

Memorandum

Frank -  
BDR Memo  
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Research in the field of familial relations.

It is generally recognized that in law and in sociology the study of the family and the relationships revolving about the family is in a very backward condition. In sociology interest in the family has been focussed upon family difficulties such as divorce, child neglect and so on, and very little attention has been given to an objective study of the rights, obligations, privileges, duties and their concomitants such as we find in the studies by anthropologists of kinship relation and so on. We are more or less in the dark with respect to these subjects and the direction in which we are moving; for example, we know very little about the reciprocal effect of changes in family ties and in property holding, regulation of taxation of inheritance and a variety of similar topics.

In the law where these relationships are studied and the rights, obligations and duties of the several parties are adjudicated, the study of familial relations is in a highly unsatisfactory condition. There is needed the same revision or rearrangement of statement as has been undertaken in regard to the law of business relationships where the legal studies have been organized around the various activities and functions in business instead of being concerned solely with abstract concepts and deductions drawn therefrom.

The kind of study or research contemplated in this connection would be basic to a number of other enterprises, such as research in social science, the restatement of the law by the American Institute of Law with respect to the status of women and children,

the development of child protection agencies and methods and so on. It is fairly clear that many of the enterprises just named will prove more or less sterile if the studies of activities they envisage are conducted upon the basis of our present preconceptions and notions in this field.

It might be said that the study herein proposed would be in the nature of a reconnaissance in which an anthropologist and a lawyer, or a teacher of law, would together survey or study this field with a view to the statement of the problems. The fruits of their work would be of immediate value to the law schools and to those lawyers who are anxious to see the American Institute of Law approach their task more realistically and also would undoubtedly fix the attention of sociologists and others in the social sciences upon what would no doubt be more fruitful problems.

Such a project as this might be undertaken by organizing a small research committee of law school teachers who saw the problem, and one or two sociologists and anthropologists. This could be done at Columbia or at Chicago. The total cost of a one or two years study would be relatively small but the results would be far reaching and valuable.

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