have disappeared – instead we got the associative term *specialists*, according to the national legislation there are the definition of forensic expert – a qualified person. [2] As for the social representation of the forensic psychological expertise in the role of general population, we observed that many associative terms related to the subjects’ professional practice have disappeared. In this order of ideas, it is to mention the new terms that are revealed in this context such as *psychiatric hospital, treatment and medical examination* that underly the fact that they do not differentiate the psychology and psychiatry. As well the “population” associates the forensic psychological expertise with *guilt* – establishing the guilt, and other extreme – *ignorance*, which can be interpreted as depreciation of psychological field in or country.

As a general conclusion, following the analysis of central elements that was “verified” by means of the silent zones of the social representation of the forensic psychological expertise (the associative terms of the central core *assessment, discernment, psychic states* have high frequency in all contexts), we can mention that lawyers perceive expertise as assessment, discernment, as well as analysis of the psychic state independent of the context. These terms present the generalized essence of the forensic psychological ex-

expertise, which is an assessment procedure (by applying different psycho-diagnostic methods and techniques) of the psycho-emotional state of the person, having as goal to determine the peculiarities of the person's discernment.

According to our hypothesis, we have supposed that the central core of the studied social representation among lawyers would include elements related to its definition and features (such research, analysis, assessment, conclusion, evidence, psychological tests, etc.), the peripheral elements would be determined by functional features of the forensic psychological expertise as well as elements related to its object (mental health, discernment, psychic and emotional states, individual psychological peculiarities), and the silent

zone will reveal the participants confusing attitude toward psychology perceiving it as psychiatry. Thus, as we can mention that the hypothesis is confirmed only partially, taking into account that the terms related to forensic psychological expertise definition features and object are mixed up at different levels of frequency and importance among lawyers' "choices".

We consider important to collaborate with lawyers from different structures, legal institutions in order to get them acquainted with the notion of forensic psychological expertise and the particularities of its realization by organizing trainings, focus groups, that could influence the development and consolidation of the forensic psychological expertise in the Republic of Moldova.

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