

Washington University Law Review

Volume 15 | Issue 2

January 1930

Reviews of “Marriage and the State,” By Mary Richmond and Fred Hall; and “Marriage Laws and Decisions in the United States,” By Geoffrey May

Ralph F. Fuchs
Indiana University School of Law

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

Ralph F. Fuchs, *Reviews of “Marriage and the State,” By Mary Richmond and Fred Hall; and “Marriage Laws and Decisions in the United States,” By Geoffrey May*, 15 ST. LOUIS L. REV. 207 (1930).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol15/iss2/20

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

Book Reviews

MARRIAGE AND THE STATE, by *Mary E. Richmond and Fred S. Hall*. New York: Russell Sage Foundation, 1929. Pp. 395.

MARRIAGE LAWS AND DECISIONS IN THE UNITED STATES, by *Geoffrey May*. New York: Russell Sage Foundation, 1929. Pp. 477.

The Russell Sage Foundation has performed a genuine service in publishing these two companion volumes. Mr. May's manual will be an exceedingly useful reference work for lawyers, judges, social workers, and others who have frequent occasion to look up the marriage laws of the various states of the United States. The statutes and decisions of each state are digested separately under a uniform classification, whose main headings deal (1) with the issuance and form of marriage licenses, (2) with the solemnization of marriages, (3) with the record of marriages, (4) with the qualifications for marriage other than age and mental and physical capacity covered under the first heading, (5) with state supervision over local marriage officials, (6) with interstate relations or questions of conflict of laws, and (7) with sex offenses and marriage. The typographical scheme is good, and the references are made easily available. Mr. May has packed the results of exhaustive research into remarkably small space.

The volume by Miss Richmond and by Mr. Hall is a study of the actual administration of marriage laws in this country, based upon a large amount of field work in representative communities throughout the United States. The concern of the authors is with the correction of disorder and carelessness in the administration of the existing scheme of state control of marriage. The authors note in their introduction that their book is not for those who question the social value of monogamy. They might have gone farther and have said that it is not for those who have any doubt about the fundamentals of the present distribution of governmental power in the United States, for they reject Federal administration of marriage laws without real discussion and without evidence that such administration would not work vastly better than any scheme of improved state administration. Apparently it is their object to influence immediately the course of legislation, administration, and judicial decision without disturbing the preconceptions of those who have the legislating, administering and deciding to do.

Although the book is rambling in its organization and full of repetition, it provides interesting reading. The social situations presented are typical of everyday life, and the "marriage-market town," the "marrying parson," the "marrying justice," and the "child marriage" would even provide good material for newspaper discussion. The authors' chief concern is with closing the gap between the pretensions of the current system of the marriage laws and the actual results which it produces. Lax administration, to say nothing of deliberate evasion, bring about frequent marriages which

are contrary to accepted public policy and to the solemn enactments of the legislatures. Falsification by candidates for marriage goes largely unpunished and uncondemned. No pains are taken by any public agency to bring home to candidates for matrimony the requirements of the relation into which they wish to enter and the obligations which it entails. For these specific lapses the authors have specific remedies in the form of more explicit laws, of improved and centralized administration, of better trained officials, and of forms of marriage licenses and other documents which, if read, will bring to the attention of those to whom they are issued the precise demands of the law. Many of the authors' proposals have already been incorporated into the Uniform Marriage Act and the Uniform Marriage Evasion Act, but certain of them, such as those relating to the standards of clergymen and to the administrative organization of the marriage license departments of the states, fall in other fields.

Certainly no sane person can advocate a continuance of the present sloppy system of marriage law administration. All who are concerned with the problem are indebted to the authors for revealing just how bad the situation really is. The general adoption of their proposals would undoubtedly make for greater social well-being. If more fundamental inquiries and proposals seem to be called for, that, after all, is another matter.

RALPH F. FUCHS.

Washington University School of Law.