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Review of “Legal Psychology,” By M. Ralph Brown

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The third chapter concerns the legislative history of the acts of Congress establishing the Board of Tax Appeals and the treatment is helpful. This reviewer has always felt that the legislative history of tax laws was not sufficiently followed by the text writers. There have been plenty of comparisons of the various revenue laws but it is seldom that one finds a comparison of the various forms of phraseology used in the draft of the particular law in its course through Congress.

On the whole, we may say that it is a good book and contains enough that is not found elsewhere to fully justify a place in any tax library.

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LEGAL PSYCHOLOGY. By *M. Ralph Brown*. pp. x and 346. Indianapolis; Bobbs-Merrill Co. 1926.

The author states in the preface that he has attempted "to collect and to explain . . . those principles of applied psychology which are of distinct benefit to the legal profession." And that, "usefulness to the practicing lawyer has been the criterion upon which the inclusion or exclusion of material has been based."

The book consists of eight chapters and is divided into three parts. Part one is entitled "Trial Psychology" to which the first five chapters are devoted. Chapter I, The Appeal; Chapter II, Presenting the Appeal; Chapter III, The Judge and the Jury; IV, Evidence; V, The Child and the Woman. Part two, "Criminal Psychology," is composed of one chapter. Chapter VI, Crime and Its Treatment. Part three, entitled "Personal Psychology," consists of the remaining two chapters. Chapter VII, Some Important Mental States and Processes; VIII, Words. At the end of the book there is an appendix consisting of two parts. Appendix A, "The Berkeley Lie Detector and Other Deception Tests" is an address of Dr. John A. Larsen delivered at the meeting of the Section of Criminal Law of American Bar Association at San Francisco, August 8, 1922. Appendix B consists of a six page discussion of some mechanical aids of memory. There is also a bibliography and an index.

The book is written and arranged, and the subject matter has been developed, from the particular angle of "serving the lawyer in his work." The method followed throughout consists of presenting certain methods and principles which prudence, as well as psychology, admonishes the lawyer to use in dealing with the mental problems of the courtroom.

The connections between psychology and law are, to a certain degree, still rather imperfectly established. The contact between the two groups of interests is distinctly felt, and it cannot be otherwise, in view of the evident fact that the legal work refers to criminals, to witnesses, to plaintiffs and defendants, to judges, to juries, in short, everywhere to psychical personalities. Hence the application of the results of scientific psychology to the problems of the court seem logical; and, indeed, it has not infrequently been said that a consulting psychologist may be as necessary in many trials as a chemical expert in a poisoning case. The interest in the application of psychology to the problems of the court is steadily increasing, and at many a point it has begun to influence the actual legal life.

The work of the law arises out of the attempt to control conduct, and this task involves the whole range of such topics as incentive, impulse, motive, choice, action, value, thought and feeling, the whole are of appeal and response. The intensive study of such factors constitutes the problem of psychology. Moreover, in its evidential, administrative and judicial aspects, the law implies the acquisition, evaluation and interpretation of the testimony of witnesses and the

assignment of more or less specific responsibility for acts or for failures to act. These matters are, from a point of view other than that of control, subject matter of psychological study.

The principles of psychology are of great value to the lawyer when applied to the legal evidence. Evidence is the carrier of proof by which minds are influenced to form definite opinions as to the truth or falsity of the controverted questions. It is one of the legal mechanisms or conveniences for presenting the "psychological appeal." In this field of law applied psychology has made great strides. How accurate is the testimony of a witness when he tries to tell the truth? How can we tell when he is committing perjury? How may direct and cross-examination be best conducted to attain the desired results? What is the value of the expert witness? Considerable study and investigation has been done on the witness; and these are some of the many questions which psychology attempts to answer in a scientific manner. The author's treatment of each question occupies a separate division in his discussion of evidence.

In the first part of the treatment of Criminal Psychology the author is concerned with the mental states and processes which allow or cause a person to commit a crime. He emphasizes the importance of a thorough psychological understanding of the mind of the criminal. In the latter part he considers the "mind of the state or of society, which determines what acts shall be criminal, which makes the criminal law, and which punishes the person who violates its mandates. With respect to the treatment of crime the author submits an outline of eight suggestions which "seem to be as sane a method for criminal procedure as the facts warrant . . ."

In the third part of the book the interest of the author shifts to other aspects of the field. In this part "the mind of the lawyer, himself, is the field for inquiry and examination." And he discusses the mental states and processes, "which seem to be of most importance in a lawyer's mental system," habit, memory, will, imagination, reason, attention, personality, confidence, fatigue. In the final chapter the author discusses the importance of a few of the phases of the psychological influence of words, spoken and written.

The volume should prove valuable to the practicing lawyer by giving a stimulating notion of the possibilities of the application of psychology to trial practice. It is a pleasure to handle the book for it is well written, well printed and bound and excellently illustrated.

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