

Legal Psychology (Book Review)

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LEGAL PSYCHOLOGY. By Harold E. Burt. New York: Prentice Hall, 1931, pp. 467.

In order to be properly orientated in the law, not only a knowledge of legal principles is necessary, but also an understanding of its economic, social and psychological aspects. Integration of legal and non-legal material is the order of the day, so that the influence of the latter may be duly considered. It is only natural, therefore, that the relationship between law and psychology becomes increasingly manifest since both subjects deal with psychical personalities. Psychology studies human conduct intensively while the law attempts to control it. Psychology has made great strides in the field of evidence and criminology. The determination of the accuracy, veracity and motive of witnesses or criminals, are problems that psychology has attempted to answer in a scientific manner. Psychology has pointed out that many legal fictions, presumptions and traditions are contrary to human and social experience and revision of these has been vociferously demanded.

The time is fast approaching when the legal profession will avail itself of modern psychology to meet situations that arise in the office and courtroom.¹

Cognizant of the foregoing, the author of "Legal Psychology" sets out for the lawyer "a very considerable number of principles bearing on legal problems that are worth presenting,"² though the initial motive was a textbook for a university course in this subject. The taxonomy of the chapters may be conveniently placed under four headings. Part I deals with Sources of Error in Testimony, *viz.*, errors in perception, attention and memory, and errors due to suggestion or hypnotism. Crime detection methods constitutes Part II, treating of the association reaction method, blood pressure and breathing. Part III discusses Types of Criminals, the mentally disordered and mentally defective. Part IV is a hodge-podge of materials and ideas involving crime prevention. Included in this part are methods of detecting potential criminals in the "pre-delinquent" stage, eugenics, punishment, drugs, sources of suggestion and crime prevention. The final chapter presents a concise discussion of trade-mark infringement.

Obviously, little in this volume will tend to influence the growth of the law itself, being informative rather than critical. Written in non-technical language, it is hardly replete with learning, but preserves a note of singular lucidity and clarity. The most valuable chapters are those concerning the previous experience of Professor Burt, namely, psychology and trade-name infringement, where strength and originality of presentation are exhibited. On the other hand, no distinction is made between psychology and sociology in the chapters on crime prevention. The footnotes are scanty, too few law-review articles are cited, and generally show a woeful lack of knowledge of the most important literature of the past ten years. Improvement in the presentation of legal materials would have enhanced the value of the book. Falling into an

¹That the consulting psychologist is becoming a necessity to the proper administration of justice is seen in a report of Judge Collins of General Sessions, *N. Y. Court Requests Psychiatric Service Clinics* (1929) 19 *Jour. CRIM. L.* 337.

²Preface VII.

error common to laymen, Professor Burt cites but one case usually to support a proposition without regard to the fact that it might be a minority jurisdiction or an exception to the accepted rule. A summation based upon a study of all available cases would have been far more scholarly. The inclusion of a case index and bibliography would also have been helpful to the student of legal psychology.

It is interesting to note that the author advocates the modern trend of criminology in studying the individual rather than the criminal type.³ Also interesting, is the striking similarity of the first three divisions of this book with Chapters VIII, IX and XVI of Mr. McCarthy's treatise,⁴ entitled, respectively, "What We See and Remember," "Lie Detection," and "Types of Criminals." The latter volume is far more beneficial to the lawyer in both content and method of approach.

On the whole, the book is interesting, instructive and valuable. It would not meet the exacting requirements of an expert psychologist, nor the scientific standards of an academic student. However, it will serve its purpose as a primer to the legal profession in encouraging the consideration of factors not regarded as falling conventionally within the purview of legal practice.

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HANDBOOK OF THE LAW OF SURETYSHIP AND GUARANTY. By Herschel W. Arant. St. Paul: West Publishing Company, 1931, pp. xii, 471.

Dean Arant's contribution to the law of Suretyship and Guaranty in the form of a case book which appeared in print last year has been augmented by the addition of a formidable treatise, involving, as it does, a consideration of surety and guaranty contracts and correlated matters basically concerned with the rules of contracts but with varied and special rules peculiar to this phase of jurisprudence. The title suggests the purpose of the work—a Handbook—designed to afford the keen pursuer of principles with a thumb index to case analysis. Not that the author has not devoted time and space to the pro and con reaction to decided cases and to principles enunciated therein, but that, in the nature of things, a treatise of limited pages must of necessity spare the social and economic aspects of the various relationships and their consequences. One must go a long way to add to Professor Williston's consideration of this branch of the law of contracts, yet Dean Arant has contributed a valuable collection of authoritative cases for student and practitioner alike, being mindful also, of the increasing importance attached to the searching analysis afforded the law by eminent contributors to legal periodicals. Combined, they reflect

³P. 258: "Progress in the field of criminology is dependent largely upon the soundness of the methods employed in the study of the individual delinquent." POZNISHEV, KRIMINALNAIA PSYCHOLOGIA, PRESTOUPNIE TIPI (1926) p. 8.

⁴D. G. McCARTY, PSYCHOLOGY FOR THE LAWYER (1929).