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Book Reviews

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BOOK REVIEWS

SOCIETY ON TRIAL. BY WARREN FREEDMAN. Charles C. Thomas, Publisher. Springfield, Illinois. 1965. Pp. 302. \$10.00

The author, a member of the New York Bar and Sociology Department of the New School of Social Research in New York City, has presented a composite of critical socio-legal problems with which society is presently confronted. Mr. Freedman chose twelve issues which to his mind "demand *legal* clarification for better understanding." The topics concerning criminal law are: capital punishment, with considerable emphasis being placed on the Loeb-Leopold murder case; search and seizure, headlined by the equities and inequities of wire-tapping; and television and radio in the courtroom. Leaving the social intricacies of criminal law, the author considers the application of the Constitution to the following issues: censorship of motion pictures; censorship of publications; and freedom of religion, discussing the subtopics of religion in schools, state and federal aid to education, and church related public laws. Also treated is the liability of hospitals and charitable institutions for negligence; the relationship of civilian and military tribunals in times of national emergency; artificial insemination; birth control and abortion; and scientific advancements in the courtroom, focusing on blood-grouping tests in paternity suits, lie detector tests, truth serum, and chemical tests for alcoholism.

The author has presented the facts and legal bases underlying the issues discussed and has left the reader to evaluate the manner in which the social order has attempted to deal with these problems. Often, however, the reader may be left with inadequate legal rationale to appreciate properly the nature of the solution to a given issue. This is best explained by the fact that the book was written from a sociological frame of reference, bringing in only enough legal reasoning as was necessary to convey a basic understanding. While the factual representations of the book are of considerable enlightenment to the lay reader, he could have been given a more understandable foundation of legal principles from which to draw his conclusions. A large number of excerpts from court decisions are quoted to illustrate the legal propositions underlying the sociological issues, but are frequently presented in a disjunctive manner with no perceptible unifying pattern. Consequently, chapters dealing with such topics as search and seizure, freedom of religion, and censorship do not pro-

vide the lay reader with sufficient legal theory to apprise him properly of the reasons for a given result.

At the end of each chapter the author has provided a series of questions for review. A brief survey of these questions will readily disclose the audience to which the work has been directed. In the chapter on search and seizure appears the question, "Why do the police generally favor unrestricted wire-tapping?" The chapter on birth control and abortion contains the question, "Why are we concerned with the population explosion?" While these examples do not purport to reflect the temperament of all the questions set out, they illustrate the tenor of the textual material.

Appropriately enough, the book is not directed at the legal profession. The lay reader will benefit in reading Mr. Freedman's work, but again, he may not fully understand the principles and theories upon which the legal profession has rested its solutions.

*Charles W. Tessmer**

THE FAMILY AND THE LAW: PROBLEMS FOR DECISION IN THE FAMILY LAW PROCESS. BY JOSEPH GOLDSTEIN AND JAY KATZ. New York: The Free Press. 1965. Pp. xxxviii, 1229. \$25.00.

Interdisciplinary collaboration in the writing and editing of college texts has set a marked trend in recent years, particularly in areas where law confronts contemporary socio-economic problems. This book is a recent example of that trend. Mr. Goldstein and Mr. Katz are both members of the law faculty at Yale Law School. Mr. Goldstein is an attorney and political scientist, while Mr. Katz is a psychiatrist and psychoanalyst, and is also on the faculty of Yale Medical School. Mr. Goldstein collaborated in an earlier book on criminal law,¹ after which the present volume is patterned.

The book is designed for use by law professors and students, and it is the outgrowth of a Yale Law School course on the family law process, taught jointly by the authors. Any professor, any student, and certainly any reviewer will be struck immediately by the ponderous weight of the book; it contains eleven hundred double-columned pages. The volume is designed both for basic and advanced

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¹ Donnelly, Goldstein and Schwartz, *Criminal Law* (1962).

seminar use and may be approached and dissected through a detailed analytical table of contents.

The essential problem with a work of this magnitude is the difficulty of digesting its bulk in the limited time available in a law school curriculum. To deal adequately with problems encountered in family law practice, a lawyer needs to be firmly grounded in the statutory and case law of his jurisdiction. Secondly, but of equal importance, the lawyer must be trained to recognize the economic, emotional and social problems inherent in a family law practice. The word *recognition* should be emphasized, for, despite the interdisciplinary approach attempted in this book, the lawyer cannot be trained to deal effectively with the myriad problems raised, but only to recognize them and possibly make referrals to competent agencies. This book does not really attempt to instruct a law student in the basic case and statutory family law of his pertinent jurisdiction, and therein lies its deficiency. It does treat in more than adequate fashion the second requirement, that of acquainting students with non-legal problems inherent in family law cases. There are indeed many references to New York law and to the law of other jurisdictions where enlightened legislation may prevail in a given area. A reviewer must speculate, however, that the volume might have proven more effective if its scope had been somewhat curtailed and the material designed for complementary use with source material from a particular jurisdiction. As currently presented, a law professor will have to extract material from the book with care so that the subject may be covered within the available curriculum hours. But by so doing he may emasculate the intent of the authors.

Examples of material which might have been edited to better advantage are the many pages appearing in chapter one which are direct quotes from the transcript of a divorce case centering around a custody fight over minor children. The dispute was between an Orthodox Jewish father and his wife, who had been converted to Christian Science, over the religious training of their children. More than seventy out of the first 215 pages of the book are devoted to direct quotes from the pleadings or transcript. While this may make interesting reading, it does seem a waste of space. This segment of the book also illustrates a fault which may be seen throughout the book, *viz.*, the tendency to cover the bizarre situations, ones which will probably prove uncommon in practice. This appears particularly true with respect to the psychological material presented. One wonders if the writers sought to cover the common emotional problems and dis-

orders which might be encountered by an attorney in practice, or if they covered the subjects which merely hold a particular fascination for them.

The volume is divided into three large sections. The first is an introduction to the family law process: the legal status of marriage; separation; divorce; custody; family relationships; and the role of the state in administering and reorganizing the family unit. The second section examines the conflicting needs in the family unit and the relevance of the various needs for gratification of its constituent members. Section three examines the goals and guidelines for state intervention in administering and reorganizing the parent-child relationship.

If sufficient time is available within the curriculum, this book will prove useful for the law professor and certainly interesting for the law student. As noted above, it should be used in conjunction with material from the local jurisdiction. One final problem comes to mind. The interdisciplinary approach of the book will almost certainly require the same approach in teaching. A trained psychologist or psychiatrist should be used to interpret the material for the student.

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