

STATE OF NEW HAMPSHIRE

SB 427 STUDY COMMISSION
TO STUDY ALL ASPECTS OF SAME SEX CIVIL MARRIAGE
AND THE LEGAL EQUIVALENTS THEREOF,
WHETHER REFERRED TO AS CIVIL UNIONS,
DOMESTIC PARTNERSHIPS, OR OTHERWISE

Testimony of Nancy Cott

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September 19, 2005

My name is Nancy Cott. I am the Jonathan Trumbull Professor of American History at Harvard University, and Pforzheimer Foundation Director of the Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study. Since receiving my Ph.D. in History of American Civilization from Brandeis University in 1974, I have taught history, principally at Yale University, where I was a professor for twenty-six years before moving to Harvard in 2002. I teach graduate students and undergraduates, and my field is American social history and the history of the family. My curriculum vitae, which lists my extensive publications, educational background, and professional experience, will be shared with you at the conclusion of my testimony. See Exhibit A (Curriculum Vitae).

One of my areas of expertise is in the history of marriage. I have written a book on the history of marriage in America, entitled *Public Vows: A History of Marriage and*

the Nation (Harvard Univ. Press, 2000).¹ I spent over ten years researching and writing *Public Vows*, which discusses marriage as a public institution in our society.

I appreciate the opportunity to speak with you as an expert on the history of marriage in the United States. I want to make three major points today. First, marriage is a unique institution in our society that has no parallel. Second, marriage in the United States has historically been a civil matter, controlled and authorized by state officials and distinct from religious rites performed within the confines of a religious community. Third, the institution of marriage has undergone a lengthy process of change in which its character and requirements have responded to evolving social, cultural, and economic conditions. The inclusion of same-sex couples within this institution would continue the historic process of adaptation to social change.

I. Marriage Is Unique In Our Society.

Having spent many years researching marriage, including its history, its rights and obligations, and its social meaning, I have concluded that there is nothing that has all the same obligations, rights and benefits as marriage but marriage itself. Many benefits and obligations are linked to marriage in the United States, including immigration and citizenship, tax policy preferences, and property rules.

However, marriage is not just a bundle of rights. Legal marriage is, and has been for hundreds of years, a privileged status. My years of research have led me to conclude that the title of “marriage” brings with it not only legal rights and obligations, but also a special status. Being married reflects not only personal choice, but also one’s status in

¹ As noted on my attached curriculum vitae, I have written six other published books as well, including The Bonds of Womanhood (Yale U. Press, 1977); The Grounding of Modern Feminism (Yale U. Press, 1987), A Woman Making History: Mary Ritter Beard through her Letters (Yale U. Press, 1991).

the community and in society. This special status exists in large part because marriage has been authorized by state governments and encouraged by the federal government for so many years. Marriage has an attribute of legitimacy that has been earned through many years of validation and institutionalization by governments and society. The idea that marriage is the happy ending, the ultimate reward and a definitive expression of love and commitment is deeply ingrained in our society-- reflected in and perpetuated through law, custom, song and story.

II. Marriage is a Legal Status Created by the State: Historical Background.

Although marriage is often thought of as a religious institution, in fact, marriage in the United States has always been authorized by civil law. To be sure, marriage is invested with religious significance for many Americans. Though religious bodies may wish to impose their views of what marriage is and should be on the broader society, marriage in the United States has always been a legal status, an institution authorized by civil law and controlled by state authorities to serve the purposes of civil society.

Marriage developed this way in the United States for a number of historical reasons, including England's break from the Catholic Church preceding British colonization of North America. Between 1500 and 1800 there was a great deal of conflict between church and state in European monarchies -- over the power to control marriage as well as other things. In Protestant monarchies such as Britain, the king (or the civil power) took control. Also, the colonists who came to America followed a number of different religions. The great majority of colonists believed in basic tenets of Christian marriage, but they did not all share the same religious traditions, nor did the Church of England succeed in establishing ecclesiastical control over marriage in

America such as it had in England. The United States developed into a nation of religious pluralism and religious toleration—and established secular control over the making and breaking of marriages.

All nations in which representative democracy and religious toleration came into existence eventually instituted civil marriage, because it is the one form that does not place a sectarian requirement on individuals who wish to marry. The United States, Protestant-dominated and a representative democracy at its very founding, has always had a tradition and practice of civil authority over marriage.

New Hampshire is no different. New Hampshire establishes the status of marriage through the issuance of a license, which must precede the marriage ceremony. Once solemnized by an authorized civil or religious official, civil marriage is a status that is recognized legally, socially, and politically, regardless of the couple's religious background. Civil marriage binds the couple in a legal relationship affirmatively encouraged by the state through the bundling of the legal status with a myriad of rights, protections and obligations. These protections and obligations arise whether or not any clerical representative or religious body has sanctioned the union.

The tradition of civil marriage as practiced in New Hampshire does not impair the religious autonomy of any church or religious tradition, nor its freedom to perform supplementary faith-based wedding ceremonies. Such ceremonies are regulated entirely by and within each religious community's system of beliefs. When religious rites join couples in a union, this in itself does not confer the legal status of marriage, nor give rise to any rights or obligations apart from those dictated by faith or religious and cultural tradition within the religious community. In keeping with the traditions of their faith,

religious leaders may pass judgment upon the suitability of potential couples for religious unions. They are not compelled to accept the state's definition of civil marriage, and indeed, many religious institutions do not accept it. In fact, many religious definitions of marriage are more restrictive than the state's definition, for example, rejecting interfaith marriages or re-marriages after divorce. Still others are more inclusive than New Hampshire's present definition, blessing the unions of committed same-sex couples.

III. The Evolution Of Marriage.

Marriage in the United States has been a flexible rather than a static or immutable institution. As with other successful civil institutions, marriage has evolved over time to reflect changes in society at large. These changes were necessary to preserve the value and relevance of marriage in our dynamic society. Of course, this does not mean that changes in marriage were always readily welcomed or that they were not difficult for some people to accept. Indeed, many features of modern marriage, which we today take for granted, were very much resisted as they were coming into being, and were viewed by opponents as threatening to destroy the institution of marriage itself.

Marriage has changed in many ways. I now turn to three specific ways in which marriage has changed over time, and which I believe exemplify the extent to which marriage has been resilient, absorbing change when necessary to reflect and embody societal norms: (a) women's status within marriage; (b) racial regulation of marriage; and (c) divorce.

A. The Status of Women in Marriage.

Since our country's founding, marriage laws have undergone many changes to reflect changing societal views about the status and equality of women. Traditionally,

marriage law was based on the legal fiction that married couples were a single entity, with the husband serving as the legal, economic and political representative of that unit. This doctrine of marital unity was called coverture. Under the oldest formulations of the coverture doctrine, for example, husbands and wives could not enter into enforceable agreements between themselves, because the wife had no separate legal existence. According to law, married women could not own or dispose of property, earn money, or sue or be sued in their own name. This legal regime reflected society's view of the marital couple as a unit naturally headed by the husband, a view that, in turn, reflected society's views about the proper role of men and women in society. However, during the 1800s, with women increasingly making their own voices heard and needing to earn wages, the notion that married women had no legal individuality apart from their husbands began to clash with the realities of the developing society. Rather than view marriage as immutable in definition, courts and legislatures altered marriage rules to take account of spouses' actual relationships with each other and society. Coverture, which had for hundreds of years been understood as basic and essential to marriage, was eliminated.

The rule of coverture was rejected by the New Hampshire legislature as early as 1846 (Acts 1846, c. 347, 1846 Comp St. ch. 158, sec. 15; Laws, June session, 1846, p. 308), with the first married women's property act. This had the effect of recognizing married women as legal and economic individuals. Such a breakdown of the legal and popular doctrine of marital unity-- the idea that the husband and wife were one-- was seen by opponents as causing an absolute revolution in marriage. Nonetheless, by 1890, the New Hampshire high court asserted that "it is not open to question that the tendency

of legislation in this state for many years has been to put the husband and wife upon an exact equality before the law.” *Seaver v. Adams*, 66 N.H. 142, 19 A. 776 (1890).

Despite these changes in New Hampshire and elsewhere, marriage laws continued to reflect preconceived notions about gender roles and the inequality of the sexes well into the twentieth century. New Hampshire enacted subsequent equalizing provisions for many decades, in order to perfect the end of coverture, and to enable marriage laws to reflect the modern view of marriage as an arrangement between two equal and consenting parties.

B. Racial Regulation in Marriage.

Laws governing interracial marriage and marriage by racial minorities also have undergone fundamental changes since the colonial era, reflecting society’s changing views on racial equality and individual rights. Before the emancipation of slaves in the United States, slaves could not legally marry. Although slaves often formed lasting unions and family units, which some slave holders encouraged when it served their interests, slaves could not marry because they lacked all civil rights and did not have the legal capacity to consent. This is one of the reasons that after emancipation, slaves flocked to get married legally. They saw marriage as an expression of their civil rights; now being individuals in the eyes of the law, they could consent and therefore could enter into legal marriage.

But even after emancipation, most states still had laws prohibiting marriage between a white person and a person who was defined as a Negro or mulatto. New Hampshire was unusual in never having such a law—for these laws were widespread, existing in forty-one states or territories for some time in their histories. In addition to

laws preventing white people from marrying either Negroes and mulattos, some states also had laws about criminalizing marriages between white people and Native Americans, or, in some Western states, Asians of certain descriptions. These laws were justified on several grounds, but were usually said to enact what nature or God dictated and to prevent “corruption” of the institution of marriage.

The authorities who passed these laws considered restrictions on interracial marriages to be not only correct but also an intrinsic part of marriage law. However, over time, these laws were deemed to be based on invalid cultural stereotypes and inconsistent with the equal rights of non-whites. In addition, laws restricting interracial marriage were seen as antithetical to the concept of marriage as founded on consent and choice. The right to marry was determined to be a fundamental civil right. *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 541 (1942). California was the first state to find that restrictions on interracial marriages were unconstitutional. In 1948, the California Supreme Court recognized that the right to marry is a “fundamental right” that is ““essential to the orderly pursuit of happiness by free men,”” *Perez v. Sharp*, 32 Cal. 2d 711, 714 (1948), and therefore struck down that state’s legislation banning interracial marriage. The *Perez* case sparked debate in other states about whether marriage laws should be changed to reflect society’s evolving views about racial equality. Eventually, in 1967, the U.S. Supreme Court struck down all laws banning interracial marriage in *Loving v. Virginia*, 388 U.S. 1 (1967). Today, virtually no one questions the legal right of individuals of different races to marry.

As in the case of laws regulating the status of women in marriage, laws concerning interracial marriage changed over time to reflect the society’s eventual

recognition of racial equality. In 1967, the Supreme Court decision overturned a custom and legal practice in marriage that had been in place for three centuries, since its origin in the American colonies. Affirming that freedom of choice of one's partner was basic to the civil right to marry, the Court strengthened and validated the institution of marriage within society.

C. Divorce.

The laws regulating divorce also have evolved to reflect society's views about equality of the sexes and about marriage as an embodiment of choice and consent. Divorce is now so frequent that lifelong marriage is more of an abstract ideal than a majority practice. But the expansion of grounds for divorce was hotly debated all through the nineteenth century. Critics viewed divorce as anathema to the institution of marriage, and major religions opposed divorce entirely or accepted only adultery as justification for divorce. Proponents of legal modes of divorce did not intend to undermine marriage, but rather sought to preserve and protect it by establishing rules designed to ensure that people did what they were supposed to do in a marriage, *i.e.*, that they fulfilled the obligations that society expected of a husband or wife. Proponents also wanted to provide a vehicle for legal separations, rather than countenance informal desertions and marital breakups that occurred in the absence of divorce laws.

The justification for divorce in the United States lay in the Protestant belief that marriage was a civil matter joined by consent, or in other words, a contract. Some Protestant leaders as early as the sixteenth century believed that if one party in marriage was not observing the contractual obligations, the contract ought to be able to be terminated. Most American states allowed divorce soon after the American Revolution. Divorce

originally was an adversarial proceeding, which recognized that state authorities had set the terms of valid marriage. To obtain divorce one spouse had to show in court that the other spouse, the guilty party, had broken the terms the state set -- by deserting, for instance, or failing to provide, or committing adultery. Divorce grounds expanded gradually, as states recognized that people were breaking up their marriages for many reasons: states wanted to set the terms of separation to make things more orderly and to have some control over post-divorce support obligations.

Divorce became more common during the twentieth century. Since it had to be conducted as an adversarial proceeding, some spouses whose marriages had simply broken down on both sides began colluding to make it look as if the requisite conditions had been met. The move to “no-fault” divorce in the 1960s and 1970s intended to bring the law into synch with what was happening in practice. With no-fault divorce, the couple gets to say what the reasons are that the marriage ought to end. This approach was quickly embraced as a way to deal honestly with marital breakdown. By 1977, all but three U.S. states had adopted some form of no-fault divorce, reflecting society’s ascendant view that spouses themselves should judge how adequately they were fulfilling their marital roles. This represented a vast change from the nineteenth century view, in which the state’s requirements were the determinant in the question whether a marriage might end. The state now leaves it up to the spouses whether they want the marriage to continue. Notably, the state is still involved in approving the separation terms and making sure that children, especially, will still have means of support.

IV. CONCLUSION

Many of the things that seemed self-evident about marriage in 1850 no longer seemed so in 1950; those that seemed self-evident in 1905 do not seem so in 2005. The institutions that really stay with us, like the Constitution of the United States, do so only because they change. Keeping something in a rigid form does not prove to be the best way to make it last. The institution of marriage has absorbed many changes and proved extremely resilient, which shows that it is something people do want to continue to honor and keep. The fact that marriage remains a vital and relevant institution is a tribute to the law's ability to accommodate changing values. Marriage has evolved into a civil institution through which the state formally recognizes and ennobles individuals' choices to enter into long-term, committed, intimate relationships. These relationships are founded on the free choice of the parties and their continuing mutual consent to stay together. Marriage has come to represent a zone of personal freedom and personal choice. New Hampshire marriage law bundles social rewards and legal obligations to encourage parties to choose committed relations over transient ones. Permitting same-sex couples to marry would serve to advance this traditional aim. If anything, allowing same-sex couples to marry should strengthen marriage by showing that individuals who have previously not been able to marry also place high value on the institution. In every way except the difference of sex, marriages of same-sex couples reiterate the traditional values of monogamy. It may be that this change—the extension of marriage to same-sex couples—is actually positive for the continuation of the marriage institution.

I appreciate the opportunity to speak with you today and thank you for listening to a historian's perspective on the evolving nature of civil marriage.

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Ph.D. 1974, in History of American Civilization, Brandeis University.

M.A. 1969, in History of American Civilization, Brandeis University.

B.A. 1967, magna cum laude in History, Cornell University.

TEACHING APPOINTMENTS:

Harvard University: Professor of History and Pforzheimer Foundation Director of the Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study, 2002—

Centre d'etudes nord-americaines, Ecole des Hautes Etudes en Sciences Sociales, Paris: French-

American Foundation Chair, 2003-04.

Yale University: Assistant Professor of History and American Studies, 1975-79; Associate

Professor, 1979-86; Professor, 1986-90; Chair of Women's Studies Program, 1980-1987, 1992-93;

Chair of American Studies Program, 1994-97; Stanley Woodward Professor of History and

American Studies, 1990--2000; William Clyde DeVane Professor, spring 1998; Sterling Professor of History and American Studies, 2001.

Boston Public Library, NEH Learning Library Program, Lecturer, 1975.

Wellesley College: Instructor of History, part-time, 1973-74.

Clark University: Instructor of History, part-time, 1972.

Wheaton College: Instructor of History, part-time, 1971.

HONORS, FELLOWSHIPS AND GRANTS:

Fulbright Lectureship Grant (Japan-U.S. Educational Commission), July 2001.
 Center for Advanced Study in the Behavioral Sciences, Stanford CA, 1998-99.
 Radcliffe College Alumnae Association Graduate Society Medal, 1997.
 Visiting Research Scholar, Schlesinger Library, Radcliffe College, 1991, 1997.
 National Endowment for the Humanities Fellowship, 1993-94.
 Liberal Arts Fellowship in Law, Harvard Law School, 1993-94, 1978-79.
 A. Whitney Griswold grant (Yale Univ.), 1984, 1987, 1988, 1991, 1993, 2000.
 American Council of Learned Societies Grant-in-Aid, 1988.
 Charles Warren Center Fellowship, Harvard University, 1985.
 John Simon Guggenheim Memorial Foundation Fellowship, 1985.
 Fellow, Whitney Humanities Center, Yale University, 1983-84, 1987.
 Radcliffe Research Scholarship, Spring 1982.
 Rockefeller Foundation Humanities Fellowship, 1978-79.
 Phi Beta Kappa, 1966; Phi Kappa Phi, 1967.

PUBLICATIONS: BOOKS

Public Vows: A History of Marriage and the Nation (Harvard U. Press, 2000).
No Small Courage: A History of Women in the United States, editor (Oxford U. Press, 2000).
Root of Bitterness: Documents of the Social History of American Women, revised edition,
 coeditor with Jeanne Boydston, Ann Braude, Lori D. Ginzberg, and Molly Ladd-Taylor, Northeastern U. Press, 1996)
A Woman Making History: Mary Ritter Beard Through Her Letters (Yale U. Press, 1991).
The Grounding of Modern Feminism (Yale U. Press., 1987).
A Heritage of Her Own: Towards a New Social History of American Women, coeditor with E. H. Pleck (Simon & Schuster, 1979).
The Bonds of Womanhood: 'Woman's Sphere' in New England, 1780-1835 (Yale U. Press, 1977; 2d ed. with new preface, 1997).
Root of Bitterness: Documents of the Social History of American Women (E.P.Dutton, 1972)

PUBLICATIONS: ARTICLES

"The Public Stake," in Just Marriage, Mary Lynn Shanley et al., (NY, Oxford U Press, 2004), 33-36.
 "Public Emblem, Private Realm: Family and Polity in the United States," in Democratic Vistas ed. Anthony Kronman, (New Haven, Yale U. Press, 2004).
 "Women's Rights Talk," American Studies in Scandinavia 32:2 (2000), 18-29.
 "Marriage and Women's Citizenship in the United States, 1830-1934," American Historical Review 103:5 (Dec. 1998), 1440-74.

"Justice for All? Marriage and Deprivation of Citizenship in the United States," in Justice and

Injustice, Amherst Series in Law, Jurisprudence & Social Thought, ed. Austin Sarat (Ann Arbor, U. Michigan Press, 1996).

"'Giving Character to Our Whole Civil Polity': Marriage and State Authority in the Late Nineteenth Century," in U.S. History as Women's History, ed. Linda Kerber et al.

(Chapel Hill, U. N.C. Press, 1995).

"Early Twentieth-Century Feminism in Political Context: A Comparative Look at Germany and

the United States," in Suffrage & Beyond, ed. Caroline Daley and Melanie Nolan (Auckland, NZ, Auckland U.P., 1994).

"The Modern Woman of the 1920s, American Style," in La Storia Delle Donne, vol. V, Françoise

Thebaud, ed., G. Laterza & Figli (Italy), 1992 (also published in French, Dutch, Spanish and American editions).

"Two Beards: Coauthorship and the Concept of Civilization," American Quarterly, 42:2

(June 1990).

"Historical Perspectives: The Equal Rights Amendment in the 1920s," in Conflicts in Feminism

Marianne Hirsch and Evelyn Fox Keller, eds. (N.Y., Routledge, 1990).

"On Men's History and Women's History," in Meanings for Manhood: Constructions of Masculinity in Victorian America, Mark Carnes and Clyde Griffen, eds., (Chicago, U.

Chicago Press, 1990).

"Across the Great Divide: Women's Politics Before and After 1920," in Women, Politics, and

Change, edited by Louise Tilly and Patricia Gurin (N.Y., Russell Sage Foundation, 1990); revised

and reprinted in One Woman, One Vote: Rediscovering the Woman Suffrage Movement, ed. M.

Wheeler (NewSage, 1995).

"What's in a Name? The Limits of Social Feminism or, Expanding the Vocabulary of Women's History," Journal of American History, 76:3 (December 1989).

"The South and the Nation in the History of Women's Rights," in A New Perspective: Southern

Women's Cultural History from the Civil War to Civil Rights, edited by Priscilla C. Little and

- Robert C. Vaughan (Virginia Foundation for the Humanities, Charlottesville, 1989).
 "Beyond Roles, Beyond Spheres: Thinking about Gender in the Early Republic," with Linda Kerber et al., William and Mary Q., 3d ser., 46 (July 1989).
- "Women's Rights: Unspeakable Issues in the Constitution," The Yale Review, 77:3 (Spring 1988), 382-96.
- "Feminist Theory and Feminist Movements: The Past Before Us," in What is Feminism? edited by Juliet Mitchell and Ann Oakley (Oxford, Basil Blackwell, 1986, and N.Y., Pantheon, 1986).
- "Feminist Politics in the 1920s: The National Woman's Party," Journal of American History, 71 (June 1984).
- "Passionlessness: An Interpretation of Anglo-American Sexual Ideology, 1790-1840," Signs: A Journal of Women in Culture and Society, 4 (1978).
- "Notes Toward an Interpretation of Antebellum Childrearing," The Psychohistory Review 6 (Spring 1978).
- "Eighteenth-Century Family and Social Life Revealed in Massachusetts Divorce Records," Journal of Social History, 10 (Fall 1976).
- "Divorce and the Changing Status of Women in 18th-Century Massachusetts," William and Mary Quarterly, 3rd ser., 33 (October 1976).
- "Young Women in the Second Great Awakening in New England," Feminist Studies, 3 (Fall 1975).

PUBLICATIONS: MISCELLANY

- "Afterword," Tense and Tender Ties, ed. Ann Laura Stoler, forthcoming 2005.
- "Janet Flanner" in Notable American Women: Completing the Twentieth Century (Cambridge, Harvard Univ. Press, 2005).
- "The Great Demand," in Days of Destiny, James MacPherson and Alan Brinkley, eds., Society of American Historians (Agincourt Press, 2001).
- "Considering the State of U.S. Women's History," with others, Journal of Women's History, 15:1 (2003).
- Introduction to Jane Levey's "Imagining the Postwar Family," Journal of Women's History, Fall 2001.

- "Mary Ritter Beard," in American National Biography (Oxford U. Press, 1999).
- "Challenging Boundaries: Introductory Remarks," Yale Journal of Law and Feminism, 9 (1997).
- "A Conversation with Eric Foner," culturefront 4:3 (Winter 1995-96).
- "Bonnie and Clyde," in Past Imperfect: History and the Movies, ed. Mark Carnes (N.Y., Henry Holt, 1995).
- "Privacy"; "Domesticity"; "Mary Ritter Beard"; in A Companion to American Thought, ed. Richard Wightman Fox and James Kloppenberg (Cambridge, Basil Blackwell, 1995).
- "Charles A. Beard and Mary Ritter Beard," Readers' Encyclopedia of American History, ed. Eric Foner and John Garraty, 1991.
- "Comment on Karen Offen's 'Defining Feminism: A Comparative Historical Approach,'" Signs: Journal of Women in Culture and Society, 15:11 (1989).
- Editorial, Special issue of Women's Studies Quarterly, XVI:1/2 Spring/(Summer 1988), "Teaching the New Women's History."
- Introduction to A New England Girlhood by Lucy Larcom (Boston, Northeastern U. Press, 1985).
- "Women as Law Clerks: Memoir of Catherine G. Waugh," in The Female Autograph, New York Literary Forum, 12-13 (1984).
- Afterword to Sarah Eisenstein, Bread and Roses, ed. Harold Benenson (London, Routledge Kegan Paul, 1983).
- "Mary Ritter Beard," in Notable American Women: The Modern Period (1980).

PUBLICATIONS: REVIEW ESSAYS

- "Adversarial Invention," American Quarterly, 47:2 (June 1995).
- "Patriarchy in America is Different," American Bar Foundation Research Journal, 1987:4 (Fall 1987).
- "Women and the Ballot," Reviews in American History, 15:2 (June 1987).
- "The House of Feminism," New York Review of Books, 30 (March 17, 1983).
- "The Confederate Elite in Crisis: A Woman's View," The Yale Review, 71 (Autumn 1981).
- "Liberation Movements in Two Eras," American Quarterly, 32 (Spring 1980).
- "Abortion, Birth Control, and Public Policy," The Yale Review, 67 (Summer 1978).

PUBLICATIONS: REVIEWS

in American Historical Review, American Prospect, Boston Globe, Business History Review, Intellectual History Newsletter, International Labor and Workingclass History, Journal of American History, Journal of Interdisciplinary History, New Mexico

Historical Review, New York Times Book Review, Pacific Studies, Signs: A Journal of Women in Culture and Society, The Times Literary Supplement, Women's History Review, and The Yale Review.

PUBLICATIONS: EDITORIAL PROJECTS

General editor, The Young Oxford History of Women in the United States, 11 volumes, Oxford University Press, 1994.

Editor, History of Women in the United States, 20 volumes (article reprint series), K.G. Saur Publishing Co., 1993-94.

Guest Editor, special issue of Women's Studies Quarterly, XVI:1/2 (Spring/Summer 1988), on "Teaching the New Women's History."

OTHER PROFESSIONAL ACTIVITIES:

GRANT PROJECTS:

Dissertation seminar in gender history for graduate students, Mellon Foundation, 2002.
Steering Committee, Ford Foundation Project on Women and Gender in the Curriculum in Newly-Coeducational Institutions, 1985-90.

Principal Investigator, National Endowment for the Humanities Implementation Grant, "Strengthening Women's Studies at Yale," 1983-86.

Principal investigator, National Endowment for the Humanities Pilot Grant to Women's Studies, Yale University, 1981.

ACADEMIC JOURNALS AND REFERENCE WORKS:

American National Biography, senior editor, 1989-98.

American Quarterly, editorial board, 1977-1980.

Feminist Studies, associate editor, 1977-85, editorial consultant, 1985-97.

Gender and History, advisory board, 1987-92; editorial collective, 1993-96.

Journal of American History, editorial board, 1996-99.

Journal of Social History, editorial board, 1978-.

Journal of Women's History, editorial board, 1987-98.

Notable American Women, volume 5, advisory board, 1999-04.

Orim: A Jewish Journal at Yale, editorial board, 1984-88.

The Readers' Encyclopedia of American History, advisory board, 1989-91.

Reviews in American History, editorial board, 1981-85.

Women's Studies Quarterly, editorial board, 1981-94.

Yale Journal of Law and the Humanities, advisory board, 1988-.

The Yale Review, editorial board, 1980-88, 1991-99.

PROFESSIONAL ORGANIZATIONS, OFFICES:

Elected member: American Antiquarian Society, Massachusetts Historical Society, Society of

American Historians.

Organization of American Historians: Binkley-Stephenson Prize Committee, 1987-1990 (chair, 1988); elected member of Nominating Committee, 1993-95 (Chair, 1994-95); elected member of Executive Board, 1997-2000; OAH Lecturer, 1997--.

Berkshire Conference of Women Historians: Co-Chair, Eighth Berkshire Conference on the History of Women (1990).

American Studies Association: Nominating Committee, 1981-84; National Council, 1987-90;

American Quarterly Review Committee, 1989.

ADVISORY BOARDS:

The Museum of Women/The Leadership Center, New York State, (chair of historians' advisory board) 2000--.

Princeton University Program in Women's Studies, 1985-2001.

Project on Gender in Context, Mt. Holyoke College, 1982-83.

The Correspondence of Lydia Maria Child, 1977-80.

Schlesinger Library on the History of Women, Radcliffe College, 1977-80.

AUDIOVISUAL MEDIA PROJECTS:

WGBH documentary proposal on the History of Marriage in America, Principal consultant, 2002.

Institute on the Arts and Civic Dialogue, Affiliated Scholar, American Repertory Theatre and W.E.B. DuBois Institute, summer 1999.

Margaret Sanger film project (by Bruce Alfred), Consultant, 1994—96,

"One Woman, One Vote: The Struggle for Woman Suffrage in the U. S.," Advisory Board, Educational Film Center, 1991-95.

"The American Experience," Advisory Board, WBGH-TV, Boston, MA, 1986--90.

Consultant, "Mary Silliman's War," film by Steven Schechter, 1987.

Consultant, "Lowell Fever," film by Made in U.S.A., Inc. 1985-87.

"Legacies: Family History in Sound," radio course on the history of women and the family in the U.S., Advisory Board, 1984-86.

Connecticut Public Radio series, "Choices"/Everyday History, Radio Programs for Children 8 to 12," Consultant, 1982-83.

Dan Klugherz (Film) Productions, N.Y., Consultant, 1981-82.

Stanton Project on Films on Women in American History, Advisory Board, 1974-77.

PRIZE AND FELLOWSHIP SELECTION COMMITTEES:

Mark Lynton History Book Prize, 2002.
 Bunting Institute Fellowship Program, Radcliffe College, 1982, 1996.
 American Antiquarian Society Fellowships, 1991, 1992, 1994.
 Governors' Prize, Yale University Press, 1990.
 American Council of Learned Societies, Fellowships for Recent Recipients of the Ph.D., 1987, 1988, 1990.
 Bancroft Prize (Columbia University), 1985.
 Radcliffe Research Scholars Program, 1982.
 Hamilton Prize, Women and Culture Series, U. Michigan Press, 1981.

CONSULTANT/EVALUATOR (selected list):

University of Helsinki, city center campus, 2005.
 Univ. of California at Santa Barbara, Women's Studies Program, February 2002.
 National Endowment for the Humanities, fellowships for university teachers, 1998; media projects, 2001.
 History Department, University of Oregon, 1999.
 Woodrow Wilson Center Fellowships, 1991, 1992, 1994.
 State of Colorado Commission on Higher Education, 1990.
 National Humanities Center Fellowships, 1988, 1989, 1991, 1992, 1994.
 "Foundations of American Citizenship," curriculum project, Council of Chief State School Officers, 1987.
 Connecticut Humanities Council, 1986.
 Rockefeller Foundation Gender Roles Fellowships Program, 1985.
 Radcliffe Research Scholars, 1983.
 Working Women's History Project, 9 to 5, Organization for Women Office Workers, 1981.
 Rockefeller Foundation Humanities Fellowships, 1980.

ACADEMIC LECTURES, PAPERS, COMMENTS DELIVERED (selected list):

"Boundaries and Blinders in History: Revisiting the 1920s Generation," keynote address, Western Association of Women Historians annual meeting, Phoenix, AZ, April 2005.
 Panelist, "The Political Spectrum of Same-Sex Marriage," conference on Breaking with Tradition:
 New Frontiers for Same-Sex Marriage, Yale Law School, March 2005.
 Moderator, "What Sort of a Right is Marriage?" Harvard University Human Rights Program,
 March 2005.
 "Gender History and Generations," Women's History Month address, Rutgers-Camden Law

- School, Camden NJ, March 2005.
- "Collecting Women's History at the Schlesinger Library," Society of American Archivists annual meeting, August 2004.
- Colloquium on George Chauncey's Gay New York, Dec. 2003, Ecole Normale Superieur, Paris.
- Closing Remarks, Library of Congress symposium, "Resourceful Women," June 19-20, 2003.
- "Women, Men, and Modern Marriage," Ecole des Hautes Etudes en Sciences Sociales, November 2003.
- "What's Love Got to Do with It? Marriage as a Public Institution in the United States," Fairleigh Dickinson University, March, 2003.
- Comment, "Revisiting Domesticity: Symbolic Economies of Sex and Gender," American Historical Assoc. annual convention, Washington, D.C., January 2003.
- "Gendering Colonial America, Making Women's History Colonial: A Roundtable," Berkshire Conference on Women's History, Storrs, CT, June 2002.
- Comment, panel on "Race and Family in Wartime America: Illegitimacy, Immigration, and the Church," Organization of Amer. Hist. annual convention, Washington, D.C. April 2002.
- "New Directions in Women's History after 9/11," Brandeis University, March 2002.
- "The Efficacy of Women's History," Bridgewater State University, March 2002.
- "Marriage and the Nation," Harvard Law School Legal History Forum, October 2001.
- "The Family, Citizenship, and Democracy in the United States," University of Tokyo, Japan, July 2001.
- "Women as Workers, Citizens, and Activists in the Mid-Twentieth-Century U. S." four-seminar series, Ritsumeikan University, Kyoto, Japan, July 2001.
- "Grooming Citizens: Marriage in the Political History of the United States," Kyoto American Studies Seminar, Kyoto, Japan, July 2001.
- "Public Sanctity for a Private Realm: The Family, the Rhetoric of Democracy, and Constitutional Values in the U.S.," Bacon Lecture on the Constitution, Boston Univ., May 2001.
- "Democracy and the Family," Yale Tercentennial Series "Democratic Vistas," April 2001.
- "Marriage and the Nation: Historical Perspectives," Northeastern University Feminist Studies Colloquium, March 2001.
- "Public Vows: On Marriage and the Nation in the Early Twentieth-Century U.S.," Center for Historical Study, U. Maryland, College Park, October 2000.
- Seminar on the History of the Atlantic World, 1500-1800, Harvard Univ., August 2000.
- "Marriage Revised and Revived," AYA faculty lecture, Yale Univ. Reunion, May, 2000.
- Comment, session on "The Idea of Marriage: The British Atlantic Context," International "Reflections on Women and/in Authority," Women, Justice, and Authority: A Working Conference, Yale Law School, April 28, 2000.

- "Grooming Citizens: Marriage and the Civic Order in the United States," In the Company of Scholars Lecture Series, Yale University Graduate School, April 2000.
- "Public Vows: Marriage as a Public Institution," History Department, Stanford University, January 2000.
- "An Archaeology of American Monogamy," History Department, Northwestern Univ., October 1999.
- "The Modern Architecture of Marriage," Gender and Policy Workshop, Department of Economic History, Stockholm University, Stockholm, Sweden, October 1999.
- "Women's Rights Talk," conference on "Rights--Civil, Human, and Natural," University of Southern Denmark, Odense, Denmark, October 1999.
- Comment, "Making and Breaking Marriages: Reconsidering American Families through the Law, Berkshire Conference on the History of Women, June 1999.
- "Marriage Fraud in the Making of Immigration Restriction in the U.S." Center for Cultural Studies, Univ. of California, Santa Cruz, May 1999.
- Panel discussant, women and citizenship, Univ. of California, Berkeley, October 1998.
- "An Approach to Citizenship through Gender History," Univ. of Colorado at Colorado Springs, February 1999.
- "Marriage and Citizenship," Legal Theory Workshop, Yale Law School, October 1998.
- Comment, "Public Policy and Marriage," American Society for Legal History, Seattle, WA, October, 1998.
- "Thinking about Citizenship and Nationality through Women's History," keynote address, Australian Historical Association, Sydney, Australia, July 1998.
- "Race, Blood, and Citizenship: A Gendered Perspective on U.S. Immigration Restriction, 1895-1917," International Federation for Research in Women's History conference, Melbourne, Australia, June 1998.
- Introduction, Conference on Sexual Harassment Law, Yale Law School, February 1998.
- "Marriage and Public Policy: The Politicization of Marriage in the 1850s," Schlesinger Library, Radcliffe College, May 1997.
- Comment, "Association-Building in America," Organization of American Historians annual convention, San Francisco, April 1997.
- "Writing American Women's History: Retrospect on Nineteenth Century Domesticity," Clarion University, Clarion, Pa., April 1997.

- "Against Equality: Mary Ritter Beard and Feminism," DePauw University, March 1997.
- "Marriage and Women's Citizenship: A Historical Excursion," N.Y.U. Law School, March 1997.
- Discussant, "One Woman, One Vote: Painting a 70-year Battle on a 2-hour TV Canvas," Berkshire Conference on the History of Women, June 1996, U.N.C.
- Chair, "International Feminism, 1840-1945," American Historical Association annual convention, January 1996, Atlanta, Ga.
- "The Gender of Citizenship and the 19th Amendment," keynote address, University of Texas 8th Biennial Graduate Student Historical Symposium, Austin, Oct.1995; Women's History Week lecture, Fitchburg State College, Fitchburg Mass., March 1996.
- "Effects of the 19th Amendment," Delaware Heritage Commission Conference on the 75th Anniversary of the 19th Amendment, Delaware State Univ., November, 1995.
- "Forming the Body Politic: Gender, Race, and Citizenship Traditions in the U.S.," John Dewey Lecture in the Philosophy of Law, Harvard Law School, October 1994; Jane Ruby Humanities Fund Lecture, Wheaton College, March 1995.
- "The Marriage Knot: Gender, Race and Citizenship Policy in the U.S., 1855-1934," UCLA Center for the Study of Women, October 1994.
- Chair and comment, "Debating Democracy in the 19th Century," annual meeting of the Organization of American Historians, Atlanta, GA, April 1994.
- "Justice for All? Marriage, Race, and Deprivation of Citizenship in the Early 20th-Century U.S.," Keck Lecture, Amherst College, February 1994; Harvard University, February 1994.
- "Marriage, Gender, and Public Order," Symposium of the Association for Women's History, Amsterdam, Holland, November 1993.
- "Early Education of Women," symposium on Uncovering Women's History in Museums and Archives, Litchfield (CT) Historical Society, October 1993.
- "Early 20th-century Feminism in Germany and the U.S. Compared," Suffrage Centenary Conference, Wellington, New Zealand, August 1993.
- "Reviewing the Private and the Public through Women's History," Conference for 20 Years of the Edith Kreeger Wolf Distinguished Visiting Professorship, Northwestern Univ., April 1993.
- "Marriage as/and Public Policy in the Late Nineteenth-Century U.S.," annual meeting of the

- Organization of American Historians, Anaheim, CA, April 1993; Northwestern University History Department, April 1993.
- "Against Equality: Mary Ritter Beard and Feminism," Conference on the 200th Anniversary of Wollstonecraft's *Vindication of the Rights of Women*, Sussex, England, Dec. 1992.
- "'Enlightenment Respecting Half the Human Race': Mary Ritter Beard and Women's History," Sophia Smith Collection Semi-Centennial, September 1992.
- "Women's History in Contemporary Perspective," Harvard University Women's History Week, March 1992.
- "Educating Women in the U.S.," Founders Day lecture, Mary Baldwin College, Staunton, VA, October 1991.
- "Feminism in the U.S. in the Early 20th Century in Comparative Perspective," German Association for American Studies annual conference, Muenster, Germany, May 1991.
- Comment, "Women and American Political Identity," conference on Political Identity in American Thought, Yale Univ., April 1991.
- "Slavery, Race, and the History of Women's Rights in the U.S.," Trenton State College, NJ, March 1991.
- Comment, "Contextualizing Feminism," annual meeting of the American Historical Association, New York City, December 1990.
- "The Political Isn't Personal: Mary Ritter Beard's View of Women's History," Center for American Culture Studies, Columbia U., October 1990.
- "Mary Ritter Beard and Women's History," N.Y. Public Library, Sept. 1989.
- Chair, "Power in the Early Twentieth Century," Annual Meeting of the Organization of American Historians, St. Louis, April 1989.
- "What's in a Name?: The Limits of Social Feminism," Boston U., January 1989; Brandeis U., September 1989.
- Panelist, "Feminist Theory," 10th Anniversary Celebration of the Women's Studies Program at Brandeis U., November 1988.
- "Reconsidering Individualism and 'Nature Herself' in the Era of Laissez-Faire Constitutionalism," Harvard U., April 1988.
- Panelist, "Individualism," N. Y. U. Humanities Center, March 1988.
- After word, conference on "Masculinity in Victorian America," Barnard College, Columbia U., January 1988.
- Panelist, "Beyond Roles, Beyond Spheres: Thinking about Gender in the Early Republic," U. of Pennsylvania, December 1987.

- Chair, "Women in American Constitutional History at the Bicentennial," Annual Meeting of the American Hist. Assoc., Washington, D.C., December 1987.
- "Women's Rights: Unspeakable Issues in the Constitution," Association of Yale Alumni Faculty Seminar, September 1987, New Haven, CT; Brandeis U., March 1988; Second Annual Lowell Conference on Women's History, Lowell, MA, March 1988; Conference on the Constitution as Historical and Living Document, Dutchess County Community College, April 1988; Richardson American Studies Lecture, Georgetown U., April 1988.
- "How Weird Was Beard? Mary Ritter Beard and American Feminism," Seventh Berkshire Conference on the History of Women, June 1987, Wellesley MA.
- "The Birth of Feminism," Women's Studies Program, Cornell U., March 1987.
- "Feminism and Women's Political Participation in the Early 20th Century," Conference on Women and Citizenship, Women Historians of the Midwest, St. Paul, MN, March 1987.
- "The Power of Communalism: Reflections through Women's History," Historic Communal Societies Conference, October 1986.
- Chair, "Women in the 1950s: An Interdisciplinary Exploration," Annual Meeting of the Organization of American Historians, N.Y., April 1986.
- "Feminism in the 1920s," Boston Area Feminist Colloquium, Northeastern U., January 1986.
- "History of Feminism," Institute for Policy Studies, Washington, D.C., May 1985.
- "Feminist Theory and Feminist Movements: The Past Before Us," Women's History Week, Harvard U., March 1985.
- "Problems of Feminism in the 1920s: the Political Environment," Women's History Series, New York U., February 1985; American Studies Lecture, Smith College, March 1985; Harvard Law School Faculty Colloquium, May 1985.
- "Has Modern Woman Disrupted the Home? 1920s Answers," Wesleyan Center for the Humanities, October 1984.
- "Feminism and Women in Professional Occupations in the 1920s," American Studies lecture, Amherst College, February 1984.
- "Feminism in Transition, 1910-1930," Sixth Berkshire Conference on the History of Women, June 1984, Northampton, MA.
- Comment, "Nineteenth-Century Gender Conventions," Smith-Smithsonian Conference on Conventions of Gender, February 1984.

- "Definitions of Feminism in the Early Twentieth-Century United States," Whitney Humanities Center, Yale U., September 1983.
- "Challenging Myths of Victorian Womanhood," American Psychiatric Association Convention, New York City, May 1983.
- "Women's History and Feminism," Phi Beta Kappa Lecture, Sweet Briar College, February 1983; Sarah Lawrence College, March 1983.
- "Reappraising the History of Feminism in the 1920s," American Studies Series, Boston College, February 1983; History Dept. Series, U. of Virginia, February 1983; Hamilton College, April 1983; Trinity College, April 1983.
- "The Hundred Fragments: Feminism, the Woman Suffrage Coalition, and American Society," Whitney Humanities Center, Yale U., January 1983; History Colloquium Series, Princeton U., March 1984.
- "Women's Education Before 1837," panel, Conference on Women and Education: The Last 150 Years, Mt. Holyoke College, April 1982.
- "The Crisis in Feminism, 1910-1920," Radcliffe Research Scholars Series, Radcliffe College, May 1982; Women's Studies Series, Wesleyan U., October 1982.
- "Feminism and Women's History," Harvard U., Women's History Week, March 1982.
- "The Problem of Feminism in the 1920s," Isabel McCaffrey Lecture, May 1981, Harvard U.; American Civilization Dept., Brown U., November 1981; History and Women's Studies Series, U. of Michigan, March 1982; Center for European Studies, Harvard U., April 1982.
- Comment, "Consciousness and Society in New England, 1740-1840," Annual Meeting of the Organization of American Historians, April 1980, San Francisco, CA.
- "Women's History: Retrospect and Prospect," Harvard Divinity School History Colloquium, March 1980; U. of South Florida Women's Week, March 1980; American Assoc. for State and Local History, NE Regional Seminar, November 1980, New Haven, CT.
- "Women and Feminism in the 20th Century," Bunting Institute, Radcliffe College, October 1978.
- "Roundtable on Mary Ritter Beard," Fourth Berkshire Conference on the History of Women,

August 1978, South Hadley, MA.

"Ministers and Women in the Late 18th and Early 19th Century," Princeton Theological Seminary, March 1978.

"New England Women's Work in the Early National Period," Historic Deerfield, MA, February 1978.

Comment, "Sexuality and Ideology in 19th-century America," Southern Hist. Assoc. Conference, November 1977, New Orleans, LA.

"Passionlessness: An Interpretation of Anglo-American Sexual Ideology, 1790- 1840," History

Dept. Colloquium, U. of Mass., April 1977; Rutgers U., March 1978; Marjorie Harris Weiss

Lectureship, Brown U., March 1978.

"Women and Religion in Early 19th-Century New England," History Department Colloquium

Series, U. of Conn., February 1977; Old Sturbridge Village, March 1977.

Chair and comment, "Comparative Perspectives on Sexual and Marital Deviance and the Law," Third Berkshire Conference on the History of Women, June 1978, Bryn Mawr, PA.

"Adultery, Divorce, and the Status of Women in Revolutionary Massachusetts,

"Conference on

Women in the Era of the American Revolution, July, 1975, Washington, D.C.; Princeton U.

Colloquium Series, November 1975; Boston State College Lecture Series on the American

Revolution, November 1976.

Young Women's Conversion in the Second Great Awakening," Second Berkshire Conference on

the History of Women, November 1974, Cambridge, MA.

Chair and comment, "Women in the Professions," First Berkshire Conference on the History of Women, March 1973, New Brunswick, N.J.

PUBLIC SERVICE LECTURES:

"Marriage and the Public Order in the History of the United States," 2005 American Studies

Summer Institute, John F. Kennedy Library, July 2005.

"Preserving Women's History at Radcliffe and Harvard," Committee on the Concerns of Women

at Harvard, June 2005.

"Women's Education in the 18th Century," Adams Historic Site, Quincy, MA, April, 2005.

"What is Gender History?" annual luncheon for the College Board, Organization of American

Historians, Annual meeting, San Jose, CA, April 2005.

"What the State Has to Do with It: Changing Marriage," Democrats Abroad, Paris, Dec. 2003.

"Marriage and the Law," invited discussion with Senior Matrimonial Lawyers, educational

retreat, Troutbeck Conference Center, Amenia NY, October 2003.

"Marriage as a Public Institution in the United States," Harvard Neighbors, February 2003;

Harvard Librarians' group, February 2003.

"Looking at the World after 9/11 through a Women's History Lens," Radcliffe Seminars Final Conference, April 2002.

"Women as Workers and Citizens in the Twentieth Century," Institute for Emerging Civil

Rights Leaders, Harvard Graduate School of Education, June 11, 2001.

"The Value of Women's Work: Historical, Public and Private Views," Bostonian Society, May 01.

"Woman Suffrage: Why Did It Take So Long?" and "The Gender Structure of Citizenship," NEH

Summer Institute for High School and Middle School Teachers on Women's Rights and Citizenship in American Thought," Ohio State Univ., July 2000.

"Education in Abigail Adams' Time," Women and the American Revolution Lecture Series,

Adams National Historical Site, Quincy, MA, June 2000.

"Women of Conscience in Politics," Maine Town Meeting, 50th anniversary of Sen. Margaret

Chase Smith's Declaration of Conscience, June 1, 2000, Skowhegan, Maine.

"The History of Marriage," testimony and discussion before the Judiciary Committee, Vermont House of Representatives, January 2000.

"Women as Citizens in the 20th Century," A Millennium Evening at the White House, Washington, D.C., March 1999.

Historians and Filmmakers: A Dialogue, Chataouqua .N.Y., August 1997.

"Winning the Women's Ballot: Citizenship, World War, and the Woman Suffrage Campaign,"

U.S. Air Force Academy, Colorado Springs, August 1995.

"The Beginnings of Women's Education in the U.S.," Witmer Lecture, Social Studies Dept.,

Hunter College High School, March 1995.

"New Immigrants, New Women," Rebecca Plank Memorial Lecture, Milton Academy, March 1995.

"The South and the Nation in the History of Women's Rights," Conference of Southern Humanities Foundations, Washington, D.C., May 1988.

"Women's Rights: Unspeakable Issues in the Constitution," Judicial Seminar, N.Y. State Judiciary Continuing Education, July 1988.

