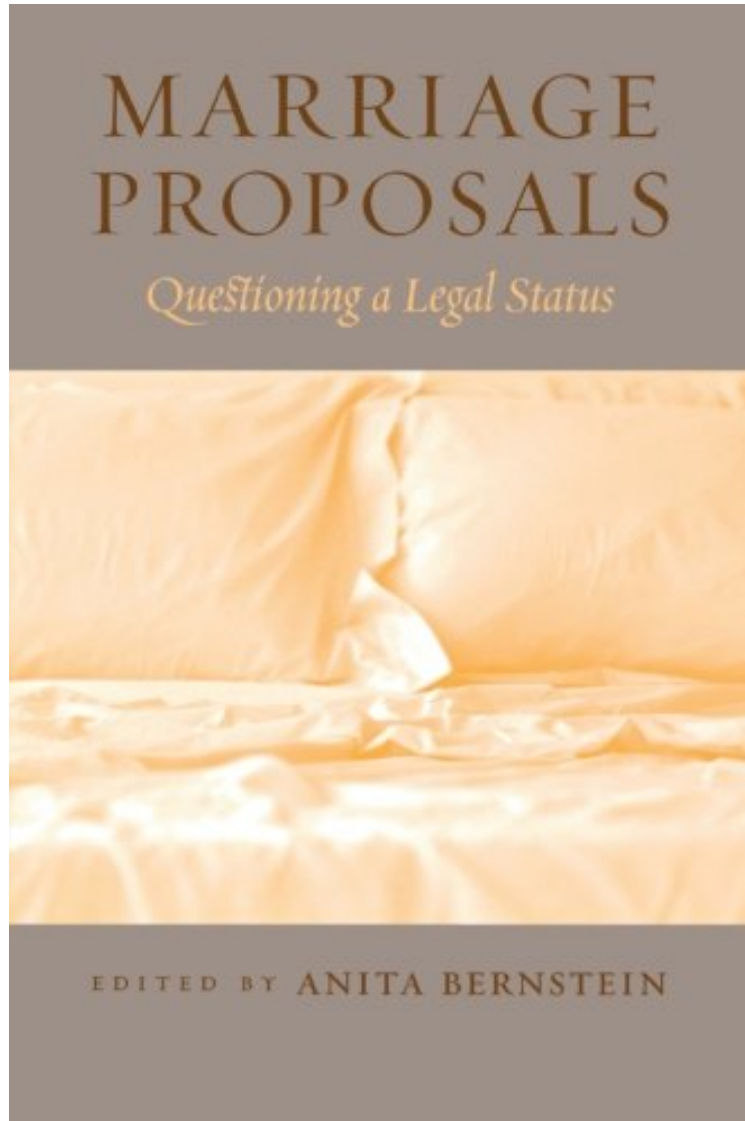


[FREE] Marriage Proposals: Questioning a Legal Status

Marriage Proposals: Questioning a Legal Status

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From Brand: NYU Press : Marriage Proposals: Questioning a Legal Status before purchasing it in order to gauge whether or not it would be worth my time, and all praised Marriage Proposals: Questioning a Legal Status:

1 of 2 people found the following review helpful. CSLR Book Says Marriage Should Remain a Legal Status By Center for the Study of Law and Religion at Emory University Although abolishing marriage as a legal institution would eliminate favoritisms the law affords to heterosexual persons who are able to form and maintain marriages, Emory University law professor Anita Bernstein's new book, Marriage Proposals: Questioning a Legal Status (NYU Press),

concludes that marriage should remain a legal status."Overall, changes in marriage law during the last few decades have made it a more enlightened institution and eliminated much of the oppression it used to contain. If we stay this course, marriage will continue to improve, and its benefits can be expanded to encompass other types of relationships," said Bernstein, Sam Nunn Professor of Law and senior fellow in the Center for the Study of Law and Religion (CSLR) at Emory. Amidst current contentious public debates over same sex unions and polygamy, Bernstein wanted to step back and examine the more fundamental question of why a person's private life with a partner should be of state concern. Why, she questions, should married people be entitled to tax breaks, health insurance and pension plan benefits, and immigration privileges, among many other perks, while other people are not? In allowing married couples to file a joint return, the federal government forgoes billions more than it loses through the 'marriage penalty.' "The money still has to come from somewhere -- married people receive a subsidy that non-married people have to fund," she said. Yet in some other respects, being married can make a person worse off than being single. Bernstein enlisted prominent scholars and activists to explore the issue in two parts. The book's first section examines challenges to the legal status of marriage. Emory law professor Martha Fineman argues that marriage encourages economically disadvantaged women to gain material security through marital unions with men, thereby creating the plight of dependent mothers, and therefore should be abolished. She believes the dependent-caregiver relation is the true concept of family and should be protected and regulated by law. Dorian Solot and Marshall Miller, founders of the national Alternatives to Marriage Project, also believe marriage should be abolished, and argue that the concept of family be expanded to include people who have emotional and financial interdependence. Law professor Linda C. McClain, Hofstra University School of Law, insists that the government take a stand for democracy and quality among men and women and among types of couples, and that this quality be instilled in children of the household. The book's second part delves into the need to question the status of marriage at all. Princeton University anthropologist Lawrence Rosen addresses whether it is even possible to end the state regulation of marriage, concluding that if it did, American society would change, including its "concepts of time and space," and "images of the self." New York University law professor Peggy Cooper Davis explains that withholding the freedom to marry from American slaves contributed to the withholding of their human identity. She concludes, "This history suggests that the right to choose to participate in the culture through marriage should be protected." Political scientist Mary Lyndon Shanley, of Vassar College, endorses universal civil unions of the kind now available to same-sex couples in Vermont and Connecticut as the means to salvage the best of marriage while shedding some of its oppressions. Bernstein, who serves as the book's editor and contributes its introduction and afterword, concludes that legal, official marriage has unique benefits that extend beyond the stable home it can offer children. "When we pair off with another person and sign up with the government as a couple--I mean, not just make a private commitment to a partner--our lives become a little more secure. Most people would find it exhausting to go out and compete every day to get their psychological, sexual, and affiliative needs met. Without marriage, people would be deprived, or else the government would have to step in to deal with these needs directly. And the government would not be a good provider," she said.***The Center for the Study of Law and Religion is home to world-class scholars and forums on the religious foundations of law, politics, and society. It offers first-rank expertise on how the teachings and practices of Christianity, Judaism and Islam have shaped and can continue to transform the fundamental ideas and institutions of our public and private lives. The scholarship of CSLR faculty provides the latest perspectives, while its conferences and public forums foster reasoned and robust public debate.

The essays in *Marriage Proposals* envision a variety of scenarios in which adults would continue to join themselves together seeking permanent companionship and sustenance, linking sexual intimacy to a long commitment, usually caring for each other, and building new families. What would disappear are the legal consequences associated with marriage. No joint income tax return; no immigration privileges like the fiance visa or the right to bring in a husband or wife; no special statuses for prison visits or hospital decisions; no prerogative to remain silent in court by claiming confidential marital communications; no pension entitlements; no marital benefits and detriments regarding criminal or civil liability. The anthology makes a unique contribution amid the two marriage furors of the day: same-sex marriage and the Bush Administration's marriage movement (that marrying is good and more marriages would be better for society). Abolishing the legal category of marriage is the only policy suggestion in current American discourse that speaks to both causes. Activists on both sides of the same-sex marriage fight, along with marriage movement partisans, all seek improvement through law reform. *Marriage Proposals* gives them a viable reform--abolition of marriage as a legal status--for fighting battles in the courtroom and the streets. Contributors include Anita Bernstein, Peggy Cooper Davis, Martha Albertson Fineman, Linda C. McClain, Marshall Miller, Lawrence Rosen, Mary Lyndon Shanley, and Dorian Solot.

Marriage Proposals brings new insights to the marriage debates by discussing the provocative idea of getting the government out of the business of marriage recognition altogether. Anyone seeking to think clearly about the nature and function of marriage in our society should read this collection. -Brian Bix, Frederick W. Thomas Professor of Law

and Philosophy, University of Minnesota Law SchoolEnjoyable and provocative. . . . This collection nicely reveals and sorts through a host of exciting and complex questions about marriage.-Martha McCluskey,co-editor of *Feminism, Media, and the Law*Bringing together insights from law, anthropology, and political theory, the rigorous essays in *Marriage Proposals* strip away easy assumptions about marriage. Readers will emerge from the volume inspired to bring the national conversation on these issues to a deeper and more interesting level.-Suzanne B. Goldberg,author of *Strangers to the Law: Gay People on Trial*One of the curious features of the early twenty-first century has been the noisy presence of marriage in the public culture. The result has been a public dialogue that often marries bad social science and homophobia, with understandable public anxieties about how children grow up in our world. We deserve better and *Marriage Proposals* provides it. Anita Bernstein's collection draws on the best work by some of the smartest and most thoughtful participants in the recent marriage wars. The authors ask the reader to think hard about how marriage can be justified today. And the result is a book that confronts some of the hardest and deepest questions that face us as a society.-Hendrik Hartog,author of *Man and Wife in America: A History*About the AuthorAnita Bernstein is Anita and Stuart Subotnick Professor of Law at Brooklyn Law School.