

A lot of feminist writing in Euro-feminist tradition as conceived of marriage as bondage, patriarchal institution. In 2004, marriage was a radical right.

Reading Guidelines

- read strategically: we've given you the ideal, in-depth list that really covers an individual issue
- don't start on page 1 and read through page by page
 - o look through books, find what's interesting to you and what you can connect to other things you're reading
- make sure you're on top of reading in terms of knowing contours and have really dug down and focused in a couple of places in the reading assignment

Discussion Leaders

- figure out trajectory you'd think would work well for class
- write out questions
- when you come to class, you want to be able to give everyone a sense of the background, how readings fit together
- take notes to get a full sense of what happens during the discussion
 - o email a brief paper to the rest of the class summarizing what happened
 - o if we read that over on Monday as well as doing hw for Tuesday, we should come to class with a very strong sense of where we are where we're going
- whatever style works well for you and can get others interested in discussing the readings
 - o we can specify pages in books
 - o bullet points, questions
 - questions just can't be rhetorical; should be about something you find interesting or weird
 - don't write a long paper to read in class; doesn't spark discussion
- professor is associated with certain readings
 - o ask them if you have questions

Final Paper

- due one week after the last class by email

Why starting with these readings

- Lawrence v. Texas (2004) decision legalized homosexuality
 - o had only become federally illegal in Bowers vs. Hardwick (1986)
 - o Lawrence v. Texas was based on history of early America
 - amicus curiae + decision brief assigned, both of which talk about sex in early America
 - Richard Godbeer is key; looks at a lot of cases tried in early MA about sexual misconduct and he makes some really surprising discoveries
 - Puritans weren't as puritanical as we expect

Renee Bergland, Leonard Buckle, and Suzanne Buckle, course materials for WGS.640 Studies in Women's Life Narratives: Interrogating Marriage: Case Studies in American Law and Culture, Fall 2007. MIT OpenCourseWare (<http://ocw.mit.edu/>), Massachusetts Institute of Technology. Downloaded on [DD Month YYYY].

- when Puritans were legislating about sex, they were making court decisions to avoid exploitation
- they wrote a lot about sex
- early American legislation was important to legislation of 21st century
- 1986 assumption that homosexuality was always frowned upon was deeply flawed

Working toward same-sex marriage

- readings build that way
- focus on cross/inter-racial marriage
 - 19th century version of same-sex marriage today

Buckles

- acknowledge that there is not total truth
 - people who study human behavior cluster around their methodologies
- interdisciplinary study of social institutions and the law
 - formal law, informal law, "self-help justice"
 - how the law is constructed by the society in which it resides

RIGHTS

- what flows through course: marriage is seen as society as being paradigmatic as way of life and moral order
 - what is considered moral in various stages of our history: edifying!
- shift we see in marriage is the shift toward being one of the rights that people have
 - huge shift: for a long time it was an obligation
 - writing/scholarship/attitudes changed as marriage morphed for some, but not all
 - marriage now has that history as an enforced, obligatory duty as well as a new rhetoric as being a right
- the idea of marriage doesn't simply change: the old conception is still there with additional layers of meaning added
- the notion of marriage being a right is key to marriage but also philosophically something worth asking questions about
 - what does it mean to have a right?
 - e.g. right to marry or privacy

Notes on some of the authors

- Cott = cultural history of US
- Hertog = law historian, focus on man/wife in America in ways v. different from Cott, also concerned with divorce
- Rosenfeld = deals with theme of course in broad way
- Chauncy = most creative

Film: *Happily Ever After*

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