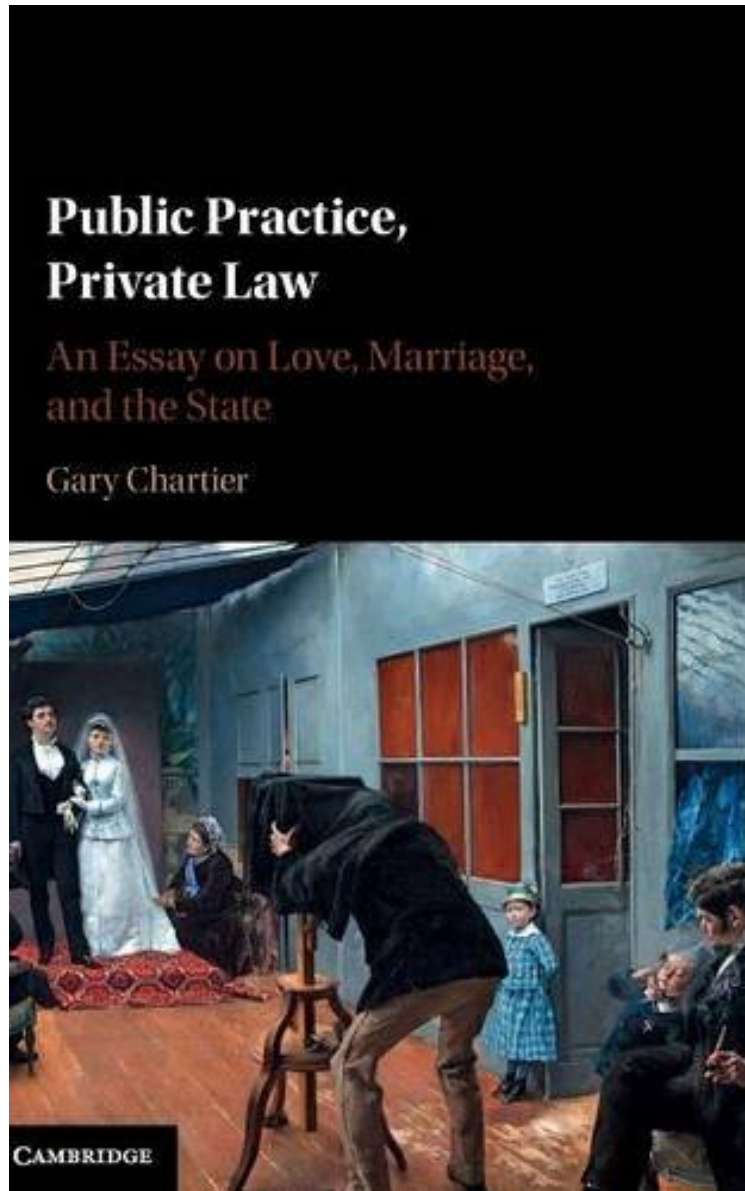


Public Practice, Private Law: An Essay on Love, Marriage, and the State

Gary Chartier

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Love, Marriage, and the State:

Marriage is ordinarily a public practice, supported by, as well as supportive of, society. But it need not fall within the purview of the state. Public Practice, Private Law articulates a conception of marriage as a morally rich and important institution that ought to be subject to private rather than legislative or judicial ordering. It elaborates a robust understanding of marriage that captures what both different-sex and same-sex couples might see as valuable about their relationships. It explains why sexual ethics won't yield a normative model of marriage, and why the kind of marital love worth wanting, can. It goes on to show how an understanding of marriage as rooted in demanding commitments can allow for divorce before arguing that the state should cease to sponsor marriages. It concludes by suggesting that both state and non-state institutions should acknowledge the marriages of same-sex couples.

"There is among us today no universally shared understanding of what marriage is. Gary Chartier presents a discerning, attractive account of marriage - more precisely, of what we should understand marriage to be. Moreover, Chartier explains why, if we accept his account of marriage, we should support admitting same-sex couples to civil marriage. He also explains, persuasively in my view, why we should reject a prominent competing account of marriage, one according to which same-sex couples cannot be truly married. Everyone interested in the contemporary controversy about the meaning of marriage should read Chartier's important, stimulating new book." Michael J. Perry, Emory University, Atlanta "We tend to think we know which views on marriage "go together". In this thoughtful and wide-ranging book, Chartier challenges our assumptions by showing how fairly "traditionalist" positions on fidelity, unconditional love, and lifelong commitment can reasonably be wedded to very un-traditionalist views on non-marital and non-procreative sex, same-sex marriage, and government recognition and regulation of marriage." Roderick T. Long, Auburn University, Alabama "The social meaning of marriage is topical and hotly debated. Chartier's book makes a welcome and timely contribution to this discussion. It provides a rich account of love and marriage that explains what is distinctive and valuable about committed, monogamous relationships without overemphasising the role of sex or procreation. Chartier reminds us that marriage is a union of two loving people, rather than merely a legal artifact." Jonathan Crowe, Bond University, Queensland About the Author Gary Chartier is Professor of Law and Business Ethics and Associate Dean of the Tom and Vi Zapara School of Business at La Sierra University, California.