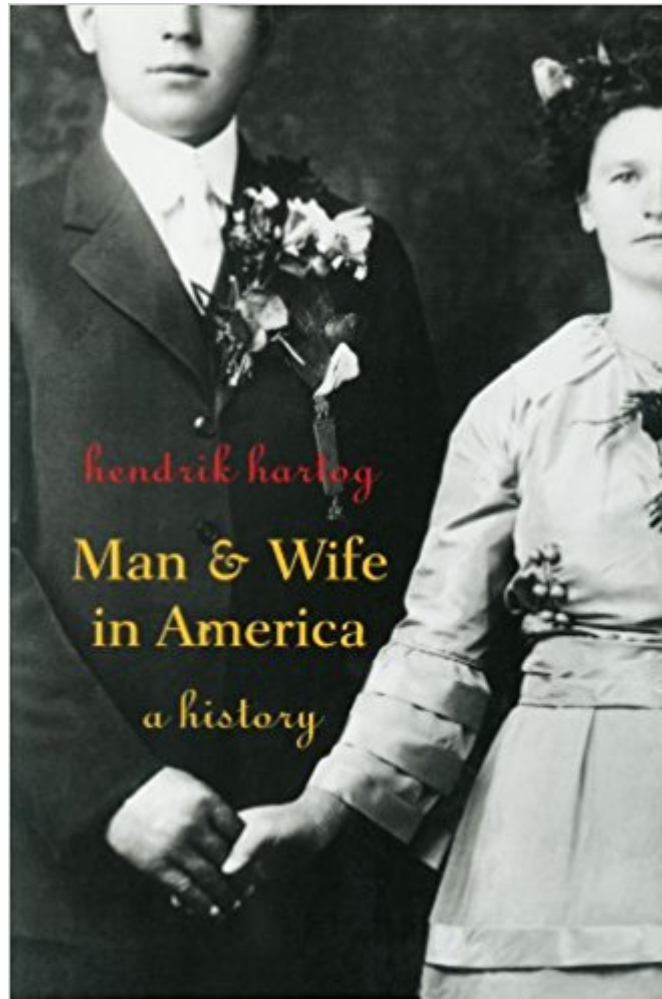




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Man And Wife In America: A History



Synopsis

In nineteenth-century America, the law insisted that marriage was a permanent relationship defined by the husband's authority and the wife's dependence. Yet at the same time the law created the means to escape that relationship. How was this possible? And how did wives and husbands experience marriage within that legal regime? These are the complexities that Hendrik Hartog plumbs in a study of the powers of law and its limits. Exploring a century and a half of marriage through stories of struggle and conflict mined from case records, Hartog shatters the myth of a golden age of stable marriage. He describes the myriad ways the law shaped and defined marital relations and spousal identities, and how individuals manipulated and reshaped the rules of the American states to fit their needs. We witness a compelling cast of characters: wives who attempted to leave abusive husbands, women who manipulated their marital status for personal advantage, accidental and intentional bigamists, men who killed their wives' lovers, couples who insisted on divorce in a legal culture that denied them that right. As we watch and listen to these men and women, enmeshed in law and escaping from marriages, we catch reflected images both of ourselves and our parents, of our desires and our anxieties about marriage. Hartog shows how our own conflicts and confusions about marital roles and identities are rooted in the history of marriage and the legal struggles that defined and transformed it.

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Customer Reviews

When spouses went to court in 19th-century America, the courts were not, as some would have it, instruments of a hegemonic "covert political theory." Instead, according to Princeton's Hartog, judges improvised with the materials of law to address the conflicts of particular husbands and

wives separated or at odds thanks to "strangers, seductions, abuse, and neglect." As society changed, so did the law, and the concept of coverture, whereby a wife's legal identity was "covered over" by that of her husband, gave way to a more expansive view of a woman's rights. Mining more than a century of case records, Hartog (*Public Property and Private Power*) has written a book that will be an essential purchase for upper-level academic collections in legal or gender history.-Robert F. Nardini, Chichester, NH Copyright 2000 Reed Business Information, Inc. --This text refers to an out of print or unavailable edition of this title.

Hartog, a history and law professor, examines the most basic social institution from a legal standpoint. He reviews important, precedent-setting cases that have formed American law on marriage and also examines the social context that produced the laws. Marital law has been set primarily by the states, influenced by custom and religion, and, during the period of territorial expansion, attracting population. California's community property law, for example, started as an effort to attract white women out west during the gold rush period when women were scarce. Hartog examines periods when women and children were considered the property of the husband, when a man could blithely move from state to state and remarry with little legal consequence because the wife was subject to the law where the husband resided, not where she herself resided. Hartog charts the changes in law from the time when a woman's legal identity derived from her husband to no-fault divorces and economic and social (e.g., feminism) trends in this interesting look at the legal institution of marriage. Vanessa Bush --This text refers to an out of print or unavailable edition of this title.

One of my go-to reference books. I portray Mamah Bouton Borthwick, the woman for whom Frank Lloyd Wright left his family. This book has for years been a source of explanations for my audiences. The way it expertly spells out the evolution of the laws in the various American states is unsurpassed. A first rate reference!Ellie Presents in Chicago

With numerous deftly chosen stories of husbands and wives and their contact and experience of the law from the Colonial Era to the present, Hartog describes the slow development of our modern conception of individual rights. This is for the most part the story of wives' evolution from the state of coverture (where the husband was sovereign) to that of an equal partnership of two individuals. Along the way, Hartog develops some striking insights such as his conception of frontier states competing in a "divorce market" for divorcing couples in order to draw potential settlers to their

states. Other states, such as California, wrote liberal laws that promised equal treatment for wives as a way to entice women settlers to there -- a kind of rights marketplace. His great achievement is to evoke over the course of U.S. history, the changing expectations and the responsibilities of husbands and wives as to what constitutes a proper marriage. At the same time, he discusses societal ideals embedded in the law, and the pragmatic judges who refashioned those ideals to better reflect the evolving relationships of husbands and wives. He shows that the institution of marriage, ostensibly the most intimate and private and natural of all personal relationships, has close and obtrusive links to conceptions of public governance and individual rights. Too, he shows that the two "institutions," which seem so different from one another -- marriage, (private and personal), as compared to the state (public and bureaucratic) -- modify and reinforce each other through the agency of the judiciary. Thoughtful, illuminating, substantial, this is a long pleasant walk through the past with a very engaging, studious and knowledgeable, but never pedantic, friend.

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