Selected Essays on Family Law (Committee of the Association of American Law Schools, 1950)

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impose upon administrative agencies, thereby controlling and limiting their powers” (p. xiii). The book is a very useful one. But perhaps the time has come for the legal profession and others to shift their emphasis from administrative procedure as directed largely by the courts to a fuller appraisal of the utilization of administrative agencies with a view to eliminating some of the more fundamental defects with which the courts cannot cope.

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A collection of essays of any sort by a first-rate author would undoubtedly be held together by a common theme, thread, or approach. A collection of essays selected from many first-rate authors might or might not be so held together, depending on the selector or selectors. A single selector's choices would tend to be bound together by the unity of his unconscious attitude or his expressed objective for the collation. But essays selected by a relatively large group can be expected to have little or no cohesiveness unless the group is bound together by a common background predispositionally speaking, or by an intellectually spartan agreement kept on course by strong helmsmen. Selected Essays on Family Law is a compilation edited by a varying group of law professors. Such a body, unless it be consciously loaded, is, in the year 1952, rarely distinguished by complete homogeneity of approach. But law professors are usually gentlemen and not dynamos, and this state of affairs is conducive to sweet compromise. Quite in keeping, we have in Selected Essays a little of everything, and so nobody ought to be genuinely perturbed.

In addition to the "straight legal" essays the natural law lawyers should be happy with an entire chapter devoted to "Religion and the Family," which consists of the Church of England's form for the solemnization of matrimony, a view of marriage by the Federal Council of Churches of Christ in America, and an encyclical on the subject
by Pope Pius XI. Pagan, primitive, and unorthodox religious attitudes may be pursued through the bibliography at the end of the chapter.

To show that we can get really scientific in the old-fashioned sense of scientific, there is an extremely able article on sterilization by Walter Wheeler Cook. So much for the physical sciences, in this case biology.

Most of the remaining approximately threescore essays are on some phase of The Law: annulment, nature of marriage, illegitimates, children's rights, torts involving the family, divorce, duties to support, and sub-heads thereof. Each of the articles is a thoroughly competent job. Most of them are in the best relatively modern tradition of ably pointing up the existing inconsistencies and confusion; some are very high-class hornbook; others are characterized by guarded pedantic scorn and indignation at this or that sub-doctrine deemed retrograde as against what is assumed to be a progressive trend in the dogma of the law of family elements.

Those persons who see the problems of the family unit in terms of studied societal effect and a disciplined investigation of causations must take comfort from the fact that, in addition to a few isolated other authors, Professor Bradway has, in three separate essays, been permitted to suggest relatively deep incisions into the present system with a principle broadly looking toward a minimization of the adversary features still so prominent in this branch of the law.

The pure conceptualists should be moderately happy with a spate of essays concerning the meaty jurisdictional questions involved in post-divorce litigation.

There is, of course, value in a presentation of diverse approaches to an area of human relations. But if diversity is the keynote in a work of this sort it must be on some sort of a theory that legal doctrines can be improved by comparison with the results of techniques applied by related social sciences. This, however, requires a skillful juxtaposition of the elements to be compared and something resembling a theme for the total effort. Is Selected Essays activist in its approach? Is it for the legal craftsman? Is it idyllic in at least the sense that one is to conclude that the law has done as well as could be expected of it? Is it boldly progressive? Neither these ques-

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1 The publisher of Selected Essays may wish to take special note of this sentence. It does not require the "..."
tions nor several others of a similar nature can be answered in the affirmative.

It is probable, though, that fifty years ago a collection of this kind would not have resembled this one even apart from the development of fifty years of case law. One can see in it at least an official stirring of a questing approach. The proper amalgamation of the viewpoints of the lawyer, the psychiatrist and the sociologist looking toward the improvement of the law in the interest of the public and the individual has not yet been accomplished, however. When it is it probably will not be in the form of a collection of essays most of which were written in occupational isolation.

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Mr. Merritt might well have entitled his book Creeping Socialism and thus removed the doubt from his title.

In so far as this book is a history of the labor movement in America, it presents a familiar picture to those persons interested in labor-management relations. However, it is of special significance in that it is written by one intimately associated with labor problems during the period covered. Mr. Merritt, an eminent New York attorney, was for fifteen years general counsel for the Realty Advisory Board on Labor Relations, functioning for the employer. Not only was Mr. Merritt born in Danbury, Connecticut, but as a young attorney he represented his neighbor, Mr. Loewe, in the landmark case of Loewe v. Lawlor,\(^1\) popularly known as the Danbury Hatter's Case. From this point the reader is led through important labor cases and developments in the labor movement by one who writes from the inside looking out; and it is in this respect that this book is a valuable contribution to labor law literature.

The author has spoken for management these many years past, but he writes for and on behalf of the public interest and preserv-

\(^{223}\) U.S. 729 (1908).