

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.*

give help to people burdened with problems of family living, they look not for *fault* but for *causative factors*; they look for reasons for the behavior which is involved. Hence they utilize the very areas of knowledge which Professor Harper draws upon here. While social workers are not and should not attempt to be lawyers, they often join with the lawyer in rendering professional service to people in trouble. But when the ground upon which each stands differs and the fundamental philosophy varies, this disparity works to the disadvantage of the family both are trying to help. This book will do much to help build common ground over the years.

Social workers will be interested in the content and basic organization of this book. There are seven chapters, with twenty-three sections and twenty-four subsections. To this reviewer it represents a miracle of organization. The author begins with patterns and theories of family organization and moves on to consideration of premarital problems. The third chapter on the creation of marriage is naturally a long one, as is the fifth, concerning intra-family relationships. The material in these chapters, and especially the child welfare discussion, will be of tremendous value to social workers. The final chapters on relationships of family members with others and on problems of family disorganization are equally valuable.

Approximately half of the book is case material and half supportive readings. This reviewer cannot evaluate the selection of cases from a legal standpoint. However, they read like a social worker's case file and from the social work viewpoint seem to be well chosen. It is impossible to think of any serious omissions. Cases on marriage, child welfare, divorce, crimes, torts, and other fields are presented. The non-case readings likewise seem to have been selected with care. Social workers will find familiar material from such sources as the *Journal of Social Casework*, the *American Journal of Orthopsychiatry*, *Mental Hygiene*, the United States Children's Bureau, and many others. To be sure, this reviewer would have omitted some and included some others. Books of readings always present a selection problem. In a few instances the readings seem to be dated, and this reviewer would not agree with what has been included. For example, the social welfare approach to illegitimacy as described on pages 143 and following is not a good choice. Nevertheless, one can have only admiration for the painstaking and exhaustive research that has gone into assembling and creating these hundreds of cases and readings.

Certainly students and practitioners of both law and social work will gain much from studying this material. The range is admirable, and an extensive bibliography and a useful index are included. Though far less space is given to the teaching notes, it is here that we get a real feeling for the point of view of the author. This reviewer is struck by the scope and the vision of what he says. He says—and this book says—that problems of the family are social problems. Wherever possible, they must be solved prior to legal action. Attention must be focussed on prevention through sound mobilization and full

utilization of all community resources. Furthermore, there must be more cooperation between social workers and lawyers, because each can learn from the other.

This is a milestone book. Social workers everywhere are indebted to Professor Harper for this outstanding contribution to our knowledge.

HARLEIGH B. TRECKER†

THE Yale Law School is to be congratulated in encouraging Professor Fowler Harper to write his new text book, *Problems of the Family*. As Presiding Judge of the Home Term Court,¹ my daily contact with many families which have been buffeted around from court to court and with the lawyers who represent them, makes me appreciate the unique contribution Professor Harper has made through this book. The volume is timely in view of the increase in divorces, annulments, separations, broken homes, and delinquency—a serious menace today. The confusion, conflicts, and uncertainty of the law—both legislative and judicial—have undermined the confidence of the people in the legal profession and in the judiciary. That something must be done to meet this threat is no longer debatable. Inquiries, commissions, and investigation by legislative bodies and the bench and bar have been undertaken and are continuing. The failure of the legal profession to take the lead has in large measure resulted from the fact that neither lawyers nor judges know what to do. Few are aware of the advances of such sciences as medicine, psychiatry, psychology, sociology, and anthropology. Those lawyers or judges who have some knowledge of these disciplines do not know how to implement or integrate them in the law.

Domestic Relations law until recently was almost unknown as a prescribed course, and lawyers were not required to know anything of these other disciplines. The role of these disciplines when envisaged by the law is usually found to be irrelevant, immaterial, or hearsay. The average jurist is confronted with the dilemma of making decisions without any background of the social forces that brought the matter before the court. Professor Harper's book, however, is a new and welcome tool not only for the teaching of Family Law, but also for helping to clarify the confusion that exists in this entire area; the text not only introduces the reader to an overall picture of the law and its relation to the social sciences, but will also stimulate action to improve our marriage and divorce laws and to help check the growth in broken homes and in delinquency.

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1. The jurisdiction of Home Term Court extends to all offenses and misdemeanors involving members of a family, brought into the Magistrates' Courts (a criminal court) either by arrest or court summons.