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

• 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
  o 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
  o 19th century version of same-sex marriage today

**Buckles**
- acknowledge that there is not total truth
  o people who study human behavior cluster around their methodologies
- interdisciplinary study of social institutions and the law
  o formal law, informal law, “self-help justice”
  o 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
  o 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
  o huge shift: for a long time it was an obligation
  o 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
  o 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*
