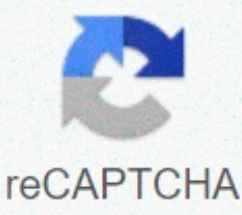




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## Nancy cott public vows summary

Cott, Nancy F., Public Vows: A History of Marriage and the Nation (Cambridge, MA: Harvard University Press, 2002). Nancy F. Cott is a distinguished historian, who holds the Jonathan Trumbull Chair of American History at Harvard University. She is also a strong supporter of gay marriage. The main theme of public votes: A history of marriage and the nation is that the arguments of tradition, which insist that marriage is limited to a man and a woman, cannot be against the argument of history - a story of change over time. She is an impressive variety of historical data to show that change, in accordance with the principle of equality at the heart of the American constitution, inevitably leads to recognizing equal rights to gay people's civil marriage. Professor Cott gave a virtual summary of his book as a witness in the Perry vs. Schwarzenegger suit in Northern California U.S. District Court, which challenged Proposition 8. In his testimony and his book, he sets out to show that from the beginning of the North American settlement by English settlers, lawmakers determined that marriage was a civil thing, because it dealt with property matters. Although most settlers remained ideal of Christian monogamy, colonial lawmakers rejected religious authority over marriage. The state recognized marriages made in a religious setting, but no legality was granted apart from the state. It was the state that established the terms of marriage, including who has the right to marry. Chapter 1, entitled An Archaeology of American Monogamy, sums up Christian monogamy as a result of learned knowledge that considered monogamy a God-given practice but also a civilized practice, a natural right that was derived from an underground basis in natural law (p. 9). This is the extent to which he agrees on any value to the Judeo-Christian tradition about marriage, which was worked out not only in a few centuries, but millennia. Cott dismisses the salility of this view among settlers, as far as it is regarded as a result of mere common sense. He cites Clifford Geertz's definition of common sense as what the pressupposition-filled mind concludes. Cott further states that lifelong monogamous marriage is a minority view and practice among the world's cultures. (She might as well point out, but not, that no culture has ever supported gay marriage.) However, there is one element of Christian marriage that he recognizes as crucial to his argument for same sex marriage: mutual consent. She strongly shows how closely tied were views on mutual consent between husband and wife and at the heart of a democratic controversy. Regardless of whether Christians in the U.S. lived through their marital consent in an agreed manner, it was the contractual consent advocated by John Locke and other Enlightenment theorists that most profoundly influenced American Americans In later chapters Cott shows how this worked to the detriment of Christian marriage. However, the emphasis on consent had a major influence on the abolition of slavery and restoring the right of free slaves to marry - even if achieving these goals also required a dedication to the Christian view of equality in God's image. Much of the remaining public votes detail, on the one hand, the institution of laws both to criminalize interracial marriage and later to abrogate them. Cott observes that the English colonies stand out as the first secular authorities to annul and criminalize intermarriage marriages on the basis of designations of race or color (p. 41). On the other hand, it details, in the name of increased voluntary consent, the loosening of the marriage bond to give greater access to divorce and alternative sexual lifestyles such as cohabitation. Monogamy had been the dividing line between sexual morality and immorality in law for hundreds of years (p. 196). In the mid-20th century, freedom, privacy, consent and freedom became the hallmarks of marriage. These developments were greatly accelerated by Supreme Court decisions that expand access to contraception and abortion. As the court stated in Eisenstadt vs Baird, The Marriage Couple is not an independent entity with a mind and heart of its own, but an association of two individuals each with separate intellectual and emotional makeup (p. 199). Cott addresses another important issue in the history of modern marriage: the growing independence of women from what is called cover-up, whereby the woman is seen as primarily an appendix to her husband and not an issue in her own right capable of keeping property on her behalf. The final chapter, Marriage Revisited and Revised, shows how women endorsed the contractual nature of marriage as a way to restructure it to get rid of inequalities built in cover-up. Again Eisenstadt vs Baird was instrumental. In accordance with her equal protection argument under the law, the marriage law no longer gave the wife body possession to her husband (p. 211). At this point Cott talks about a particular model of marriage as finally unstable. This model, in fact, completely ignores the body of both the husband and the wife. In Christian marriage, the man and woman together pledge total, mutual exclusive consent to each other. This mutual surrender includes gift and acceptance of fertility and acts to be ordered into procreation. Only if women are accepted in the pleor of their personality as a woman, and man as a man, can there be true equality, leading to communion. The false confiscated in contraceptive acts, which can initially flow from an act of colorful consent for self-interest, it actually turns out that the woman becomes an object of pleasure rather a gift in the relationship. When the reality of the gender body is ignored, any self-interest pleasure relationship can be justified. With marriage outside its traditional covenant content, why, asks Cott, does its appeal still persist? In his opinion, The resilience of belief in legal marriage as the destination of a love party and as a safe haven asks for explanation, even when hyperbole about love seems to demand none (p. 225). It is in this social affair to cling to the superiority of legal marriage over comparable relationships, and the privileged status agreed by the government, that Cott sees the basis of calls to legalize same-sex marriage. While she claims (with approval) that procreation never entered the legal definition of marriage, she might wonder if the gender body does not, in fact, play a pivotal role in man and woman's ordinary view of marriage, and might be preferable to a radically dualistic restructuring of today's marriage. Through his meticulous scholarship - whether one agrees with his views or not - in public votes: A history of marriage and the nation Nancy Cott has provided an invaluable resource for anyone who wants to learn about the development of marriage law in America. Journal of the History of Sexuality 11.3 (2002)

498-501 [Article of access in PDF] Public votes: A history of marriage and the nation. By NANCY COTT. Cambridge, MA: Harvard University Press, 2001. Modify your web backup \$29.95 (canvas); \$15.95 (paper). Nancy Cott's subtitle, A History of Marriage and the Nation, should be taken seriously. Her overview of marriage in the United States from the revolutionary era [End Page 498] to the present day focuses on marriage understood as a public institution and its regulation by state law and federal law and politics. It incorporates in a fluid set a surprisingly wide range of specialized topics, ranging from the doctrine of English common law and self-made marriages on the 19th-century mobile border to federal tax law, immigration policy, and the old reaction. The transitions that unite these and other potentially disparate topics are so fluid and seemingly effortless that non-specialists may not fully appreciate Cott's impressive narrative achievement. The book will be an indispensable reading for all those who want a professionally reliable and up-to-date view of the history of marriage and public policy. Several important issues sustain the book's strong narrative drive. The most general thing, perhaps, is that the law is formative. The book traces a tension between the belief that marriage law only affirmed an institution divinely or naturally sanctioned and the view that marriage is conventional, a political creation defined by positive acts of law and those who make the law (54). In the 19th century, the idea that the law created instead simply ratified the marriage was an intermittent and uncomfortable perception. He was overwhelmed by lawmakers' widespread ideological commitment to the Christian model of monogamous marriage as the natural center of social life and an index of civic-mindedness and freedom progress. Cott herself is heir to the now most prominent, but in no way universally considers marriage to be the creature of legal and social convention. As an authorized language with the power to shape institutional outcomes, the law is also, Cott argues, formative in a related sense. Through it public authorities model individual subjectivity by defining, as Cott says, the realm of cognitive possibility for individuals (8). A second, closely related issue is that marriage law and politics confer distinctive legal privileges that define access to full citizenship and adult legal personality along racial and gender lines. The long history of limitations on the civil, political and real estate rights of wives, which Cott studies with his usual lucidity, is perhaps the most obvious illustration. But he also examines under this rubric the main federal policies of the 19th century on former slaves, Indians, Mormons and immigrants. These policies used conformity with the Christian monogamous marriage model as a litmus test to distinguish who was potentially eligible for citizenship and federal protection and who was not. Similarly, self-made marriages and divorces made of ex-slaves and the practice of polygamy and serial marriage by Indians and Mormons were relentlessly attacked as signs of backwardness or moral corruption. The same ideological investments that associated Christian monogamy with racial superiority also reinforced male definitions of citizenship and female dependence within marriage. For example, [End Page 499] immigration law for a long period held (with a few important exceptions) that a male citizen's foreign wife was eligible for citizenship even when she did not qualify independently. However, a woman born in the United States did not reciprocally confer citizenship on her foreign husband; In fact, he generally took his nationality. The active citizen was implicitly a man and preferably one in possession of a woman. Finally, marriage laws have historically withheld and continue to retain the right to marry and the legal privileges associated with marriage of entire classes of people: slaves, interracial couples and gay couples. The theme of standardization also gives the narrative impetus and unity of the book. Cott argues that marital practices and the law were slowly standardized during the 19th and early 19th centuries XX for various reasons. First, states began to take legal cognition... Cognition... Cognition...

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