

Nine of the readings are from the writings of psychiatrists: three on divorce, two on neurotic aspects of marriage, and one each on illegitimacy, adoption, sexual pathology, and alcoholism. There is always the risk, in a selection of this kind, that the reader will be burdened with concepts which cannot be understood without a background of knowledge in the field. Several of the psychiatric readings in this volume are weighted with technical psychoanalytic terminology, and one wonders what meaning they could have for the psychoanalytically unsophisticated reader.

The important contribution of this book is its recognition of the need for a cross-discipline approach to those legal problems which directly affect the psychological health of clients and, thereby, the mental health of our society. It invites the cooperation of social scientist, psychiatrist, and lawyer in a common understanding of the social and psychological implications of legal process in the field of family relations. It is a pioneering venture which will attract broad and sympathetic interest and will promote systematic study and practical pursuit.

JULES V. COLEMAN †

THIS is a remarkable casebook. For the first time in the field of Domestic Relations a casebook gives the student practical and usable material for practicing his profession in this field in a useful and honorable way. Cases which deal merely with an abstract system of legal rights and duties are not enough in the law of Domestic Relations. A lawyer who is equipped to serve the actual interests of his clients, and who has the purpose to serve them worthily, needs more than a knowledge of the abstract legal system.

He must realize the needs and possibilities of his clients as human beings, and he must be able to advise these clients about the best course for them to follow in view of their situation. This takes judgment as well as knowledge, and it takes legal knowledge enabling achievement of a particular result in addition to familiarity with rights and duties in the sense of a fixed pattern in the legal system.

Professor Harper's excellent book does prepare the student for protecting the interests of his clients and advising them about the wisest steps to take under the circumstances. Incidentally, on the analytical side, I was happy to note that he does treat alimony as part of divorce, which surely is the practical thing to do, although casebooks in recent years have not tended to follow this approach. I wish he also had merged the substantive grounds for annulment more fully with the procedural side of securing annulment. As for his treatment of jurisdiction, with all the overwhelming difficulties of migratory divorce in all its forms and of injunctive relief against migratory divorce, I did regret

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the paucity of his material. He has only three cases on the whole subject, he presents nothing on injunctive relief against migratory divorce, and he omits the *Estin*¹ and *Sherrer*² cases and all case material dealing with these problems. For this, of course, he has some encouragement in recent casebooks which tend to cut down the problems of jurisdiction and leave these to the courses in Conflict of Laws and Constitutional Law. Yet I feel that these problems of jurisdiction should be in the hands of men who particularly understand the Domestic Relations situation. I feel the situation here is very different from jurisdiction in other fields of the law.

In his Preface, as well as in the body of his book, Professor Harper emphasizes that those teaching Family Law should trench strongly on the realm of the "social sciences." By this he apparently means the religions along with sociology, psychology, and economics. But the law itself is one of the social sciences, and while we should work with these other disciplines, it does not seem to me that we should abdicate our proper efforts and turn the job over to them. Sociology or psychology alone will not solve any problem, anywhere, anytime. These sciences can be used for purely selfish, evil purposes, and often they are. We should use psychology, medicine, sociology, and the others for what their particular techniques can do for our clients, but I think the lawyer should be in the driver's-seat, wisely directing the whole operation. He has the broadest and most dependable equipment for directing all efforts that may assist his client. He is in the best position for eternal vigilance in seeing that these techniques serve the decent purposes of his client and others, and do not operate in a purely irresponsible way.

For instance, Domestic Relations is peculiarly a field of affirmative rights and duties rather than the negative ones that so generally prevail in the law. The law protects you against a punch in the nose even without the rights of marriage. But marriage involves affirmative commitments—requiring unlimited service and devotion—that are amazingly different from anything else in the law. These affirmative elements, one might almost say, are nine-tenths of marriage. Here, loyalty to the Good, or morals, or the same thing by some other name that you prefer, is the crucial element. For all its many virtues, I have feared that this casebook tends a little to assume that calling in the specialists outside the law provides an automatic solution.

On the mechanical side, this casebook does have a sort of running text, which is excellent, along the lines I have already mentioned. But the reader will notice that the whole casebook is rather short, and he will find the number of cases very limited compared with the older casebooks. Incidentally, there is no index of cases.

But any questions I have raised may well have their adequate answers in Professor Harper's own teaching plans. Certain it is that substantially for

1. *Estin v. Estin*, 334 U.S. 541 (1948).

2. *Sherrer v. Sherrer*, 334 U.S. 343 (1948).

the first time we have a tool for the use of the law student who wants to grow into a professional man of real skill in serving his clients valuably and honorably.

PAUL SAYRE†

SOCIAL workers, as well as members of related professions, are always concerned with problems of the family. They realize how important it is to utilize all that is known about the family as society's most important institution. Without doubt the profession of social work will benefit greatly from the monumental work of Professor Harper. It may be that our profession will profit even more than will law as a result of this work. Should such be the case, this reviewer is certain that Professor Harper will not object, because this is truly a broad-gauged volume designed to help all of us in the human services.

Problems of the Family is aptly described in the author's preface as "an experiment in integration of the various disciplines which deal with problems of the family." As he analyzed his experience in teaching the Family Law course in the law school, he decided that "problems of the family just wouldn't divide into the strictly legal and non-legal."¹ With this assumption social workers will agree emphatically. Along with Professor Harper, social workers know that "social, psychological and legal aspects of family problems [are] all mixed up together."² Hence social workers will welcome this outstanding productive achievement, which presents family cases and text notes on the law placed against a background of selected readings from the literature of psychiatry, sociology, and anthropology. The inter-disciplinary approach to societal problems seems to have become a living reality in this book. While many of us have talked much about the need for the inter-disciplinary approach, Professor Harper has obviously been hard at work on his research to give all of us a solid example of what is needed today.

Perhaps the first and most vital point at which social workers will find themselves lining up with Professor Harper is at the very beginning; here he refutes the ancient cultural doctrine that when things go wrong in the family all that must be done is to find out whose fault it is. And after this is done, responsibility can then be fixed, punishment can be meted out, and justice will be done. Unfortunately, as Professor Harper points out and as social workers know, "moral, religious, and legal sanctions for the regulation of the family . . . based on a concept of fault"³ leave out vital aspects which must be considered in dealing with the problems of the family. When social workers

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1. P. iii.
2. *Ibid.*
3. *Ibid.*