

Harper: Problems of the Family

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REVIEWS

Problems of the Family. By FOWLER V. HARPER. Indianapolis: The Bobbs-Merrill Co., Inc., 1952. Pp. x, 806. \$9.00.

In this volume we have much more than just another case book on Domestic Relations law. We have here a new and challenging, (some, no doubt, will say "daring"), approach to the task of presenting to the law student the principles of substantive law in family relations.

A careful perusal of the book, first of all, assures the reader that the author, in teaching a course in Domestic Relations, has found a much greater challenge than the mere indoctrination in the rules of law to be applied to a given factual situation. He has long since departed from the all too common view that the relatively simple and easily understood principles of family law are apt subject-matter for the beginning teacher. To his mind, each domestic legal problem opened up a broad vista of conflict and maladjustment in one or more individuals. He has looked behind the smoke-screen of legal fact and principle and found the background of social, economic and psychological factors which have contributed to the creation of a legal problem.

To borrow the author's own words: "The contents of this volume consist of cases and text notes on law and readings from the literature of anthropology, sociology and psychiatry. Quantitatively, the material divides roughly to about half and half. The book is an experiment in integration of the various disciplines which deal with problems of the family." Elsewhere the author aptly states: "The social, psychological and legal aspects of family problems are all mixed up together."

No doubt some will object that devoting approximately one half of the book's 800 pages to "text notes" and "readings" will of necessity curtail the customary number of cases covered in case books on Domestic Relations law. While this criticism may at first glance seem justified, careful analysis seems to indicate that the omission has been one of quantity rather than of substance. A glance at the Table of Contents readily shows that all the traditional topics have been given attention.

Because of the almost unlimited diversity of case and statutory law in the various states on certain points of family law, Professor Harper is to be complimented for the inclusion in the volume of excellent tables and charts showing the laws of all the states in regard to: 1) Seduction; 2) Fornication; 3) State Anti-Miscegenation Statutes; 4) Degrees of Consanguinity Within Which Marriage is Prohibited; 5) Degrees of Affinity Within Which Marriage is Prohibited; 6) Uncommon Grounds for Divorce; and 7) Condonation as a Defense. These tables and charts will prove as great a boon for the busy professor as for the inquiring student.

Likewise of especial assistance to the neophyte in the field of family problems will be the excellent "Glossary of Technical Terms" which the author has included as another divergence from the traditional. The twenty-two pages of Bibliography, containing more than 600 legal and non-legal books and articles, supplies the sources for study and research for the most avid and interested student of domestic life and problems. However, I was frankly dis-

appointed in not finding an index to the "readings" which are included in the volume.

In undertaking the analysis and correlation of what these other disciplines have to contribute to a better understanding of the legal problems of personal and family life, Professor Harper has accepted the almost Herculean task of blazing a trail through the uncharted maze of a prolific literature in each of those disciplines. Whether or not, in each individual instance, the author has chosen the most apt "reading" is a question which can be answered only by the combined thought of the many able teachers and students of Domestic Relations law. Whatever that final verdict may be, it will in no way detract from the noteworthy fact that the author has been a pioneer in opening, in printed form, new avenues of approach to the long sought and greatly desired solution to some of the baffling problems in personal and family law.

This volume will prove an aid and encouragement to those teachers who believe that the student of Domestic Relations should be prepared to take his place in the legal profession as a social physician rather than as a mere dabbler in legal maxims of family law. Again in the words of the author: "It is not the editor's notion that lawyers must become psychiatrists, sociologists and anthropologists in order to deal with the family in trouble. . . . [But] in any event, familiarity with these fields may contribute greatly to [their] grasp of many family problems and [their] understanding of the source of much unhappiness."

It is the belief and sincere hope of the writer that Professor Harper's contribution may prove a help and guide to the lawyers, judges and legislators who are faced with the perennial problem of seeking a solution to the ever increasing divorce rate and the mounting numbers of dependent children of broken homes.

ALBERT A. VAIL*

Risks and Rights. By SAMUEL SPRING. New York: W. W. Norton & Co., Inc., 1952. Pp. xviii, 385. \$7.50.

Risks and Rights is aptly introduced in a foreword by Chief Judge Harold M. Stephens of the United States Court of Appeals as a "law book for laymen, but not a home remedy manual" which "seeks only to tell those for whom the book is written what risks and rights are involved in their affairs and what legal means are available for the avoiding of the one and securing of the other."

The author of *Risks and Rights*, however, goes beyond this objective in some instances where he advocates reforms in the law, including the abolition of the distinctions between libel and slander, which he assails as artificial, technical and medieval. One wonders how this can be of help to a particular author or publisher in need of guidance in his affairs. Law books dedicated to laymen sometimes do more harm than good unless strict heed is paid to the warning against self-diagnosis and self-medication, which often bring on additional complications from which our poor layman can only be extricated by the skilled practitioner.

This is not to say that such books serve no useful purpose. Unlike the medical layman who experiences a malaise which sends him to the doctor, the legal layman feels fine until he is served with a summons. Hence, it is impor-

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