

THE LEGAL PEG AND THE SOCIAL AND ECONOMIC HOLE

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One may visualize a rule of law as a peg inserted in a social and economic hole. As long as each fits the other, the public, on whose behalf law, and the administration of justice according to law, are maintained, has reason to be content. But if the peg remains square and the hole, from time to time, alters its shape, sooner or later, a task of legal reform must be undertaken. In the present symposium the various authors have had, as their major objective, the description of one such legal peg: the law relating to children of divorced parents as handled by the regular divorce courts; and the social and economic hole in which it rests. As one reads what they have written, it is apparent that they approach the task in a spirit of constructive criticism. The reader may have reason to suspect that the peg does not fit too snugly. Such a possibility challenges our attention. We are inclined to ask ourselves—Who is qualified to say what this law ought to be; in which directions should the reshaping process proceed.

If the general public comes to believe that the task of keeping the law abreast of current needs is everybody's business; too often it finds that the matter tends to become nobody's business. In the absence of a legislative enactment creating a board or commission to undertake such a task, it is something to be assumed by volunteer persons who are not only interested but qualified. Without such a volunteering by qualified leadership the bills presented for consideration by the legislature embodying proposed reforms may be of inferior quality. Test cases which might be taken to the appellate courts for the purpose of clarifying this rule of law or writing into the decisions of appellate courts broad social principles will be few and far between. Bar associations traditionally have written into their purpose clauses the phrase "to promote the administration of justice."¹ The modification of substantive law, however, has been left largely to privately supported agencies such as the American Law Institute.² The Institute has not as yet given us and may not produce a Restatement of the Law of Domestic Relations—a task which would include the law of children of divorced parents. Even if it did, the emphasis given

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¹ *Constitution and By-Laws* (1943) 68 A. B. A. REP. 471 (Art. I of American Bar Association Constitution).

² *RESTATEMENT, CONTRACTS* (1932) *passim*.

by that body to the law as it is,³ rather than as it might be or ought to be, would still leave an opportunity: for pioneering work; for social engineering by lawyers and laymen. If the present volume serves to stimulate further investigation the result will be gratifying to all the contributors.

A mere willingness to study and evaluate the social merit of the law even by qualified persons, is unprofitable unless the group has some sort of blue print to suggest at least the directions in which investigation may promise challenging questions. The present article is an effort to suggest some of these attractive highways down which lie fascinating problems. They are the result of a reading of the previous articles and, in a sense, sum up what has been said by the various contributors. As they are expected to lead to discussion, it may be well to express them in the form of questions. Three such questions are as follows:

What is the modern objective of a divorce proceeding and the ancillary actions dealing with the children of divorced parents?

How may the resources of other professional fields be made more readily available to persons suffering from some form of family dislocation?

If the law recognizes the contributions which may be made by these other professional fields to the solution of problems of families before the court what will be the future position of the law?

DETERMINING THE OBJECTIVE OF COURT PROCEEDINGS RELATING TO BROKEN FAMILIES

One method of evaluating a law is to compare its present effectiveness with what its authors hoped would be accomplished by it. Since those who lay down rules of law do not always explain the reasons for laying them down the observer, in later years, is forced to surmise the objective from such incidental sources of information as the language employed or the manner in which the law is administered. The process of evaluation is further complicated by the fact that the observer cannot allow himself to indulge personal prejudices and a subjective idea of justice, or to forget that the rule is to be applied to the kaleidoscopic variety of individual human problems and therefore meets the average rather than the particular need. Some guideposts seem essential. But in the field of family relations they are probably less specific than in areas of the law dealing primarily with property.

When the medieval church determined to exert its influence in favor of more orderly domestic relations it was faced with a problem perhaps more difficult than that confronting us moderns.⁴ An early Christian family as distinguished from a Roman or a Germanic family was to be protected and perhaps regimented by the

³ Lewis, *Plan to Establish American Law Institute* (1923) 9 A. B. A. J. 77.

⁴ *Church History*, 5 ENCYC. BRIT. (14th ed. 1937) 676-680, where the circumstances are set forth concisely.

Ecclesiastical courts.⁵ Among the legal concepts beaten out by the experience of the inquiring group of that day were three which may warrant further investigation in the present or future: Litigation came to be preferred over trial by battle or by ordeal as a means of determining the issues in domestic relations.⁶ Guilt, or moral wrong, was an issue of great importance.⁷ Marriage was held to be a peculiarly sacred relationship. To it the name "sacrament" was applied.⁸ We may assume that these medieval social engineers did their work well and that the three legal pegs, then fashioned, fitted snugly into their respective holes. It does not follow that they still fit. In fact we know that one of them does not. The civil courts no longer refer to marriages as a sacrament but as a status, a relationship, a bond in some respects like a commercial contract.⁹

A modern investigating group might well inquire whether litigation is still the best means for shaping and determining the issues; whether guilt is any longer a significant factor; whether the interest of the civil state in marriage and the family should not be clarified.

The nature of the issues to be decided in a court action may play a major part in determining the best administrative machinery for dealing with them. If we decide that the essential point is whether one spouse has committed adultery, been cruel, deserted, then no doubt litigation is still a proper device. But if we regard these "grounds" merely as symptoms of deeper difficulties; if we want to know *why* a spouse thus departs from normal marital conduct, perhaps some other means of determination may offer superior advantages.

Since divorce is not encouraged by the law,¹⁰ but since it is a matter of general knowledge that domestic disagreements will arise whether divorce is available or not, our inquiries may lead us toward two extreme alternatives. We may refuse to grant divorce or any other relief and insist that, as at common law, husband and wife are one person,¹¹ the law will not interfere or permit litigation between them. Reasonable arguments can be made in support of such a proposition;¹² but the overwhelming tendency¹³ is in other directions. It is not necessary for our hypothetical investigators to advocate free love or a demoralizing laxness in family ties. One may with reason adopt a middle course—facing the facts and rationalizing

⁵ I POLLOCK AND MAITLAND, HISTORY OF ENGLISH LAW (1923) 122-127, where the growth of the Ecclesiastical Courts in England is described.

⁶ PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW (2d ed. 1936) 108-112.

⁷ CARTER, A HISTORY OF THE ENGLISH COURTS (5th ed. 1927) 145 ff.

⁸ McCURDY, CASES ON DOMESTIC RELATIONS (3rd ed. 1939) 63 ff. Material here collected indicates something of this transition.

⁹ JACOBS, CASES ON DOMESTIC RELATIONS (1st ed. 1933) 1 ff. and 135 ff. where several definitions of modern marriage are collected.

¹⁰ MADDEN, PERSONS AND DOMESTIC RELATIONS (1931) 263. "As the state favors the continuity of the marriage relation, public policy requires that the marital relation shall not be severed without adequate cause. Hence divorces may be granted only on legal grounds as prescribed by statute. There is no common law of divorce in the United States."

¹¹ 1 Bl. Comm. *442.

¹² S. C. CODE (1942), Constitution, Art. 17, Sec. 3, as an example of this policy.

¹³ 2 VERNIER, AMERICAN FAMILY LAWS (1932) *passim*.

that, if safety valves are permitted by law as a means of giving relief to suppressed emotions, it may not be necessary so frequently to resort to divorce.

Statutes in the last hundred years have given a married woman a legal individuality almost if not quite equal to that enjoyed by her husband.¹⁴ Our investigators might endeavor to inquire into the effect on family life if spouses could sue each other as freely as unmarried persons are able to do. In a society thus organized, the husband, who committed adultery, could be punished for the crime¹⁵ without at the same time necessarily giving the wife the right to divorce him. The husband who was cruel could be sued by the wife for damages¹⁶ and a jury might give her the same redress it would offer a stranger. The commission of a familial tort need not, of itself, justify a divorce. If the husband broke a business promise to his wife or dealt improperly with her property he might be sued under a contract theory¹⁷ and still the wife would not, by the mere fact of his unlawful conduct, be entitled to divorce him. Under such laws spouses would be held to the same norm of conduct toward each other as they are expected to sustain in their dealings with those outside the family. If, after a tort or breach of contract between the spouses and relief granted by law, either spouse wanted to terminate the marital relations, the issues in the fields of torts, crimes and contracts would have been disposed of. But new issues might still be present for determination in the divorce case.

Would these new issues turn upon a question of moral guilt? The investigators might well inquire whether irrespective of torts, crimes and contracts the matter of guilt is still pertinent. In the Ecclesiastical courts sin played an important role.¹⁸ The church spoke with authority on questions of right and wrong. In many cases it was the spiritual significance of the temporal act or course of conduct which determined the jurisdiction.^{18a}

The modern civil court, even a court of equity, does not speak primarily in terms of spiritual conduct. It is concerned with temporal acts and antisocial situations. It does not declare that one spouse has sinned; rather that he has done something to which the legislature has attached a civil penalty—divorce. The "marriage" with which the civil courts deal is not a "sacrament" but a civil concept analogous to a contract.¹⁹ So its breach is more like a breach of a commercial contract than a sin. It is interesting to explore what might be the consequences of a

¹⁴ 3 VERNIER, *AMERICAN FAMILY LAWS* (1935) *passim*.

¹⁵ MILLER, *HANDBOOK OF CRIMINAL LAW* (1934) 427: "Adultery was not a common law crime in England, but was regarded as a crime against the ecclesiastical law only, and was therefore punished exclusively in the ecclesiastical courts. With us, it has been said that this portion of the ecclesiastical law was part of our common law, thus regarding adultery as a common law crime."

¹⁶ 3 VERNIER, *AMERICAN FAMILY LAWS* (1935) 65 ff. on the right of a wife to sue a husband for damages.

¹⁷ 3 VERNIER, *AMERICAN FAMILY LAWS* (1935), on the right of a wife to make contracts with the husband, 65 ff.; as to crimes between husband and wife, 162 ff.; on suits between the spouses, 268 ff.

¹⁸ 7 *ENCYC. BRIT.* (14th ed. 1937) 889, *Ecclesiastical Jurisdiction*.

^{18a} 1 HOLDSWORTH, *HISTORY OF ENGLISH LAW* (3rd ed. 1921) 621, describes the growth of the Church courts.

¹⁹ For a comparative discussion. Silving, *Divorce Without Fault* (1944) 29 *IOWA L. REV.* 527.

legislative declaration of a new set of issues for determining a divorce case. Suppose the court were called upon to decide:

Has the particular family ceased to be a going concern so that it is no longer capable of performing those functions for which the state originally licensed it: the legitimation of contacts between the sexes; the care and education of children; the holding of family property?²⁰

Is it possible, through conciliation and related techniques, processes and treatments beyond the operation of orthodox law, to set the particular family functioning again either under probationary supervision or on its own responsibility?²¹

Is it safe for the state, in the light of their past performance, to risk permitting one or both of the spouses to attempt to establish a new family?²²

Whether or not the law should be concerned with the desirability of such changes is not academic. So many non-legal agencies are using special techniques²³ to solve family problems that the gap between the law in books and customary practices is marked.

One may with propriety suggest a similar group of issues which might be regarded as vital in determining the best interest of the children of divorced parents. It is clear from the foregoing articles that the exercise of judicial discretion in such cases is a difficult responsibility. Our investigators might well consider the advantages of writing into the law questions such as:

Now that the family has been dissolved by the divorce decree what sort of a plan can be made to provide the children with as much security as possible to take the place of what has been lost?²⁴

What contributions of money, time, interest, affection, personal care can either or both of the parents make toward such a plan?

What foreseeable difficulties may be avoided by present plans?

If one contrasts these with questions like "how much money can the father give," "should the child be given to the mother" it is clear that the new proposals visualize a very extensive supervision by the court over the children following the divorce decree. The fact that juvenile and domestic relations courts are already giving that sort of care makes the proposal to extend it to divorce courts more reasonable.

²⁰ BRADWAY, PROPOSED NEW TECHNIQUES IN THE LAW OF DIVORCE (1943) 28. IOWA L. REV. 256 for an expression of this idea.

²¹ VERNIER, AMERICAN FAMILY LAWS (1933) 150 ff. gives the statutory background. But the reader will notice that the parties during the waiting period are left to themselves. A comparable situation in the medical field might occur if the surgeon and the hospital staff made no effort to supervise the period of convalescence.

²² The growth of limitations upon the right to marry is indicated by the statutes requiring health certificates. VERNIER, AMERICAN FAMILY LAWS (1938) SUPP. II.

²³ BROWN, SOCIAL WORK AS A PROFESSION (1936, Russell Sage Foundation) 22 ff. for a concise description of the evolution of training for social work indicating something of the techniques in that professional field. GROVES, *The First Credit Course in Preparation for Family Living* (1941) 3 MARRIAGE AND FAMILY LIVING 67, for a description of similar techniques among marriage counsellors.

²⁴ THE NAT'L PROBATION ASS'N, SOCIAL DEFENSES AGAINST CRIME (1942) *passim*, and DELINQUENCY AND THE COMMUNITY IN WARTIME (1943) *passim*, where the technique of the probation officer is discussed at length.

CLOSER INTERPROFESSIONAL COOPERATION

At present several movements for the solution of family troubles according to law are observable. The orthodox courts with the assistance of lawyers proceed in orthodox fashion. Juvenile and domestic relations courts, on the other hand, largely without lawyers, but aided by probation officers, social workers, psychiatrists and others are making increasing progress.²⁵ Still other groups from the clergy and marriage counsellors²⁶ all the way to radio programs and newspaper columnists dispense domestic advice. So much non-legal activity is going on that we are in danger of confusion. Our investigators may well inquire—what to do about it.

One imaginable solution would be for the lawyers to increase the scope of their unauthorized practice acts²⁷ and thereby retain exclusive control of the field. At the other extreme, jurisdiction over all family matters might be given to domestic relations courts²⁸ and the lawyers might withdraw completely from participation. If either of these suggestions were possible of attainment it is submitted that the result would be undesirable for the public. To lose the benefit of the resources of non-legal professional fields would tend to handicap the lawyers in their efforts to obtain satisfactory individual solutions of the family problems. Without the steady influence of the law, with its careful balancing of legal rights, the other professional groups would be greatly weakened. A middle of the road solution appears to be along the lines of interprofessional cooperation.

The member of a medieval family who sought professional relief took himself to the church. There he found most of the representatives of the existing professions.²⁹ They were held together by a common denominator—their clerical training. Probably it was not too difficult to focus simultaneously on the individual problems all available professional skill and resources.

The modern member of a family seeking professional relief betakes himself, as it were, to a row of detached buildings each one housing a separate profession. He may have difficulty in deciding to which one he should submit his problems. It is too expensive and time consuming for him to go to each in turn. But he does make a self-diagnosis and knocks at one of the doors. If it happens that a complete solution is available among the resources of that particular professional group he goes away satisfied. Unfortunately too often his problem is so complex that only

²⁵ NAT'L PROBATION ASS'N, SOCIAL DEFENSES AGAINST CRIME (1942), esp. the following articles: Walter H. Beckham, *One Court for Family Problems* 80; Alice Scott Nutt, *Juvenile Court Function* 94; Peter Geiser, *The Court as a Case Work Agency* 102, as examples of the literature on the subject.

²⁶ GROVES, *THE FAMILY AND ITS SOCIAL FUNCTIONS* (1940), Chapters XIX and XX, "The Evolution of Social Thought Concerning the Family" for a valuable summary of what other groups are thinking on the subject.

²⁷ See, *passim*, HICKS AND KATZ, *UNAUTHORIZED PRACTICE OF LAW* (1934), for statutes and other material concerning unauthorized practice of law; BRAND, *UNAUTHORIZED PRACTICE DECISIONS* (Detroit Bar Ass'n, 1937); AM. BAR ASS'N, *COMPENDIUM ON UNAUTHORIZED PRACTICE OF THE LAW* (1942).

²⁸ U. S. DEP'T OF LABOR, CHILDREN'S BUREAU (Bureau Pub. No. 193, 1929), *THE CHILD, THE FAMILY, THE COURT* (by Flexner, Oppenheimer, Lenroot) contains a most effective description of domestic relations courts.

²⁹ 12 ENCYC. SOC. SCIENCES (1934), *Professions*, 476.

part of it can be solved by any single group of experts. It is at this point that the importance of close interprofessional cooperation becomes apparent. Maybe the total problem is one which requires simultaneous consideration by representatives of several professions rather than by each one in turn. Maybe this is the situation in most domestic catastrophies.

Our investigators may well give thought to the interprofessional relations of the future. Perhaps one large building, as it were, will house all the professions each with its own corridor; but with mutual contacts. In the reception hall would be a trained diagnostician who would help the applicants determine in which professional field relief appeared to lie. Case conferences³⁰ would be held with representatives attending from each of the professions engaged in working on the case. Before the file was finally closed the matter would be rechecked by a further joint case conference to make sure that everything had been done which could be done through any of the resources of any of the professions.

If it is agreed that professions exist primarily to serve the public, it may be argued that the highest standard of quality in the work is a matter of public right, not of professional condescension. Eternal vigilance is necessary to keep such services at the standard level.

The law should take a practical view of its future. It may, of course, ignore what the other professions are doing in this field of family relations. But it is difficult to assess the consequences of such a decision. Interprofessional cooperation among other professional groups is proceeding at a significant pace. For example: community health programs have developed in a sense linking the medical and social work professions.³¹ Juvenile and domestic relations courts staffs are often assembled from various professions. Social workers have lead the way toward local case conference committees in various communities. The grouping of physicians in diagnostic clinics³² is a recognized step toward efficiency. On the other hand the law has made comparatively little progress in the direction of integrating its work with other groups. The trial lawyer makes use of the expert witness in a particular case. Legal aid societies³³ are a common meeting ground in the law for the various interested non-legal groups. Legal service bureaus³⁴ may touch on the field. But in general the impulse toward drawing the law into closer relations with the other groups seems to have come from the other groups.

³⁰ Youngdahl, *Community Organization in Rural Child Welfare Services* (1943) PROCEEDINGS NATIONAL CONFERENCE OF SOCIAL WORK 170, is a recent example of non-legal thinking resulting from the growth of community organization in rural areas being less rapid than in urban centers.

³¹ As examples see Alloway, *The Medical Program of a State Child Caring Agency* (1940) PROCEEDINGS NATIONAL CONFERENCE OF SOCIAL WORK 241; Martha M. Eliot, *The Work of the Interdepartmental Committee to Coordinate Health and Welfare Activities* (1939) PROCEEDINGS NATIONAL CONFERENCE OF SOCIAL WORK 101.

³² BROWN, *Physicians and Medical Care* (Russell Sage Foundation, 1937) 154 ff., discussing "group practice."

³³ Cohn, *Legal Aid for the Poor* (1943) 59 L. Q. REV. 250 and 359 for an interesting comparative description of legal aid.

³⁴ Spenser, *Bar's Opportunity for Service* (1942) 17 LOS ANGELES BAR BULL. 98 ff., for one example; also, *Rules Governing the Lawyers Reference Service* (1944) 19 *id.* 207 ff.

If the law is to take its place in a general plan several avenues are open to it. The lawyer may join an organization like the National Conference on Family Relations or the National Probation Association, both of which cut across professional lines. Or he may become a member of a local county council of social agencies and participate in its activities. But in neither case would he be certain to find himself immediately at home. Our investigators might consider the desirability of beginning the process of adjustment while the lawyer is still a law student.

In university work the orientation course³⁵ is not unknown as a means for introducing the undergraduate student to the general field of human knowledge. Thereafter the specialization procedure takes over. In the graduate schools the law student finds his mind being directed along a road quite different from those which the medical student or the divinity student travels. A further course on how to work with members of other professions for the improvement of professional service to the community might pay dividends not only to the law school which offered it³⁶ but to the communities in which its graduates later settled and rose to positions of leadership.

The content of such a law school course would no doubt vary considerably from time to time. It might start with a specific human case to be solved; or with a plan for division of responsibility among several mutually integrated professions, or with an historical review of the growth and significance of professions in our civilization. More important would be the students to whom the course was offered and the opportunity afforded for each to express and develop his own views. The acquisition of information would be subordinated as an objective to the idea of learning how to work together for a composite solution of individual family difficulties. Student thinking would probably display certain characteristic, if overlapping, stages: a period when the representatives of each student group would feel a reserve toward the others (a reserve that might be indicated by a defensive attitude); another period when the need for an interprofessional language would be important to prevent misunderstanding in the significance attached to words; another period when each group would test its mental discipline against the others. If the instructor could ride out these storms a condition of mutual respect would be established which would promise much for the future.

But perhaps the most interesting question for judges and lawyers relates to the place which will be allotted to the law as a form of social control if interprofessional cooperation develops as it seems to be developing and if the law joins with the others.

³⁵ See COLUMBIA UNIVERSITY BULL. OF INFORMATION (1944) 44th Series, No. 24, Announcement of Columbia Coll. 10. For an earlier description of this course see COLUMBIA UNIV., INTRODUCTION TO CONTEMPORARY CIVILIZATION, A SYLLABUS (1920).

³⁶ One example of this is the Seminar in Family Law offered at the Duke University Law School. It is open to Graduate Students in Sociology and its major object is to see whether the two groups can learn to work together.

THE FUTURE CONTRIBUTIONS OF THE LAW TO THE SOLUTION OF
DOMESTIC PROBLEMS

The word "indispensable" appears to the writer as being appropriate to describe the position which the law may be expected to occupy if all the professions unite in an effort to solve domestic problems. The investigators, however, will have to decide the details. There is reason to believe that their decisions will vary according to the circumstances of the particular family; but one guiding consideration may be the effectiveness of legal sanctions to the particular facts.

Ecclesiastical sanctions³⁷ dealt squarely with the soul of the litigant, although they may also have affected his property (fines) and his personal liberty (imprisonment). Probably no one of us in the present day can imagine the compelling power of a threat of excommunication. Today that threat is less effective. Temporal courts have civil sanctions only,³⁸ to require compliance with their decrees.

The effect of temporal sanctions upon the minds of members of the general public is not easy to assess. Some persons obey the law and have no occasion to feel the weight of its pronouncements. Others for a variety of motives comply with a court order and give no trouble. Other persons are more difficult to handle. If appropriate pressure can be exerted they comply; but only under such circumstances. The term "appropriate pressure" includes the devices described previously by Mr. Pokorny and Dr. Lemkin. Their value is clear. But we cannot be sure that they will completely cover the field. There may, and probably will be, persons who, for reasons satisfactory to themselves, either evade the law by flight³⁹ or take whatever penalties are imposed and still stubbornly decline to cooperate. The number of such persons in the field of the maintenance and custody of children is not negligible. Legal aid societies, for example, have information about them. The stubborn mind of the defendant is still unreconciled to the plan which the court feels is just. Our investigators may well inquire whether the resources of non-legal fields may not be utilized to advantage in such situations. Dr. Plant suggests psychiatry⁴⁰ as a means of accomplishing valuable results in changing points of view. Mr. Whitmire thinks in terms of a form of insurance to cover those cases where the defendant is unable to comply with maintenance orders.⁴¹

Perhaps the psychology of the law toward family members might parallel the recent changes in its viewpoint toward criminals. Perhaps a large number of persons would respond to encouragement and persuasion rather than to threats. Perhaps if

³⁷ 8 ENCYC. BRIT. (14th ed. 1937), *Excommunication* 956.

³⁸ For example: in civil cases, the power to assess damages; in criminal cases, the power of life and death, imprisonment, fines, deprivation of licenses; in equity cases, the power to restrain by injunction. But in no case does the power approach that of ecclesiastical excommunication.

³⁹ Zunser, *Family Desertion* (1929) 145 THE ANNALS (of the American Academy of Political and Social Science) 98 as an example of the problem of dealing with a family when the wage earner moves to another jurisdiction.

⁴⁰ Plant, *The Psychiatrist Views Children of Divorced Parents*, *supra* in this symposium p. 807.

⁴¹ Whitmire, *Maintenance on Appeal*, *supra* in this symposium p. 757.

the members of the family were made to feel that they are parts of a cooperative endeavor instead of antagonists in a legally regulated conflict their response in more cases would be helpful rather than competitive. It is a distinct loss to any community when non-legal sanctions such as conciliation, education, psychiatry are not used on difficult cases.

By accepting the principle of interprofessional cooperation the law should expect to gain rather than to lose prestige. Its orthodox sanctions may be held in reserve instead of employed as frequently as heretofore; but they should not be abolished. It is certainly in the public interest that courts, faced with domestic problems, should have available a battery of tools with which to attack the wide variety of situations. If one tool is not very effective it is to the credit of the worker that he takes another so that he may do the major job of solving the problem.

The client may not be as much interested in a friendly rivalry among the professions as he is in obtaining personal relief.

CONCLUSION

The burden of the present article has been along the following lines: The preceding articles contain intimations that the Legal Peg in the field of children of divorced parents does not fit too snugly into its social and economic hole. It is suggested that groups of qualified persons assume responsibility for further study and that their inquiries include three major questions:

What is the modern objective of a divorce proceeding and the ancillary actions dealing with the children of divorced parents?

How may the resources of other professional fields be made more readily available to persons suffering from some form of family dislocation?

If the law recognizes the contributions which may be made by these other professional fields to the solution of the problems of families before the court, what will be the future position of the law?

The present article suggests certain possible answers to these questions; but rather to stimulate discussion than to attempt to convince. In this respect the symposium becomes not merely a statement of the existing peg and hole but a point of departure for further study.