

The Family in Court (Book Review)

Alexander A. Mersack

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

Recommended Citation

Mersack, Alexander A. (1935) "The Family in Court (Book Review)," *St. John's Law Review*: Vol. 9 : No. 2 , Article 42.
Available at: <https://scholarship.law.stjohns.edu/lawreview/vol9/iss2/42>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.

particularly to the science of law teaching is symbolic of the work that they do and of their literary contributions. If this is true of Professor Edgar, Jr., it is of course everywhere present to all of his colleagues in the case of Senior. Students return to tell us with great frequency that they never forget his courses and the thing that impresses itself most firmly upon their minds is not so much the legal learning which they acquire as the object lesson in sincerity, devotion and single-minded attention to the duties which he is daily performing in the classroom. It is not too much to say that Professor Edgar, Sr., regards his vocation as a law teacher in the light of a ministry and that he propounds the law of the land with the same zeal and earnestness that ministers of the gospel employ in expounding the word of God.

We congratulate the authors upon this signal achievement and look forward to many editions of this book and to similar achievements in other fields of law.

MAURICE FINKELSTEIN.

St. John's University School of Law.

THE FAMILY IN COURT. By Jonah J. Goldstein. New York: Clark Boardman Co., Ltd., 1934, pp. xiii, 284.

Justice Goldstein, in this interesting volume, discards his "judicial cloak" to chat intimately with the reader concerning the need for a tribunal even more fully specialized and unified than the newly created Domestic Relations Court¹ with its two divisions, the Children's Court and the Family Court. He chats, not from the point of view of a judge and lawyer, but rather as a tireless and energetic social worker whose efforts are made solely in furtherance of "a better to-morrow."

The author's ideas and convictions result largely from his experiences as club leader, social worker, lawyer and justice of the Magistrate Court in New York City. He makes a number of recommendations regarding procedure and jurisdiction for the new court, that, in his opinion, will tend to effectuate its usefulness. Many of these appear thoughtful and merit consideration.

The reason for consolidating the Children's Court and the Family Court, as the author points out, is that the family may be treated as a unit. This is in accord with the sociological view that delinquencies common among children, and the ordinary troubles within the family, may be traceable, in many instances, to disorganized and unwholesome family living. Belief is expressed by the advocates of this new court, of which group the author is one, that this more unified court will be a medium through which domestic problems will be more happily adjusted.

But as the author further points out, mere consolidation of itself is not sufficient. The new court should be conducted on a clinical basis, to be used

¹DOMESTIC RELATIONS COURT ACT OF THE CITY OF NEW YORK, Laws of 1933, c. 482 [in effect Oct. 1, 1933].

as "a laboratory for the study of human behavior in an effort to find cures for old ills."² Consultations and conferences should replace the trial in a courtroom; judges should closely cooperate with medical, social, welfare and religious agencies. A thorough physical and psychiatric examination will often disclose the true reasons for the family discord or juvenile delinquency. In Justice Goldstein's court, the psychiatrist and vocational guidance counsellor are indispensable since by their training and experience they are best fitted to plan and arrange a program of behavior for the particular person who requires social adjustment.

It is apparent that this is a new type of court. The author states, "It is in a unique sense a social agency of the state."³ It necessarily follows therefrom, that the judge and his advisers should be social-minded men and women who are deeply concerned with the welfare of society.

This reviewer was greatly impressed with the author's views which are suggested by him as salutary measures of reform for the new Domestic Relations Court. And so fascinating and absorbing is their presentation, that it is only when one has afterwards weighed them carefully in one's mind, that doubts, as to whether these views can be practically applied, appear. Doubtless, there is much that seems both logical and practicable. But the whole program would seem to entail an expense which society might find it burdensome to assume at the present time; and there is the further question whether it is possible to create such close cooperation between the court and the various clinics and other agencies which the author suggests.

However, such criticism should not detract from this volume any of the praise it well deserves. It is a distinctive and valuable contribution. Firstly, it is a means of stimulating public interest in so vital a social problem; and secondly, it stands as an ever-ready source of stimulating and thoughtful recommendations for the new Domestic Relations Court.

ALEXANDER A. MERSACK.

St. John's University School of Law.

² P. 225.

³ P. 192.