

SEX AND THE LAW, by Morris Ploscowe, with an introduction by Roscoe Pound, Prentice-Hall, Inc., New York, 1951, pp. ix, 310, \$3.95.

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One way of judging the value of a book is to determine who will read it and what service it will be to its readers. By this standard *Sex and the Law* has very limited value. It considers best seller, Sunday supplement topics, sex and crime; but is an objective, non-sensational treatment of these subjects. This means that it will not be widely read by the popular reading public. Nor will it be read by many lawyers because, as a dissertation on formal law, its coverage is sketchy with meager citations of cases and statutes. The treatment of sex crimes is a good, brief introduction to the subject, and merits attention by law students and novice prosecutors. *Sex and the Law* also is good background reading for the non-lawyers who work with problems of family discord and sex crime. These include clergymen, physicians, social workers, marriage counselors, sociologists, and criminologists.

Morris Ploscowe, the author of *Sex and the Law*, is a New York judge with some years of judicial experience in the fields about which he writes. Unfortunately he gives little attention to that which he is most qualified to discuss, namely, a first hand account of how family and sex crime laws are administered. His comments about how such laws work are summaries of observations made previously by respectable authorities. The book contains nothing new.

Judge Ploscowe discusses these topics in successive chapters: marriage; annulment; divorce; illegitimacy; fornication, adultery, and indecent exposure; rape; homosexuality, sodomy, and crimes against nature; psychopathic-sex-offender laws and crimes against children; prostitution; and marriage, sex crime, and social policy. Child custody, child support, alimony, and separation agreements are not treated but should be for more well-rounded coverage of divorce and annulment. Similarly, adoption laws and practices should be included to give a better picture of the illegitimacy problem.

In each chapter but the concluding one, the author gives a brief summary of the law on the particular topic covered, with comments about how the law is administered and what effect it has. He makes some suggestions for reform in the law and a few comments about changes in its enforcement.

His suggestions for marriage and family law reform include the abolition of common law marriage, more rigorous restrictions on marriages by minors and mental defectives, "adequate" waiting periods between marriage license applications and marriage ceremonies, and granting to illegitimate children the same rights in relation to their parents as legitimate children have.

Judge Ploscowe bemoans the fact that there is extensive fraud and perjury in annulment and divorce cases and that the law in these cases is frequently stretched to ridiculous extremes so that marriages may be ended legally. He fails to discuss the basic factors causing present-day divorce rates, but he does realize that there is no easy solution to the problem. He recommends that the law and the courts concern themselves more with the conservation of marriage and the stability of family life. More restrictions on getting married will help, he believes. So will the adoption of family courts along the lines urged by Judge Paul Alexander of Toledo, Ohio. Family court proposals involve a new approach by the courts in which, to quote from Judge Alexander: "Instead of looking only at the guilt of the defendant, it proposes to examine the whole marriage, endeavor to discover the basic causative factors, seek to rectify them, enlisting the aid of other sciences and disciplines and of all available community resources."

This family court proposal is currently a popular divorce reform suggestion. But *Sex and the Law* does not try to answer, in fact does not even raise, the tremendous problems of finance, personnel, and public relations that must be solved if family courts of the kind recommended by Judge Alexander are to be widely established.

The major suggestion that Judge Ploscowe makes for change in sex crime laws is that no sex acts be made criminal if they involve practices extensively engaged in or those that are performed in private and their prohibition cannot be enforced. He feels that dangerous sex acts involve violence, children and adolescents, prostitution, and those outrages on public decency performed in public. These should be prohibited by laws carrying severe penalties and vigorously and honestly enforced. Judge Ploscowe believes that existing psychopathic-sex-offender laws are failures because too broad and because of ineffective treatment facilities.

Sex and the Law is written in a simple, understandable style. Almost any appellate court in the United States could use Judge Ploscowe, if for no other reason than his ability to write clearly.