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Problems of the Family by Fowler V. Harper and A Psychoanalytic Lawyer Looks at Marriage and Divorce by John H. Mariano

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today. These two papers are very well written and are very informative.

An economist, considering "Intergovernmental Fiscal Relations," has "little sympathy for those who espouse state rights on the grounds . . . that the states can be depended upon to interfere least with private enterprise even where such interference is in the public interests." (Page 131)

Several of the lectures deal with taxation of stockholders on corporate distributions. Here we have discussions on taxing dividends, distributions in redemption of stock, corporate divisions, reorganization provisions, and liquidating distributions. These are problems that account for much litigation at the present time. In fact, three-fifths of the book is devoted to these phases of taxation or business enterprises. The last one hundred pages covering the present excess profits tax on corporations may lose much of its value if the present 1950 Act is not renewed during the present term of Congress. Some of those speaking on the subject indicate that that would be an excellent solution of a current tax problem since highly technical rules have been developed for computing the tax.

When it comes to considering style, about all one can say is that most all of the articles are technical. The lecturers, it is easy to see, did not expect to find any laymen among their listeners. A great many cases are cited. The index of cited cases extends over sixteen pages. All this makes the book of value to practitioners in the field of taxation.

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As indicated in a previous review for this journal, one of the greatest needs in the field of family relations is an interdisciplinary approach. Each of the special disciplines which treats problems involved in the adjustments in family and the enculturation of children
has too long been narrow and myopic. Heartening is the trend noticed in recent publications, of which the two books under review are examples. Social work and sociology need the insights of psychiatry if they are to understand the etiology of tensions in mate and parent-child relations. Law has long needed the situational analysis of sociology and the culture studies of ethnology and anthropology. Even the amateur social student should know much more about the complexities of American law, and certainly the practicing lawyer who deals in familial and marital crises should have the breadth and depth which comes from at least one course of study of the institution of the family. The University Law School at Kentucky is to be congratulated for its recommendation that its pre-law majors elect a sociology course in the area.

Fowler Harper, a professor of law since 1928, recently at Yale, where he teaches Family Law, earlier taught a course in problems of the family to social workers. As often happens, he had to write his own text and thus began the refinement of a comprehensive volume which is now available for persons who approach this phase of society either in law or social work and social studies. Suggested as a help to the latter two (it will make a good text on the university level), it is in our mind equally valuable as required reading for those in law who deal with domestic relations. The not too recently graduated lawyer can use the book to catch up in his knowledge of many of the aspects of his work which must be perplexing to him as he gets more and more cases of middle class disorganization. It will help him as he tries to unravel them in order that he might know how to act or recommend action. The volume deals with such new materials as the psychoanalytic approach to childhood, the relation of sex customs and attitudes toward sex, racial and ethnic differences, theories of family structure and functions, process of disorganization and disintegration (divorce being the result of a long development of mal- and/or un-adjustment), and means and agencies which provide remedial and preventive reorganization.

Harper's book contains an anthology which is remarkable for its choice of some of the finest writing done in book, monograph, and periodical form in the last half century. Its approach is that of binding theory and case together by first showing the background of the social situation and cultural development and then presenting classic cases for illustration and analysis. Opening with a glossary of terms which social scientists ought to know and lawyers use, Problems of the Family covers the gamut of pre-marital problems, the creation of the family relation, marital difficulties, intra-family relationships, the legal fictions
and equities involved in relations between family members and other persons, and marital deterioration and family disorganization.

While we regret that the choice of readings is from works which are too frequently pre-World War II and overlooks some classic pieces even of the earlier period we must admit that another set of excerpts would probably not make the book more authoritative.

The lay reader will be frightened by the length of the book but law students are accustomed to such coverage. Careful reading will be highly rewarding and it is hoped that he who purchases will not skip through the pages. After the first scanning, Harper's book can serve as a reliable reference for some years to come and as such should be a must purchase for every fledgling who hangs up his shingle. There will be numerous times when a quick examination of portions of the readings in theory will be just the resource the professional needs to form a recommendation. Many of the "whys" which have stumped young lawyers and which older men have had to learn the hard way or by intuitive deductions are well lined out and met.

John H. Mariano tries another way in his considerably smaller, more popularly written essay. Assuming from his experience and practice that divorce does not cure anything, this well-known advisor to young people about marriage (see The Veteran and His Marriage and Don't Let Your Marriage Fail) insists that his fellow-practitioners should immediately get better acquainted with the discipline that examines the emotional make-up of persons who are in trouble. In twelve chapters he offers a message of warning and concern that too many persons who come to lawyers for assistance need counsel for personality disorder and in some cases (the number grows!) do not need divorce as a solution for their crises in marriage. The book does not do more than that unfortunately and leaves the reader frustrated with an additional load of guilt if he has tried to help people. He already knows that he should be better equipped but would like to get such in a more efficacious way than to take a year in psychiatry.

A book is needed to help the busy lawyer to begin the tortuous road toward understanding psychotherapy. Many clients cannot afford even clinic care to say nothing of the still too expensive treatment of psychiatry. Mariano serves the purpose of telling the multitude of the futility of much divorce litigation. He would have fulfilled a larger and more needed purpose had he written for the more informed along the line of the damage done to ego structure in marital relations which eventually brings the tragic cauterization which divorce is erroneously presumed to accomplish.

The last three chapters are helpful in introducing the interested
lawyer in the field of psychoanalytic jurisprudence. Mariano is aware of the inevitable contention that lawyers should not practice psychiatry. He declares, however, that, since many lawyers attempt counselling as part of their service to clients, they should and can become wiser counsellors if they know the role of the lawyer in psychotherapy and some of the new methods for treating marital breakdown. A footnote sums his position—"Probably there is no other segment or area of the social sciences involving human relations where there is a legitimate extension of function such as marriage counselling permits without disturbing the canonical proprieties. All this provided counselling is kept from enroaching on wholly or predominantly medical areas or segments."

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