
Joanna L. Grossman and Lawrence M. Friedman,
*Inside the Castle: Law and the Family in 20th
Century America*

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Electronic version

URL: <https://journals.openedition.org/ejas/11148>

DOI: 10.4000/ejas.11148

ISSN: 1991-9336

Publisher

European Association for American Studies

Electronic reference

Anthony Santoro, "Joanna L. Grossman and Lawrence M. Friedman, *Inside the Castle: Law and the Family in 20th Century America*", *European journal of American studies* [Online], Book reviews, document 1, Online since 06 October 2015, connection on 31 August 2022. URL: <http://journals.openedition.org/ejas/11148> ; DOI: <https://doi.org/10.4000/ejas.11148>

This text was automatically generated on 31 August 2022.



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Princeton and Oxford: Princeton University Press, 2011. Pp. viii, 443. ISBN: 978-0-691-14982-0

- 1 On April 28, 2015, the United States Supreme Court heard oral argument in the case of *Obergefell v. Hodges*. *Obergefell* is a consolidation of cases from four states—*Tanco v. Haslam* (Tennessee), *DeBoer v. Snyder* (Michigan), *Bourke v. Beshear* (Kentucky), and the eponymous case (Ohio)—that deal with questions of whether states can refuse to recognize or perform same-sex marriages. If the Court decides as many commentators suggest it might, *Obergefell* may become the case that legalizes same-sex marriage across the country.

2 This would have seemed preposterous as recently as ten years ago. During the 2004 elections, eleven states had measures barring same-sex marriage on the ballot, and voters approved all eleven bans. To say that this is an issue on which public opinion has radically shifted is something of an understatement, and it goes to one of the core themes in Grossman and Friedman's book, that being the fluidity of family formation and recognition and the accompanying changes to the laws regulating families.

³ *Inside the Castle* surveys these laws over the twentieth century, following the ways in which changes in family life lead to changes in family law. The book is divided into four parts: "Tying the Knot: Marriage and Promises to Marry"; "Anything Goes: Love and Romance in a Permissive Age"; "When the Music Stops: Dissolving a Marriage and the Aftermath"; and "The Old and the New Generation." Expressly limiting their focus to middle-class families, thus omitting any meaningful consideration of the different social and legal dynamics of poorer families, Grossman and Friedman trace the development of family forms from greater to lesser restrictions on the ability of Americans to establish families as they see fit. The development of this greater freedom comes via the reduction of social stigma around particular family forms and sexual behaviors, the sexual revolution, and greater women's and children's rights, all contextualized with specific cases or incidents that caught the eyes of the media, legislators, and judges that ultimately drove many of the changes chronicled here.

⁴ The authors survey a wide array of topics within these four sections, including issues of breach of promise and "heart-balm" legislation in the early years of the century, cohabitation, common law and ceremonial marriage, gender equality movements, the impact of mobility on families, the sexual revolution, contraceptive and reproductive technologies, the rights of sperm and egg donors, divorce and its effects, and same-sex relationships. Grossman and Friedman also engage extensively with death and inheritance (ch. 11), an informative and illuminating examination of a complicated topic. Their illumination of the complex relationship between the federal government, the Constitution, and the states with regard to marriage laws, showing how and why the Constitution's "full faith and credit" clause has historically not been understood to encompass marriage will be helpful to interested readers in light of the current push toward the legalization of same-sex marriage across the country.

⁵ *Inside the Castle* is less a history and more a primer on family law, and changes in family law, since 1900. It excels in using examples derived from across the country, which has the dual benefit of condensing abstract notions into everyday impacts and showcasing the tremendous diversity and complexity inherent in American family law across the various jurisdictions. Eschewing a hard periodization in favor of following the emergence and development of roughly sequential issues, *Inside the Castle* nevertheless affords attentive readers the information necessary to understand these changes in rough periods progressively evolving as further social, legislative, and judicial developments jostle the unsettled mix yet further. That said, the authors pay scant attention to *Roe v. Wade*, a conspicuous absence in a book on this subject, and pay virtually no attention to single-parent families, an omission the more noticeable given the lack of attention paid to families below the middle class.

⁶ In the main, however, *Inside the Castle* is an informative, engaging book that provides a great deal of information about a highly complex subject and provides interested readers and students with a wealth of citations and information for further research on the many topics that it covers.

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