



PennState
Dickinson Law

DICKINSON LAW REVIEW
PUBLISHED SINCE 1897

Volume 69
Issue 2 *Dickinson Law Review* - Volume 69,
1964-1965

1-1-1965

Book Review

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Recommended Citation

Book Review, 69 DICK. L. REV. 223 (1965).

Available at: <https://ideas.dickinsonlaw.psu.edu/dlra/vol69/iss2/9>

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BOOK REVIEW

THE PERSONALITY OF LAWYERS, by Walter D. Weyrauch, Yale University Press, New Haven, 1964, 316 pages. Price: \$7.50.

Most studies of groups, particularly influential or powerful ones, receive weighty criticism. This may be due to a transparent insistence on making an unpopular point, shoddy workmanship in collecting data, or a poor presentation. Mr. Weyrauch's findings, based primarily on his interviews with German legal personage, will receive close scrutiny for their revelations are enlightening to the relatively non-introspective legal group. The author's statements and evaluations are not an attack upon lawyers, but a sincere attempt to expose subjective predispositions and perspectives as they affect the progress of law. It is an enlightened man's search for improvement to negate the defects in the practice of law. This study provides a strong beginning.

In anticipation of criticism the interviewer devotes one-fourth of the book to relaying the background of the interviewer, the components of the sample, the evolution of the research problem, the characteristics of the interviews and a preview of the eight value categories which best represent the perspectives revealed. Weyrauch's choice of a primarily German sample was governed by "expediency"; that is, his knowledge of the cultural environment, social status and past behavior of the subject. These elements were deemed requisite to assure potentially the best subjects for the non-statistical study and to place the interviewer in a situation most compatible with his own background and knowledge. A clinical study of a few cases coupled with the use of free association of ideas were used. The value categories of enlightenment, skills, respect, affection, rectitude, power, wealth and well-being generally delimited the interview.

Some of the study's discoveries of German lawyer perspectives are not surprising while others are dismaying. The law appears to be attractive to compulsive personalities due to overemphasis on skills and procedures as a means of objectifying painful realities of life and personal relationships. Since there is no need of definitive solutions, and generalizations are rightfully scorned, the "sporadic interviews" serve as illustrations presenting no average, but convincing tendencies.

Weyrauch found that most subjects were security-ridden, though not materially greedy even in their middle-years. All were anxious to retire early so they could spend their time on hobbies, travel, family, gardening

and personal writing. The implication of a return to the basics of life and a highly subjective atmosphere as a retirement goal inversely reveals the extent of objectivity in which most subjects now live and how much they privately chafe at it. To what extent this strong reaction is due to the involvement with legal processes peculiar to Germany and how much is self-made anxiety forms the debatable portion of the evaluations made in this study. Weyrauch clearly establishes that individuals do react to the law in diverse ways. His rationalizations for an individual's concrete acts in the legal process appear to be in accord with those of psychiatrists and sociologists, on whom he relied heavily throughout his analysis.

German courts, often composed of laymen and professional judges, decide questions of fact and law. The decision process, which the interviewer describes as a relaxed informal conversation in Judges' chambers gravitating to a specific outcome, was generally acquiesced to by the subjects. Three major groups of lawyers emerged: adherents of abstract and deductive reasoning; those who seemed to rely heavily on inspiration and intuition in finding the law; and those who could not support either legal doctrine, but relied on a "hunch" approach. The tight, restricted, unarguable precepts handed down in German opinions are demonstrative evidence of the general mental state.

As a group, lawyers may have predispositions and tendencies for rationalization that hinder equitable application of legal values. The skills and high legal ideals mask the true motivations behind the law as it is practiced. Taking refuge in detail is an apt description of many subjects' temperaments and deeds. A trait common to all was a philosophy of extreme individualism and a high degree of "preoccupation with questions of taste, style and beauty," to which the real value obsession—respect—was thought to be closely linked. It is the extent of the effect of these traits on society, not their personal excessiveness, that requires attention. A lack of awareness of these motivational forces, and continued use of bad choice compensations, will perpetuate poor functioning.

German legal education seems a contributing factor to these distortions. Students, attorneys and judges alike were scornful of the quality of their education. Their criticisms attacked the discrepancies between what is preached and what is practiced. A long apprenticeship before private practice and the political overtones for successful professorial appointment combine to form added dissatisfaction. Moreover, the dichotomized law institutes, separating the overspecialized professors and the students, add dismay to the system. The bar and the professors accuse each other of lack of originality, unclarified thought and vagueness. Most fascinating are the revelations on perspectives on the law itself. The kaleidoscopic remarks by

the subjects on what they think about the fundamental concepts of law revealed that law is considered a procedure akin to business.

The obstacles to exposure, change and renewed motivation toward practical accomplishment of ideal standards in law are obvious. The dilemma of men thinking and working in conflict with ideals indicates a basic dissatisfaction with themselves and the law. Anxiety reactions appear to be particularly acute in the legal profession. For comparison, interviews with non-lawyers on similar professional problems and attitudes are offered to display the differences in perspectives.

Weyrauch's suggested remedies for these inherent defects will be valuable if the legal profession will accept them as constructive criticisms. The remedies are "enlightenment" through acceptance of the impact which lawyers' predispositions have upon the social processes and through avoidance of the self-deceptions inherent in rationalizations under abstract standards. This enlightenment will be achieved only through a program of "persuasive," not coercive, language and deeds. A de-emphasis on skill must begin through re-evaluation in accord with the proper purposes of technique and skills. Preventive measures can be achieved through studies on the psychological function of techniques pervasive in the law. The use of non-legal scholars on law faculties teaching law subjects should be encouraged. The author advocates that some law professors be trained in both law and psychiatry.

In essence with this knowledge of the legal process, lawyers will recognize the heavy weight of subjective elements in decision making and cease to evade personal responsibility by hiding behind a system of seemingly objective standards and rituals of procedure. With this admission and control, lawyers will eliminate unnecessary dogma and become creative.

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