

BOOK REVIEW

Review of *Laws of Men and Laws of Nature – The History of Scientific Expert Testimony in England and America*

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Golan, Tal (2004). *Laws of Men and Laws of Nature—The History of Scientific Expert Testimony in England and America*, Harvard University Press, Cambridge, Massachusetts and London, England, 325 pages, \$45.00.

Tal Golan is an Associate Professor of History at the University of California, San Diego. One of his research interests is the history of scientific evidence. His book, *Laws of Men and Laws of Nature—The History of Scientific Expert Testimony in England and America*, is a fascinating look at the evolution of scientific evidence in courtrooms in the United Kingdom and the United States.

The book begins with a detailed description of the 1782 civil case of *Folkes v. Chadd*, also known as the Wells Harbor case. This English case dealt with the circumstances surrounding the decay of a harbor on the Norfolk coast of England. Professor Golan writes, "Lord Mansfield's opinion in the Wells Harbor case has served in legal literature as the principal precedent of using experts' knowledge in the modern Anglo-American courtroom—that of calling experts to testify before the jury as partisan witnesses." In what would be non-Daubert thinking, "Mansfield's solution... maintained that the law should not give preference to one kind of science over another and required that all kinds of sciences be heard in open court."

Handwriting only gets 1 reference on page 247 in a discussion on the Frye case. Professor Golan mentions that in 1922, the reliability of the Marston deception test was estimated to be at least 91%. The test developed by William Marston claimed to be able to detect deception based on changes in systolic blood pressure. Golan comments that the experienced Judge McCoy in the case would have known that "these

probabilities were probably better than those enjoyed by other species of expert evidence, such as handwriting, medical experts, or ballistics." This case went on to become the precedent-setting Frye case in which the Court of Appeal of the District of Columbia ruled in 1923 that Marston's deception test had not yet gained "general acceptance in the particular field in which it belongs."

The book explores further the development of expert evidence in several areas including blood analysis, the use of X-ray evidence, and psychology. Several cases are described to illustrate the author's thesis. The book is very well researched and well written. Unlike the average dry history tome, this book is easy to read. While not at the level of wry humor in Bill Bryson's writings, Professor Golan appreciates the science-meets-law dilemma and has fun writing about it as an outside observer.