CULTURAL COVERTURE:
AN EXAMINATION OF THE IMPACT OF EARLY AMERICAN MARRIAGE LAWS ON CONTEMPORARY AMERICAN WOMEN

by

SUMMER ALLISION STEIB

A THESIS

Submitted in partial fulfillment of the requirements for the degree of Master of Arts in the Department of Women’s Studies in the Graduate School of The University of Alabama

TUSCALOOSA, ALABAMA

2009
ABSTRACT

Under the system of coverture a married woman’s civil identity was covered by her husband’s civil identity and she was viewed to be civilly dead. The system of coverture originated in Europe and was part of the English Common Law system. When settlers first colonized what would eventually become the United States, they adopted English Common Law and with it the system of coverture. Through the system of coverture, married women in the United States had no independent civil identity and they were excluded from the rights and obligations of citizenship.

For over two hundred years, activists worked to challenge and change the system of coverture and the cultural attitudes and assumptions that were reflected through coverture. Though legal coverture ended in the closing decades of the twentieth century, the cultural attitudes and assumptions on which coverture was based are still impacting women and limiting their full freedom and agency. This thesis examines the historical foundations of marriage laws/coverture in Colonial America and traces their progression from laws to the cultural practices that women in contemporary America must navigate and negotiate in their lives.
DEDICATION

This thesis is dedicated to my children, Rowan and Ani, in hopes that you will always question, challenge and strive to change cultural practices, laws and attitudes that perpetuate discrimination and oppression.
ACKNOWLEDGMENTS

There are so many people who have played a role throughout the very long process of this thesis becoming a reality. Many thanks to my committee chair, Carol Pierman, who stuck with me through it all. I would also like to thank the other members of my committee, Ida Johnson and Rhoda Johnson. Additionally, I am indebted to the entire faculty of the Women’s Studies department for providing me with educational opportunities that have allowed me to engage in work that inspires me.

This thesis would not have been possible without the support that I received from my co-workers at the Capital Area Family Violence Center, Inc/The Battered Women’s Program. I appreciate all the support, encouragement, and understanding that you provided to me during this process. It is an honor and privilege to work with all of you.

Finally, I would like to thank my family. To my husband Shawn, who has never lost faith in me and has always encouraged and supported me in following my dreams. It is a true blessing to find that rare person who loves you not in-spite of your eccentricities, but because of them and I am so fortunate to have found that person in you. To my children, Rowan and Ani, who in the course of writing this thesis, were very patient and understanding when I could not always do the things they wanted me to do. I also could not have done it without the love and support of my Mother-In-Law, Renie Castleman. Last and most, I thank my parents John and Linda Lambert. Even at times when I gave up on myself, you were always there to support and encourage me. I would not be the person I am today without your perpetual faith in me. I also thank my mother for being the world’s best editor!
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INTRODUCTION

“The heritage of coverture, though submerged, has remained in place.”

The above quote is taken from Linda Kerber’s book *No Constitutional Right to Be Ladies* (41) and serves as the focal idea for this project. While the inspiration for this project came from many sources such as personal experiences and observations, books, films, classes, lectures, etc., the main inspiration, or rather the work that tied it all together, was Kerber’s *No Constitutional Right to Be Ladies*. In *No Constitutional Right to Be Ladies*, Kerber uses court cases as a backdrop for retelling American history as it relates to women, the law and civic rights and obligations. At the heart of this book is the concept of coverture, and Kerber delves deeply into the ways that the concepts and practices of coverture framed the experiences of American women. The concept of coverture was brought to the colonies from English settlers, and through the adoption of common law, was a foundational component of early American legal and cultural codes. The system of coverture was based on the fundamental belief that women were naturally and divinely inferior to men and, therefore, in need of the guidance and protection of a man. For unmarried women, this man was her father (or other male relative) and for married women, this man was her husband, whose civil and legal identity “covered” her own upon marriage. Through coverture, a married woman lost her civil identity and was judged, as “civilly dead.” In colonial America, this “civil death” was symbolized by a woman taking her husband’s name, a practice that still continues in contemporary American culture (Kerber 8-15).¹

¹ When I originally began this project, my focus was on the practice of women taking their husband’s last name upon marriage and how this act served to reinforce dominant ideologies about the role of women in culture. However, in the time between my beginning this project and its completion, my focus has evolved and expanded...
Even before reading *No Constitutional Right to be Ladies*, I was familiar with the concept of coverture and the ways that coverture limited the rights and freedoms of American women in the past. However, what I did not realize was the myriad pervasive and subtle ways that the concepts and practices of coverture have woven themselves into contemporary American culture and still act to limit the full freedom, equality and agency of women. In this project, I will be using many of the examples provided by Kerber and others who have written about the role of marriage in American culture to examine the ways that legal coverture shifted into what I call “cultural coverture.” Though legal coverture in its most explicit sense was abolished in the early 1990s with rulings on marital rape and abortion rights for married women, the vestiges, attitude, beliefs, and consequences of coverture have been institutionalized and ritualized into contemporary cultural practices. It is my belief that through and because of these cultural practices, women as a whole have not achieved full equality and freedom in the United States. Cultural coverture builds upon historical traditions, beliefs, laws and practices to perpetuate (though often in subtle ways) the notion that men are “naturally” superior to women, that the primary function of women is to be wives, and that women need men for protection.

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2 When I use the term “American” I am referring specifically to women who are living in the United States and/or cultural practices of the United States.

3 Unless otherwise explicitly state, I will be using Laura Kramer’s very broad definition of “culture” as the established beliefs and practices of a group of people. (22)

4 Although gender oppression exists on a global level, I will be focusing specifically on women living in the United States for this project.

5 In Planned Parenthood of Pennsylvania v. Casey (1992), the Supreme Court struck down a portion of Pennsylvania law that required married women to notify their husbands before having an abortion (Kerber 307), and by 1993 the federal government required that each state have a least one statute that defined marital rape as rape (“NCJRS Publications”).
While many academicians and journalists write about gender oppression, very few link that oppression back to the practice of coverture. In my research, Kerber is one of the only authors who make explicit connections between coverture and oppression. As she states in the Introduction to No Constitutional Right to be Ladies, “It [coverture] lurks behind what many people take to be the common sense of the matter in our own time.” (Kerber XXIV) It is my goal, through this project, to make clear connections between coverture and current gender oppressions that limit the full freedom and equality of women.

There is a long history of the ways that women have been viewed and treated in their respective cultures. While there are vast collections of research projects addressing the historical treatment/mistreatment of women and vast collections of research on the ways that women in contemporary society are treated/mistreated, there are very few sources that make clear links between historical practices, ideologies, and realities and how these forces have shaped current realities for women. What do we gain from looking into the past and making connections to the present? What and how have beliefs, customs, norms, and expectations been shaped and re-shaped by the passing of time? How are the beliefs of the past written and informed on the oppressions of today? Through asking these questions and exploring possible answers, I hope to highlight how many of the realities faced by women in contemporary culture (realities that are assumed to be “natural,” eternal, and/or universal) are actually carefully constructed and continuously shifting in order for those who have power to retain and reaffirm that power.

Like many feminist researchers, I feel that I am working with both a subject and goal that have no absolute answers and/or solutions (Reinharz 4). Rather, I hope to ask questions, shed

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6 The exception to this is legal studies. There are many legal scholars who make explicit connections between the legal history of coverture and the current legal and cultural status of women.
7 While Kerber does make connections between oppression and coverture, she does so only in the narrow focus of legal oppression.
light and offer possible ways to challenge the issues I am exploring. As feminist scholar Dale Spender states, “at the core of feminist ideals is the crucial insight that there is no one truth, no one authority, no one objective method which leads to the production of pure knowledge.” (Spender 5) In an attempt to explore the questions I have asked, I will be using a wide range of sources from many fields of study, incorporating both qualitative and quantitative research methodologies.

Chapter One of this project will provide an examination of the origins and functions of marriage. In this chapter, I will explore the tensions that exist in trying to concretely and definitively define marriage, its origins, and its primary functions. What emerges through this tension is a mirror of the larger scope of this project, namely how those in power use their authority to manipulate/create/invent “facts” which are then used to justify the naturalness and correctness of their beliefs. In this chapter, I also focus on some of the major themes of and about marriage and women in general which emerged through the course of my research, and briefly relate how these themes will incorporate themselves throughout this project. This chapter is largely guided by findings from anthropological studies and by Stephanie Coontz *Marriage, a History*.  

In Chapter Two I go into a detailed examination of marriage laws and practices from the early American Colonial Period through the mid-nineteenth century. I feel that this is vitally important because it is these very laws that formed the foundation of coverture in the United States. Ultimately, this chapter creates the historical foundation for the realities of cultural coverture that will be explored in Chapter four. In this chapter, I rely heavily on the work of

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8 About five years before Coontz published *Marriage, a History*, Nancy Cott published *Public Vows*. Both of these books extensively cover marriage in the United States and specifically the public functions of marriage in early American history. While I draw some from Cott’s book, I found Coontz’s book to be more in keeping with the scope of this project and rely heavily on it as a major source.
historians, with Linda Kerber’s *No Constitutional Right to be Ladies* serving as the major source and inspiration for this chapter.

Chapter Three takes a step back from marriages and examines the ritual of weddings and how weddings are used to convey meaning about marriage, identity and expectations. Since weddings are the beginning of marriages, they act as an insightful tool of analysis in examining our cultural attitudes and beliefs about marriages. In this chapter, I will examine some of the specific traditions and rituals of weddings and how these traditions and rituals are used to convey meaning and understanding about the role and function of marriage in our culture. The primary text that influenced this chapter is Wendy Leeds-Hurwitz’s *Wedding as Text*. In this work, Leeds-Hurwitz examines the ways that weddings are used to transmit, to inform, and are informed by cultural attitudes, traditions and practices.

In Chapter Four I will draw upon the foundation provided in previous chapters to examine some specific ways that historical ideals, traditions, laws and attitudes have informed and influenced life for women in contemporary America. The topics that I cover in this chapter all have direct links to the legal practices of coverture and incorporate the underlying prescriptions about gender, race and sexuality that have shaped American culture from colonial times. I focus specifically on intimate partner violence, economic oppression and governmental controls of families while also incorporating a brief examination of how cultural links to religion (specifically Christianity) have influenced understandings about gender, race and sexuality and the appropriate role, status and place of each.

In the conclusion, I will flesh out the connections I made through the course of this project, while also examining techniques and strategies that can be utilized to acknowledge, question, and challenge the dominant ideologies and practices that support oppression.
CHAPTER 1

NATURALIZING OPPRESSION: THE MYTH OF PROTECTION IN MARRAIGE

Historically, marriages have played an important role in nearly every culture and society that has existed since recorded history. In the United States, marriage acts as a legal, cultural and often religious institution, with each component transmitting particular meanings. While each component serves its particular function, the three components also meld together to form and inform our understanding of the institution that 90% of the American population will enter into at some point during their lives (Yalom and Cartensen 2). When a couple gets married, they are not only engaging in a ritual that is informed by current trends and ideologies, but they are also entering into a union that is steeped in tradition and the transmission of culture (Leeds Hurwitz 7-30).

When most of us think about marriages, and particularly marriages in the United States, we have a general understanding of the rituals and dynamics that define marriage. However, across history and even contemporarily, what constitutes a marriage and what behaviors are expected in marriage have varied greatly. In fact, there is much debate—especially among anthropologists—as to what constitutes marriage and what its primary functions are. Since marriages take so many different forms and serve so many different functions in cultures and societies, there is no one simple definition that captures even its most basic forms and/or functions (Coontz 24-33). For instance, anthropologist Susan Frayser sampled sixty-two

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9 There is only one known society, the Na people of China, that has not used some form of marriage in its cultural practices (Coontz 24).
societies and calculated which functions were most often found in marriages and most frequently performed. Based on her findings, she defines marriages as, “a relationship within which a society approves and encourages sexual intercourse and the birth of children” (248), while anthropologist Edmund Leach sees marriage not about sexuality and reproduction, but about transference and regulation of property. He argues that marriage is “the set of rules” that governs how goods, titles, and social status are handed down from generation to generation (93).

One of the few things that we do know about marriage is that there is no universality of marriage, although many people, in both the past and present, would argue that there is universality in marriage and that universality dictates that wives submit to their husbands (Coontz 30).

In addition to debates about the definition/function of marriage, there are also many theories--often conflicting--about how and why the institution of marriage came about. Many argue that marriage originated as a way to exchange/distribute women. Anthropologist Claude Levi-Strauss said marriages were, “not established between men and women but between men by means of women.” (116) Through this theory, women were the currency used to establish these relationships. Feminists in the 1970s built upon this theory to counter the predominant view of marriage which held that marriage was created and functioned as a means for men to offer protection to women. These feminist thinkers and scholars challenged the protective theory of marriage and suggested that an oppressive theory of marriage was more accurate in describing both the historical and contemporary function of marriage. They pointed to the historical fact that many marriages began when, “men coerced women into marriage, often using abduction, gang rape and wife beating to enforce their wills” (Coontz 42). Through this feminist understanding of marriage, men used marriage as a means to co-opt, conquer and control the
“productive and reproductive powers of women for their own private benefit” (Coontz 42). In *Familiar Exploitation: A New Analysis of Marriage in Contemporary Western Societies*, Christine Delphy and Diana Leonard state that marriage is the primary vehicle that men use to benefit from and exploit the work of women and that this practice is still in use in individual American marriages and is the norm in many cultures around the world (258-260).

The tension surrounding theories of marriage definition, function and origin can be seen in several examples of myths used to explain the creation and dynamics of marriage. The following myth is from Blackfoot Indian tradition: The women lived in fine homes, corralled the buffalo, wore robes of buffalo, picked berries and all was fine with them. The men were very poor, had no lodges, did not know that they should live in lodges, did not know how to corral the buffalo or tan the hides or how to dry meat. The men were hungry and cold and followed the women to their lodges, then waited in the hills for the women to decide that they wanted to choose a husband and invite him into her home (Uhlenbeck 167). In this view of marriage, women were the ones who had the resources and, therefore, had the choice in marriage. This theory is not the one that is typically accepted in Anglo-American anthropological theory. According to Anglo-American anthropological theory, men hunted and feasted on wild animals. Their brains were large because they had to communicate to hunt. The men made tools, built fires, invented language and created cave art. Women were poor and were tied down by childbearing and lacked knowledge to gather food for themselves and their babies. They did not know how to protect themselves and lacked the knowledge to make tools, produce art, build shelter and keep themselves warm. The women offered sex in exchange for protection from the men. The most powerful man would pick the woman he wanted and would protect her from predators and other men. In this theory of marriage, the one buttressed by “academic authorities,” women were at
the mercy of men, needed their protection and used the only economic means available to them--their bodies and more specifically, sexual access to their bodies, to “purchase” protection from a man (Coontz 34-35).

The theory that marriage was invented for the protection of women is still the most widespread and accepted view of marriage and is often used to justify the “head-of-household” status of men. Those who support this theory argue that the gendered division of labor in the first nuclear families of the stone ages was the most important unit of survival and protection and can still serve as a viable model today. However, as Coontz notes in Marriage, a History, actual studies of stone-age hunter/gather societies reveal that the male provider theory is at best misguided. The reality is that in most hunter/gather societies, it was the gathering done by the women that provided the majority of the goods for the group. She further notes that individual marriages which excluded the larger group would not have been feasible to the survival of the individuals or the whole group. In most hunter/gather societies, sharing and reciprocity were valued and necessary to individual and group survival, with those who refused to share facing sanctions from the group (37-40). However, it is not this view of shared responsibility and mutual benefit that has been passed down and that has come to be seen as “natural.” Rather, it is the dominant male protector view of marriage that has been naturalized and consequently held as the “universal norm” in marriage.

At the core of these “protector” theories of marriage is the concept of patriarchy. At the root of the term “patriarchy” is the Latin word “patri” (father), which roughly translates to rule of/by the father. The system of patriarchy has dominated western culture for thousands of years and continues to serve as the dominant ideology of family and gender relations. Patriarchy forms
the most fundamental foundation of American culture and is continually used to justify the power that men have over women. One of the reasons that patriarchy has been so pervasive for thousands of years is because it has come to be viewed and accepted as “natural and inevitable.” As Laura Kramer states, “Powerful groups dominate, in part, by creating and perpetuating a set of cultural beliefs and practices that legitimize their power.” (24) Since men, as a whole, had/have the most power, they are in a position to naturalize their power to a point that it becomes nearly universally accepted and rarely questioned or challenged.

In patriarchal cultures, the “natural” characteristics of men are taken as ideal, normal and natural. Under this system, the very fact of being female excludes most women from any claim to equality and makes female superiority of any form an impossible achievement. Even in cultures that purport to value women and men equally, it is the activities in which men are expected to engage in that are given more value, authority and prestige (Kramer 25). In The Sociology of Gender, Kramer discusses how even when men and women perform roughly equal tasks, due to the cultural constructions of patriarchy, the man will always have greater access to success. The example that she uses involves job performance and expectation. In her example, Kramer poses a situation where a job requires mandatory overtime for all employees--something that is only feasible for those who do not have the responsibility of providing child care. In this example, being able to work overtime is considered “normal/ideal” and therefore more desirable, while having to manage families is not “normal/ideal” and, therefore, not as desirable (25). An additional example of the normalization of male behavior, even when it has a real cost, can be seen in the 1989 critique by Audrey Freedman of an article on the added costs associated with

10 Much of feminist research focuses on the constructs, constraints and ideologies of patriarchy.
11 In “ ‘Night to His Day’: The Social Construction of Gender,” Judith Lorber also examines the ways that, even in cultures that have some measure of equality, the work and status of women is less valued and seen as being in opposition to the “naturalness” of men.
hiring female managers that appeared in the *Harvard Business Review*. In Freedman’s critique, she points out that there are unique costs to productivity that are associated with men, but that these costs are considered a normal and expected part of doing business.\(^\text{12}\)

In addition to the theme of patriarchy, there are several other major theses, some expected and some unanticipated, that have emerged during the course of conducting research for this project, with many of these themes functioning in some capacity both historically and contemporarily. The most obvious themes are of domination and submission (closely linked to patriarchy). Historians, academics, and theologians have been purporting the “natural” and often divinely mandated superiority of men for thousands of years and that women were/are “naturally” (and divinely) inferior to men and in need of their protection\(^\text{13}\). Though this view would shift somewhat in the nineteenth century, the principle and function of male domination and female submission would remain firmly intact. Another theme of marriage that emerged, and one that is linked to both patriarchy and domination/submission, is that of making analogous the relationships of marriage and state. For example, colonial settlers viewed marriage as the “little commonwealth” and orderly households became the symbol that reflected a properly functioning government (Fisher 19). Included in this model of family as representational of state was the belief that the father was the undisputed head of the household (patriarchy). Just as God was the head of church, mayors were heads of cities and governors were heads of colonies, fathers were the legal and moral heads of their families. Like the theme of

\(^{12}\) These higher costs reflect the higher rates of drug and alcohol abuse that lead to lost productivity and higher insurance costs and the aggressive business practices of men that often lead to expensive business takeovers.

\(^{13}\) In “Theories of Gender and Race” Londa Schiebinger examines both the divine and natural/scientific assumptions about gender, race and superiority. Using the Enlightenment as a backdrop, she examines how Enlightenment thinkers used “scientific” reasoning and evidence to transform the “great chain of being” (a hierarchical listing of “known” objects that situated God at the top and rock at the bottom, with each link on this chain further broken into sub-hierarchical listings, i.e. white man at the top of the human link) into a scientifically supported reality that reinforced the dominant and oppressive ideologies of gender and race.
domination/submission, the theme of family as a “little commonwealth” would shift, but its function would remain largely the same. The final theme that somewhat surprisingly emerged was the link between marriage and economy. As I read Coontz’s book, *Marriage, a History*, it became very clear that marriage has a long global tradition as an economic function, and the more research I did for the project, the more and more I noticed the ways in which marriage was described in terms of economy (both in terms of the interpersonal aspects of marriage and in the social and cultural aspects of marriage.) Through this understanding of marriage as an economic function, it became easier to make connections as to why marriage was and is so heavily regulated in both formal and informal ways.

All economies have to be controlled and regulated, and the economy of marriage is no different. Whereas in stone-age hunter/gather societies, marriages were about sharing resources and obligations, the function of marriage (especially in western cultures) gradually shifted to become a system of consolidating resources and excluding others from having access to those resources. As power became more organized and as marriage became a way to access and hold power, the acceptable forms and arrangements of marriage became more heavily regulated, and definitions of legal and accepted marriages narrowed. Marriage eventually became a way for powerful individuals and kin groups to accumulate power, property and people, and women became their primary currency (Coontz 44-45).

14 During the beginning of the 1800s, Revolutionary ideas and ideals had been transformed into ideas and ideals about the Republic. The control that husbands had over their wives and families was reaffirmed by drawing connections to the Republic in so much as husbands’ control over their wives was a form of protection, just as Republic laws, military, etc. were used to protect citizens. In this new “Republican” visioning of marriage, women were held up as moral purists who were responsible for the moral welfare of the whole family-- even the husband. She was to keep the private space of her home moral and pure while her husband had to engage in the impure public and political world.

15 For an in depth examination of the link between family and economy see Christine Delphy and Diana Leonard’s book *Familiar Exploitation*. 
The most common way to control and regulate marriage is through the passing of laws that dictate what constitutes a marriage, who can engage in marriage, and what privileges are granted in marriage. Historically in the United States, at the center of marriage laws, ideals and practices during the founding/creation of the United State was the legal concept of coverture and influencing coverture was the fundamental belief that women were incapable of exerting full agency over their lives and thus needed to be under the control, influence and authority of a man (a patriarch). Marriage laws have always been and continue to be a primary interest for lawmakers who seek to control and influence society by regulating and shaping the function, rights, privileges and responsibilities of individuals who wish to marry. Specifically, marriage laws have been used as a means of controlling the rights of women, ethnic/racial minorities, members of the lower class and individuals who are situated outside the “heterosexual norm.”

All of these groups have been, and in some cases still are, targets of marriage laws that have sought to dictate what choices can be made with regard to marriage.

Since the United States was not created in a vacuum, its history has been and is influenced by myriad cultures and ideals. The United States was founded largely on the principles of democracy, and even during the colonial period (up to the formal Declaration of Independence) principles and practices of democracy were in place. Ideologically, the principles of democracy are based on two major influences: ancient Greek philosophy and the Enlightenment movement of the late seventeenth through early nineteenth centuries, with the latter being greatly influenced by the former. Like the democracies from which it was inspired, the United States--at least initially--did little to improve the rights of women. In all democracies until the late twentieth century, women were not allowed access to or the privileges of

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16 In chapters two and four I will go into more details about specific ways that marriage laws in the United States restricted these groups.
democracy because their citizenship was not acknowledged by those (powerful men) who were making the laws. As in early America, women in the ancient Greek Democracy (and in many other cultures throughout history and currently) were the subject and property of a man. The dependency of women on men (husband, father, brother, etc.) was viewed by both ancient Greeks and early Americans as a means to ensure social discipline in much the same way that animals, children and slaves must be controlled. This founding ideology is still deeply rooted in the way that women, children, racial/ethnic minorities and those outside the heterosexual norm are viewed in contemporary culture, and influences the access these groups have to the full rights, benefits and privileges granted to the “patriarch” (Coontz 76-77; Kerber).
CHAPTER 2

AMERICAN IDEALS: A HISTORY OF COVERTURE

In order to understand how we got to the present, it is important to look back through history and examine the cultural and legal implications of marriage. When the first settlers came from England, they brought with them their views about marriage and family relations. Colonial settlers viewed marriage as the “little commonwealth” and believed that family was the central unit of the new nation. It was believed that this “little commonwealth” was a reflection of larger society and that if the family functioned in a just and moral way, the nation would function in a just and moral way. Orderly households became the symbol that reflected a properly functioning government (Fisher 19). As stated in Chapter One, the central tenant of this model was the belief that the father was the undisputed head of the household (patriarchy). Husbands and fathers had the legal authority and moral responsibility to ensure that the members of their family (wife, children, servants, slaves) were living up to the ideals of colonial American society. Under this system, marriage exemplified the legal and cultural transformation that confirmed a man’s authority over his wife, while ensuring that the children his wife bore had the proper legal claim to his property (Coontz 7).

The law in medieval Europe (which became the law in the American Colonies and eventually became the legal code and tradition in the United States) stated that a husband had complete control over his wife and that she forfeited her civil rights and identity when she married. This system of “civil death” upon marriage is referred to as "coverture" and under the
laws of coverture, a married woman’s civil, legal and property rights were “covered” by her husband’s. The impact of coverture on women was often harsh and acted to severely limit their independence and freedom, and in many cases left them vulnerable to economic, legal, social and physical punishment. Under coverture all income a wife earned belonged to her husband; she could not own property in her name; her husband had unlimited access to her body; her husband was allowed to physically detain her in the home; he could take her children; he could have her committed; and he could beat her, although he was not to beat her to the point of endangering her life.

While the bonds of coverture were most often experienced by married women in the day-to-day realities of their marriage, for some women, the rigid ideologies and practices of coverture had unexpected consequences on their “citizenship.” Beginning in colonial times, laws were enacted so that when a woman married she forfeited not only her individual civil identity, but she also forfeited her citizenship--limited though it may be--and became automatically aligned with her husband’s citizenship. Laws ranged from the loss of rights to public charity in the town of her birth if a woman married a man from a neighboring town or colony to loss of her national citizenship (and therefore the citizenship of any children from the marriage) when she married a non-citizen. It was not until the Cable Act of 1922 that the citizenship rights of women gained some measure of protection when she married a non-citizen, and it would be not be until 1989

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17 In the early colonial period, coverture laws and practices also included the parent/child relationship, as well as the master/slave/servant relationship (Kerber XXXIII).

18 In *No Constitutional Right to be Ladies* Kerber examines many legal cases throughout the history of the United States where women lost their United States citizenship when they married a man who was not a citizen of the United States. In 1907 congresses passed the Expatriation Act to make explicit what had largely been implicit in the law—that American women lost their citizenship when they married men who were not citizens (even if they were both living in the United States.) When the Expatriation Act of 1907 was challenged in 1909, the Supreme Court ruled that a woman willfully suspended and/or forfeited her citizenship when she married an “alien.” Justice Joseph McKenna stated when an American woman married a foreigner that she was engaging in an act as “voluntary and distinctive as expatriation” and must face the consequences of her actions (42).
that all vestiges of coverture in relation to citizenship were removed from federal legal codes (Kerber 33-46).

Under coverture it was held by cultural consensus, religious doctrine, and legal code that women should unquestionably follow their husbands in all but the most extreme circumstances. When wives failed to be properly submissive and obedient, husbands were expected, allowed and encouraged to “extort obedience by force” so that the disobedience of a wife was unthinkable (Coontz 119-121). During colonial times, it was common for both secular and religious authorities to encourage husbands to use force to maintain control over their families. Though most urged husbands to use gentle force and to use it only as a last resort, it was nonetheless accepted and encouraged. In fact, community shaming was commonly used at that time as a way to scold wives who disobeyed, talked back, or otherwise did not follow the command of her husband. There was no such public humiliation or ridicule for husbands who beat and/or mistreated their wives. There was a much greater concern for wives who contradicted patriarchal power than there were for husbands who abused that power (Coontz 141).

Under laws and customs of coverture, it was the belief of the patriarchal authority of colonial America that the only choice a woman had in regard to marriage was in whom she chose to marry. Upon marriage, her husband became her lord and she was subject to him. In the 1630s, Massachusetts Bay Colony Governor John Winthrop had the following to say about the ideology of the husband/wife relationship: “He is her lord, and she is subject to him, yet in a way of

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19 Though during Colonial times, husbands could be publicly humiliated, usually by a public dunking, if his wife was seen as unruly or disobedient (Coontz 141).
liberty, not of bondage; a true wife accounts her subjection her honor and freedom.” (Kerber 9)

This statement by Winthrop became the standard belief concerning the entry of women into the civil order and her subsequent obligations. In the colonial period, and even up until the late twentieth century, coverture was actually seen as a positive intervention for women in that it shielded them from the stresses of public life (Kerber 9, 15). By having a husband who shouldered the “burdens” of public/civil duty, women were able to focus on their divinely mandated role of wife and mother.21

While coverture became the standard legal practice in the United States, not all women were eager to fall under its mandates. As our Founding Fathers were crafting the legal documents that would form the foundation for the United States legal code, Abigail Adams, wife of the future second President of the United States, John Adams, wrote a series of letters to her husband urging him and other lawmakers to remember the “ladies” when creating the laws of a new Nation. In a letter written to her husband on March 31, 1776 Abigail Adams makes the following plea to her husband: “In the new code of laws that I suppose it will be Necessary for you to make, I desire that you would remember the ladies and be more generous and favorable to them than your ancestors. Remember, all men would be tyrants if they could” (qtd. in Schneir 3). In a letter dated April 14, 1776, John Adams makes the following reply to Abigail Adams’ request

20 Additional statements from colonial era contemporaries include: English Puritan Robert Cleaver’s advice that husbands should not control their wives like servants, but should instead exert authority in a way that would, “rejoice and content her.” A Puritan minister ended a prayer with, “Mine husband is my superior, my better.” In 1663 Lord Chief Baron Matthew Hale exclaimed that, “by the law of God, of nature, or reason and by the Common Law, the will of the wife is subject to the will of the husband.” (Coontz 131-141).

21 Colonial lawmakers drew heavily upon William Blackstone’s Commentaries on the Common Law of England when crafting laws regarding coverture. Blackstone wrote extensively about English common law and the role of coverture. Blackstone, like many colonial law-makers who adopted his views, believed coverture was a form of protection. It was widely held in both England and in Colonial America that the “protection” of coverture actually allowed women to become “favorites of the law.” This theme of coverture as protection would remain firmly in place until legal coverture ended. (Blackstone & Kerber 15 & 31)
for more legal rights for “ladies” in the new Republic: “As to your extraordinary code of laws, I cannot but laugh” (qtd. in Schneir 3). As the reply from John Adams illustrates, Abigail Adam’s pleas were not enough to convince her husband and the other Founding Fathers to recognize the rights of women--especially married women--in the legal codes and documents of the United States. The Founding Fathers obviously saw nothing morally, legally or culturally wrong with the laws of coverture that had been in place in the colonies since their settlement over 100 years before. 

There is a great irony in this exchange between Abigail and John Adams in that the Founding Fathers were basing the newly created legal codes of the United States on existing Enlightenment ideals of equality and self-determination. Using existing Enlightenment ideologies, the framers of the foundational legal/ideological documents of the United States had the opportunity to create a nation that fully embraced equality. However, as the exchange between Abigail and John Adams highlights, the Founding Fathers believed that the principles of the Enlightenment were only available and accessible to those few who were deemed worthy of the burdens of full citizenship. In “How It Happened: Race and Gender Issues in the U.S. Law,” Paula Rothenberg makes explicit who these “citizens” were: “When the authors of the Declaration of Independence proclaimed that all men were created equally and endowed with unalienable rights, they meant ‘men’ quite literally and white men specifically” (437). Even today, there is no explicit statement in the United States Constitution that grants the full rights and equality of citizenship to women.

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22 Two days after the Declaration of Independence was signed, New Jersey granted women the right to vote, however, in 1807 New Jersey fell in step with all other states and barred women from voting in any elections. Other early states also allowed women to vote, but also rescinded those rights shortly after the end of the Revolutionary war. Those states include New York until 1777, Massachusetts until 1780 and New Hampshire until 1784 (Brooks and Gonzales par. 2-4,7).
At the same time that laws promoting and expanding coverture were being drafted into legal code and cultural practice, laws concerning “race” were also being drafted into legal code and cultural practice. The impact and effects of these laws and cultural practices continue to haunt many today. When the English colonists first settled what would eventually become the United States of America, race was not necessarily seen as being a “biologically” given category. However, in the early years of colonization, this belief began to shift and race became seen as biologically determined and unchanging. As race and biology became intertwined, European settlers created new ideologies that revolved around linking physical traits (race), moral capacity, intellectual ability and divine relations (Fisher 1-11). As race become “real,” colonial settlers began enacting laws that established, defined and reinforced racial difference. Chief among these laws were anti-miscegenation statutes that made it illegal for “white” and “non-white” individuals to engage in sexual relations and/or marriages. Through combining marriage laws (including laws and practices of coverture) and anti-miscegenation laws, colonial leaders were able to use the law as a tool that created and enforced racial difference (Cott 4).

The first anti-miscegenation law in colonial American that explicitly forbade marriage between people of different races was enacted in Virginia in 1691. In this law, the “abominable mixture” of the races was forbidden. Any Virginian who entered into an interracial union and/or marriage would be banished from the colony (D’Emilio and Freedman 53). Throughout the remainder of the colonial period, marriage laws were used to define marriage and race in increasingly specific ways. These laws were crucial in maintaining the newly created racial hierarchies of the colonies (Fisher 122-124). The laws and ideals of coverture were so deeply imbedded into the legal and cultural traditions of early Americans that understandings of coverture deeply influenced the anti-miscegenation laws of early America. It is believed that
cases such as that of Nell Butler were used when enacting marriage laws that forbade marriage between white settlers and African-American men. Specifically, in 1681, Nell Butler married Charles, a slave. Under coverture laws in colonial America, when Butler and Charles married, Butler became a slave (Kennedy 59-61). Because the laws and practices of coverture trumped all other laws and practices, when Nell Butler married, she forfeited her status as a free woman and assumed the bonded status of her husband. 

Ideologies of coverture were further used to buttress the practice of not allowing slaves to enter into legally recognized and protected marriages. If a female slave married, under the system of coverture, her husband became her master and had control over her labor, production and body. Since slaves were viewed as the investment property of their masters, it quickly became the practice that slaves were not allowed to enter into formal and legal marriages. While some slave owners allowed their slaves to enter into informal marriages, they were under no obligation to recognize or honor these marriages. Since slave marriages were not legally recognized or binding, the wife did not fall under the “cover” of her husband; she remained under the ownership and control of her master. It is estimated that one in six slave “marriages” were broken when one or both spouses were sold. In reflection of this trend, one slave preacher married couples with the phrase “until death or distance do you part” (Mintz and Kellogg 72).

The penalties for breaking anti-miscegenation laws were stiff and placed all women, African-American men and Native American men in legally and culturally precarious situations. For example, in 1723 North Carolina legislators created a law that placed “additional taxes on

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23 Though she lived her life as a slave, an eighteenth--century court later ruled at Nell Butler and her children were not slaves. After the ruling, many mulatto runaway slaves claimed that they were descendants of Nell Butler and, therefore, not slaves (Hodes 19-38).

24 Since slaves were not allowed to enter into legal marriages, the children born to “married” slave couples were not recognized as belonging to the father and, therefore, did not fall under his protection.
free people of color and any white person who married a nonwhite spouse.” North Carolina followed up this law in 1741 by creating a statute that fined any white spouse fifty pounds for marriage to “an Indian, Negro, Mustee or Mulatto Man or Woman, or any person of Mixed Blood to the Third Generation, bond or free” (Fisher 123). Laws such as these that placed fines and/or taxed individuals for interracial marriages were also used as a means of controlling the behaviors of lower and working class colonists. As Fisher (Suspect Relations) and Kennedy (Interracial Intimacies) point out, it was usually members of the lower and working classes who entered into marriages that were interracial. Since the majority of lower and working class colonists could not pay the fines and/or additional taxes for interracial marriage, the government was able to enact laws that controlled the private behavior of colonists who were seen as inferior (Kennedy 67-69; Fisher, 123).

The impact and effects of anti-miscegenation laws can still be seen today through the cultural practice of interracial marriages in the United States. Of all of the forms of intercultural weddings, interracial weddings are the least common. According to the US Census Bureau, in 2002 only 2.9% of all marriages in the United States were interracial--with black-white weddings in the United States representing the lowest rates of any “Western” country. This is not particularly surprising considering the legal sanctions that were placed on black-white weddings/marriages in the United States. Even after the Supreme Court ruled that anti-

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25 I find this particularly interesting because, as Leeds-Hurwitz points out in Wedding as Text, in contemporary America it is usually highly educated members of the “middle class” who enter into interracial marriages.

26 This plays out interestingly in popular and consumer culture. In Wedding as Text, Leeds-Hurwitz discusses the difficulty that many interracial couples have in finding cake toppers that reflect their union. While there are cake toppers of white couples, black couples, Asian couples, etc. none of the couples she interviewed were able to find interracial cake toppers. Most couples reported having to purchase separate sets, make their own, or have another cake topper (flowers, doves, etc.) Out of curiosity and to see if any changes had taken place in wedding toppers since Wedding as Text was published in 2002, I decided to search the internet for interracial bride and groom cake toppers. There was only one website that I found that specialized in interracial cake toppers, and this site sells the bride and groom separately so couples can purchase cake toppers that best represent them. This site also allows you to pick your quantity of bride and groom so you could make your couple two brides or two grooms (Things Festive).
miscegenation were unconstitutional (*Loving V. Virginia* 1967), many states, especially in the southern United States, refused to pass and/or amend State laws that prevented interracial (typically black-white) couples from getting married. At the turn of the twenty-first century, South Carolina and Alabama, the last two states to remove anti-miscegenation laws from their legal codes, were debating removing these laws and many lawmakers and public policy advocates argued against their removal (often using biblical philosophy) even though the Supreme Court had already ruled them unconstitutional (Coontz 13-14).

Perhaps the unspoken fears of those in South Carolina and in Alabama were the same fears expressed centuries earlier when anti-miscegenation laws were created; what happens when a black man marries a white woman? Which position--race or sex--will trump the other? Do white women, by virtue of their whiteness have more power than black men or do black men, by virtue of their being men, have more power than women? In interracial marriages the lines of power and domination are often blurred and/or ambiguous and this ambiguity can be disconcerting for those have a stake in the enforcement of social hierarchies. While these were not the arguments (at least the public arguments) used during the marriage debates at the turn of the twenty-first century, one must assume that, at least on some level, this concern was at the center of the reluctance to change both law and tradition, as it is fundamental for all in society/culture to know who has power and access to power and who does not have power and/or access to it.

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27 South Carolina voted in 1998 to remove anti-miscegenation laws with 62% of voters supporting the removal and 38% voting to keep them in place. Alabama voted in 2000 to remove anti-miscegenation laws with 60% of voters supporting the removal and 40% voting to keep them in place. (“Alabama Removes Ban on Interracial Marriage” par. 2)

28 The verse that is most often quoted comes from II Corinthians 6:14 and is actually a warning about forming unions with —“unbelievers” and has nothing to do with race.
Through anti-miscegenation laws, matrilineal practices, and other forms of institutionalized racial oppression, the system of slavery became firmly entrenched as part of the American legal, cultural and economic systems. The economic impact of slavery helped to stabilize the United States after the American Revolution and this new National stability lead to increased pressure from more women to be recognized as full and independent citizens with the rights and obligations of citizenship. In response to these growing demands, a new ideology of gender and family relations was created that would influence both gender and family relations and relationships for over one hundred years. This new ideology emphasized that women and men were created “equal,” but each was suited to specific and mutually exclusive “spheres.” In this new system of “separate spheres” women moved from being seen as inferior “adult children” to being viewed as moral authorities whose primary function was to nurture and support her family. In this new visioning of marriage, women were held up as moral purists who were responsible for the moral welfare of the whole family, even the husband. She was to keep the private space of her home moral and pure while her husband had to engage in the impure public and political world. Men were active in the public sphere, which was driven by rationality and activity, and women were situated in the private sphere where humanitarian efforts and compassion were at the forefront. Husbands moved from being supervisors of the family workforces to being sole providers for their families, something that happened through the public

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29 In 1847, Dr. Charles Meigs summed up popular medical and cultural assumptions about women when he told his all male gynecology class that the head of a woman was “almost too small for intellect and just big enough for love.” Contemporary Henry Harrington followed up on Dr. Megis’s comment when he cautioned that women who used their heads too much were “only semi-women, mental hermaphrodites” and ran the risk of insanity by diverting blood and energy to their heads when it was needed in their true center--the womb (qtd in Coontz 170).

30 This ideology, like many ideologies of women, was only available to a narrow spectrum of women and required that there was a ready supply of women who did not have access to this archetype (working class women and women of color) to assist the “homemaker” in her duties (Kramer 27).
sphere of the job force. The system of separate spheres would, at least ideologically, be in place until women began to challenge dominant gender and family theories in the closing decades of the twentieth century.

The new archetype of women as pure, asexual, and overly moral was in part created as a means to further create distinction between white women and women of color. Because of slavery, racial oppression and restrictive marriage laws, the vast majority of women of color could not function in the accepted role of “wife,” since women of color (and some poor white women) did not have access to and were not able to perform their “naturally” prescribed roles. Furthermore, black women were culturally viewed to be in direct opposition to white women in that they were seen as immoral sexual wantons who lacked sexual control and moral values. Through this visioning, black women became automatically accessible to all white men, while the role of “wife” became automatically inaccessible to them (Schiebinger 27-28; Hammonds 96-97). The tension between white women and black women (which was socially constructed by men as a means to exert power and control over both groups) would serve as a major barrier in all women being able to achieve full freedom and equality both legally and culturally.

Through the implementation of separate spheres, “oppression” was not viewed as the result of male privilege, but was rather a statement of reverence that women should be shielded from public life and should be allowed to have their special talents respected. Through this view, equality would actually harm women and would make her subject to the harshness and impurity

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31 The ideal of the male-breadwinner / separate spheres family was in all actuality a myth. As Coontz uncovers in Marriage a History, it was not actually until the 1950s that a majority of families in the United States consisted of a bread-winner father and a full-time homemaker mother (4).
32 As Evelyn Hammonds (and many other writers) point out, black women would have to work against this visioning/ “myth” of the black women as sexually and morally depraved and many black women continue to struggle against and challenge this myth. See “Toward a Genealogy of Black Female Sexuality.”
of public life. The longer this view was held as truth, the more women came to see their positions as ones of privilege, and many women fought to defend that position. This view, of course, was only available to middle and upper class families, and white middle and upper class women were the only ones who benefited from the “privilege” of gender oppression that was designed to “protect” them from the so-called corruptive realities that men, poor women and minority women had to face in the wage-centered public sphere. If “privileged” women began to question their treatment, all they had to do was look at the treatment of women of color and poor women as a warning of life in the public sphere. This threat was enough to keep most women firmly entrenched in the “Cult of True Womanhood.” Some historians and feminists have argued that the creation of the “moral women,” whose domain was in the private sphere, was created as a means to consolidate patriarchal power and authority at a time when neither could be publically used to justify the oppression of women (Schiebinger 2-3; Erickson 3-48). This rebranding or repackaging of roles (gender, racial, class) is a tool that has been and is used as a way to make oppression pass as privilege and thus become something that the “privileged” will fight to retain.

When the concept of “separate spheres” for men and women came to be the accepted view, many women, who in earlier times found independence as femmes sole, became subject to the rigid social view that women were designed (naturally, medically and divinely) only to function in the private sphere. Through the “separate, but equal” stratification of the public/private spheres, women were no longer seen as being less than men, but there was no room for them to act like men in any way, including engaging in the public sphere. Any woman

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33 As Linda Kerber highlights throughout No Constitutional Rights to Be Ladies, middle class and elite women would use the “oppression” as “privilege” argument to fight legal and cultural attempts to create equality/full citizenship for women (at least the women of their own race and class.)
occupying space in the public sphere was immediately suspect and assumed to be a sexual wanton who was trying to tempt men. She was viewed by men as sexually accessible and viewed by women as a threatening aberration to the “natural” place and function of women (Coontz 153-160).

Even as the ideology of separate spheres spread and became “naturalized,” there were women across the country that began to publically question the moral, cultural and legal validity of coverture and the second-class status of women. As women began to challenge the legal realities of coverture, they held rallies and meetings across the country to address the issues of inequality that women faced. Speakers from across the country gathered in the summer of 1848 in Seneca Falls, New York and drafted the Declaration of Sentiments. The Declaration of Sentiments was modeled off of the Declaration of Independence and challenged point by point the practices of coverture while evoking the Enlightenment language of the Founders themselves. Early feminist leaders would organize and work (at times in ideological opposition to one another) for over one hundred years--and many are still working--to accomplish the demands set forth in the Declaration of Sentiments. To mark the 150th anniversary of the Seneca Falls Declaration of Sentiments, in July 1998 the National Organization of Women drafted a new Declaration of Sentiments to address contemporary issues facing women and, sadly, many of the

34 We still see this today with the unspoken regulations that control where women can go and that place blame for anything that happens to a woman when she is in a “forbidden” place squarely on her. When women break the rules of female mobility, they open themselves up to the possible punishment(s) that are usually physical and/or sexual in nature. In particular, sexual attacks on women serve as a warning that certain spaces are forbidden (public) or that loss of control is expected in certain spaces (private.) When women “break the rules” about movement and occupation of “forbidden spaces” they open themselves up to the consequences of not following the “rules” and thus become culpable for their “punishment” (Price and Shildrick 338-339; Rose 362-364; Rushing 371-380 ).
35 Many of these women were also actively involved in the abolitionist movement and viewed full citizenship and individual agency as a natural right that should be afforded all individuals.
original resolutions from 1848 were again repeated in 1998 Declaration (National Organization of Women).

Beginning with Seneca Falls convention, first-wave feminist began working on local, state and federal levels to establish legal and cultural rights for women. Chief among the demands of early feminist were the ending of coverture and suffrage for women. Suffragist, abolitionist and feminist Lucy Stone was one of the most vocal critics of oppressive practices in law and culture. When she married Henry Blackwell in 1855, she is credited with being the first married women in the history of the United States to retain her surname upon marriage and in doing so rejected the principles of coverage that this act symbolized. In response to their criticisms of marriage, Stone and Blackwell wrote a “Marriage Protest” that was read and signed at their wedding ceremony (Lewis par. 18-20). When Stone rejected her husband’s name, she and Blackwell were also rejecting the institution and ideologies of coverture, including the belief that women were inherently, naturally and divinely ordained to need of the protection and guidance of a man. Through their radical marriage, Stone and Blackwell made a powerful political and social statement and critique about the status of women in the United States and the inherent inequality between the married couple.

Through the efforts of Stone, Elizabeth Cady Stanton, Susan B. Anthony, Lucretia Mott, Carrie Chapman Catt, Alice Paul, Sojourner Truth and many other known and unknown women, laws gradually began changing to allow more freedoms to women. The first laws that began this challenge usually came in the form of property laws that allowed married women to retain and/or own their own property. While fighting for these small steps, these women never lost sight of the goal of full recognition, freedom and equality granted through and recognized by the United
States Constitution. When the 14th Amendment of the Constitution was passed and ratified, something that many of these women had fought to see happen, there was hope that gender equality would also be recognized with racial equality. Unfortunately for women, they were excluded and it would not be until 1971 that the Supreme Court would finally rule that women were indeed protected (though not explicitly) through the 14th Amendment (Kerber 307). However, as evidenced by the legal and cultural treatment of black men after the passage of the 14th Amendment, Constitutional recognition did/does not guarantee equal treatment and access through and in the law.

After the ratification of the 14th Amendment, suffrage became the major goal of women rights organizations. These women believed that through the ability to vote, they could change discriminatory policies and laws. In 1920, the 19th amendment was finally ratified and women gained the right to vote. Unfortunately, like the passing and ratification of the 14th Amendment, access to voting did little to change the legal or cultural position of women. Men felt that they had given women what they wanted—the right to vote—and that through voting, women gained “equality.” While many women were happy with the right to vote and saw no need to further engage in a political fight for legal equality, a group of mostly unorganized women (and men) would challenge the legality of coverture and the impact that it had on women. Issues of citizenship, taxation, jury service, contract negation, property rights, and wage rights would continually be challenged by women who were adversely impacted by the practices of coverture. Through their efforts, the legal remnants of coverture were gradually removed from local, state, 

36 While these women were fighting for equal access to rights, there were many women who wanted no such access and they actively fought against these women. In an editorial that appeared in the New York Herald in 1952 one woman accused suffragist of being old maids, unattractive, slighted by men, and mannish women. And she went on to call the men who supported these women “hen pecked.” This woman believed that women, just like “Negros” were naturally and divinely inferior to white men and therefore they were all doomed to a life of happy subjection (qtd in Rothenberg 460).
federal and tax law. While the last vestiges of coverture were removed from United States legal codes on 1993, the vestiges of coverture continue to impact the lives of women through cultural practices, attitudes, and expectation (Kerber).
CHAPTER 3
BECOMING ONE: WEDDINGS, RITUAL AND TRANSFORMATION

“Since ritual is a good form of conveying a message as if it were unquestionable, it is often used to communicate those very things which are most in doubt” (Moore and Myerhoff 24). The preceding quote is taken from Secular Ritual: Forms and Meanings in which Sally Moore and Barbra Myerhoff call into question the meaning of marriage and wedding rituals. Up until this point, the focus of this project has been on marriage laws, customs, functions, traditions, and expectations; however, in order to fully understand these concepts (especially in a contemporary fashion) one must look at the moment marriage occurs and examine the role that weddings play in conveying meaning, understanding and expectations about marriage. In this chapter, I will examine wedding customs, rituals, and traditions and how these aspects function in relation to our expectations about marriages and the impact that the wedding rituals have specifically on women.

Because weddings signal the beginning of marriages, they serve as important vehicles in expressing expectations on both cultural and interpersonal levels. However, there is little in the way of academic study of weddings or how weddings are used as both interpersonal and cultural rituals that convey meaning, expectation and identity. In her book White Wedding, Chrys Ingraham chastises the academic community for not devoting more research to weddings, a stance that takes on even greater urgency as gay marriage moves to the center of the equal rights debate. Ingraham asks, “How can they [weddings] be so present in popular culture yet so absent from scrutiny” (3)? She claims that one of the reasons why many researchers are reluctant to
research weddings and their cultural implications is because they are fearful of potential backlash. According to Ingraham, “Efforts to critically examine many sacred or valued practices and institutions are frequently resisted and suppressed,” and when it comes to weddings, the academic community is no exception (9). Additionally, traditional academic disciplines are often reluctant to acknowledge the value in studying popular cultural and the ways that popular culture influence behaviors and trends. Robin Markowitz, a Cultural Studies scholar, examines this tension and its possible cause in a paper that was presented at a Cultural Studies conference. She states:

Cultural studies…represents a certain kind of challenge to the accepted practices of knowledge-gathering within the academy. Those accepted practices are characterized primarily by an ongoing establishment of knowledge hierarchies—serious rankings of what counts and what does not according to pre-established sets of standards… Nowadays, those who've placed their faith in protecting academic canons from cultural studies apparently feel they're under attack. They fear that their canons (what have been called the canons of Dead White European Males) will be replaced by new ones—those of living, non-white, non-westerners, many of whom aren't even male. (par. 1)

So why is there reluctance to question, change, and/or challenge weddings in the United States? One answer may be that the business of marriage is enormous; it is estimated that over $161 billion was spent of wedding in 2006 and this figure continues to rise each year (Mead 10). According to statistics from the wedding industry, approximately 2.1 million couples get married each year (Statistics from the Wedding Industry par. 1) with the “average” couple spending $20,398 on their wedding ceremony (Cost of Wedding par. 1). The economy of weddings, coupled with the economy of children, creates a substantial market force in the United States.  

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37 Once again the economic function/role of marriages comes into play and influences cultural norms, expectations and traditions.
38 This does not include the cost of the honeymoon or engagement ring.
39 It is estimated that the first year of life costs $5,235- $23,819, with an average of $10,158 in direct costs to parents/guardians for a healthy baby (First-Year Baby Cost Calculator).
Therefore, it would be reasonable to assume that those who benefit from these economic contributions have much at stake in keeping the current systems in place.

In addition to the economic impact that weddings have, they also serve as a means of transmitting, transferring, and reinforcing cultural values, traditions, expectations and norms. Those who have a vested interest in maintaining these values, traditions, expectations and norms regulate both weddings and marriage while simultaneously promoting both as the “natural” and “ideal” state that all people should aspire to (Ingraham). Conversely, as Ingraham points out, through the narrow definitions and expectations of weddings and marriages, those groups (namely those outside the heterosexual norm) who cannot participate in weddings and marriages are firmly situated as both unnatural and an aberration—much the same way that “true womanhood” in the nineteenth century was constructed to exclude women of color and poor women. Through “traditional” or what Ingraham calls “White Weddings,” couples are publically agreeing to and reinforcing the established cultural norms, values, and expectations about marriage and acceptable gender roles.

How can something as seemingly personal and simple as a wedding be such a powerful vehicle in conveying meaning? As Wendy Leeds-Hurwitz explores in *Wedding as Text*, weddings and the rituals that go into creating them gain their “power” and meaning through serving as “master narratives” that are recognized by others in the community for both their familiarity and validity. Master narratives are the themes that are used in multiple ways by people in groups to convey meaning and group identity. Master narratives could be described as the stories we tell ourselves about ourselves to reinforce the group identity. Master narratives also serve as benchmarks for individuals within a group to rate/rank themselves against other group members. Closely linked to master narratives are the “performance narratives” that are
used to “act out” the meanings of the master narratives. When couples get married, they have
the opportunity to engage in a performance narrative through the stories that they create and
perform in order to convey meaning and messages about their identity--individually, culturally,
religiously, economically, and finally as a couple (129).

Because weddings are usually highly planned events that require months and sometimes
years of planning, they are very intentional. Weddings are intricately and purposely designed to
convey particular meanings and to do so in public ways. Through weddings, individuals display
who they are, and who they will become as a couple. The ritual of weddings allows two
individuals to meld into one “social unit” that is understood and accepted by the larger
community/ies. In wedding ceremonies, community, identity and ritual meld to create and
express meaning. Through observing what rituals are used, how the identity of the bride and
groom are expressed, and what symbols are used, we can begin to create meaning about the
wedding ceremony, the couple, and their expectations for and of marriage. 40 By choosing, as
most couples do, weddings that are mainstream or variants thereof (that is, contain rituals and
traditions that are commonly associated with weddings), these couples are ensuring that the
meaning of their marriage will be accepted and understood by the community 41. When traditions
such as giving away the bride, biblical readings, vows, and the introduction of the couple are
included in wedding ceremonies, it can only be assumed that the couple involved embraces these
traditions and, at minimum, the implicit messages that each convey (Leeds-Hurwitz 9, 29, 169-
170).

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40 This of course is only possible if the couple use rituals, traditions and symbols that are commonly used and have
clear cultural meaning.
41 Once again, we see that legitimacy/acceptance comes from conforming, transferring and reinforcing the
acceptable cultural norms.
Since weddings are explicitly gendered rituals, they serve as an ideal location to examine the ways that cultural messages and expectations about gender and gender roles are expressed and reinforced. Many couples come into marriages with differing views on acceptable cultural traditions (gender and otherwise), and as Mayer theorizes in *Love and Tradition: Marriage between Jews and Christians*, weddings are important indicators of how couples--particularly couples who come from different religious or cultural backgrounds--will incorporate their own cultural traditions and expectations into marriages, with the wedding ceremony serving as the first and most significant test of how the couple will resolve cultural conflict in their marriage (191-192). As both Leeds-Hurwitz and Ingraham point out, most couples choose to ignore any possible conflict by agreeing to abide by the dominant culture.

Rituals are important in that they not only mark traditions, customs, ideals and identities, but in that they also serve to maintain and reinforce traditions, customs, ideals and identities. Part of the power of rituals is that they make connections from past traditions to current practices. Ritual is about continuity (preserving tradition), doing what is expected, performing your role, and not questioning the validity of what you are doing--or at least not doing so in a public way. If you want access to the transformations that participation in ritual provides, then you must submit to playing your assigned role (Leeds-Hurwitz 91,102). In order for rituals to be successfully understood by all participants, each person must convincingly carry out the role that

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42 The rare exception would be the few states where gay marriage/civil unions are allowed and the gay and lesbian couples who engage in “commitment ceremonies.”
43 What I find particularly interesting is that this also seems to be the case for gay and lesbian couples who either have weddings or commitment ceremonies. Even these couples who are situated outside of the cultural norm overwhelmingly have weddings/commitment ceremonies that follow the prescribed rituals of “traditional” weddings. There any numerous internet wedding sites that are either specifically geared to gay and lesbian couples (Gay Weddings on Cape Cod; Aloha Gay Weddings; Gay Wedding Gear) or that have specific sections for gay and lesbian couples (Gay Weddings by the Knott), and all of these site incorporate the “traditional” elements and rituals of heterosexual weddings.
44 Leeds-Hurwitz defines rituals as, “events with strong traditional elements, having great significance for participants.” She further states that rituals, “are symbolic acts used to confirm the existence of a community” (26).
has been prescribed, and weddings are no different (Manning 4-30). All participants in a
wedding (bride, groom, attendants, officiate/clergy, guests and support staff) have a role to play,
and through their performance of that role, they are reinforcing the meaning of the ritual. As
Charsley explains, conformity attracts no particular attention and raises no questions as to what
meaning the performer is conveying (149). 45

Rituals and their performative component are also ways that individuals can make visible
and articulate something as intangible as their identities—even if the identities that they are
making visible are not their authentic or self-identified ones. When this is the case, the
performers of rituals not only engage in playing a role, but they are also putting on “masks” (or
in the case of weddings, veils) to hide and/or conceal their “true identities.” Often this is done
when the couple wants to have access to and the benefits of the ritual(s) of a wedding and is
willing to perform their roles, even if they do not actually identify with the ritual or role(s) they
are playing. 46 The wedding industrial complex is so powerful and pervasive, that it creates a
system that individuals long to be a part of and take part in to make their weddings “authentic”

45 And when one fails to perform the role assigned to them in a way that is both intelligible and legitimate, they
become open to sanctions from those in their community and these sanctions work to prohibit even the thought of
deviation (Shotter 141).
46 I have two personal experiences that illustrate how this operates. One case that illustrates this is a conversation I
was having with a friend’s sister (I’ll call her Jane) who is getting married in a few months. When I asked Jane
about her wedding plans, she told me that she would be getting married in a church. I was surprised by this because
Jane does not identify with the religion of the church where she is getting married, and I have had numerous
conversations with Jane about religion and her disdain for the religion in which she was raised and that will be
sanctifying her marriage. When I expressed by surprise, Jane said that it was something that she did not even fight.
She said that she knew her mother would not help with the wedding expenses if the wedding did not take place in a
church sanctioned by the mother’s religion. Jane said that it did not really matter to her because she just wanted to
get married, and the reception, dress, etc. were more important than the wedding. The other personal experience
happened several years ago when a friend got married. This friend was someone I met through school and who I had
taken several classes with, and in these classes had heard her speak openly about feminist ideals. The wedding of
this friend took place in the church that her parents attended. During the wedding, the minister went to great lengths
to describe the ways in which the wife was subordinate to her husband, how it was her duty to submit to him and
how she should gain pleasure from this because she was glorifying God through her submission. After the wedding,
when I saw my friend, one of the first things she said was that she had no idea that the minister was going to say
those things and that her mother had basically designed the wedding.
and to fulfill the notion of a “dream wedding” that has been suggested to them since they were children (Ingraham).

Regardless of whether a bride or groom is willingly playing his or her role or wearing “masks,” they are still active participants in the performance of the ritual(s) of weddings. One aspect of ritual performance that is vital in weddings is what Austin terms “performative utterances.” Austin uses this term to describe words and phrases imbued with meaning and through the performance of ritual, act to create a transformation. In weddings, the “I do” statement serves as the pinnacle of all performance utterances in that these words symbolically, legally, and culturally transform two individuals into one publically acknowledged unit (63-75). When couples say these words, they are engaging in an interpersonal, legal and cultural contract that will dictate their expected future roles and identities. This contract also bestows upon them certain legal and economic benefits from which they have exchanged their previous identity as single individuals. Whether they contemplate these benefits, they are nevertheless granted by the institution of marriage.

In addition to the performances of the bride and groom, there is always a “state-sanctioned” performer in weddings who has been invested with the actual authority to transform the couple from bride and groom to husband and wife. In most cases, this person is a minister who has been invested not only with the power of the state, but also with the power of the “church” and God. The officiant/minister will typically use a set of pre-established and culturally understood texts as his/her script during the wedding ceremony, and it is through these
texts that the bride and groom will make pledges to each other that are legally, \(^{47}\) culturally and often religiously binding.\(^{48}\)

Just as the bride and groom express performative utterances, so too does the officiant /clergy when he/she states\(^{49}\), “By the power vested in my by the state of ___ (and God) I now pronounce you husband and wife (or man and wife).” What usually follows this declaration is a command to the groom that he may now “kiss his wife” (a public statement of his ownership.) After the kiss, the ritual of the wedding is usually ended when the officiant/clergy states, “For the first time as a couple, I now present to you Mr. and Mrs. Husband’s Name.” This closing ritual serves as a reminder to both the couple and those in attendance that in marriage, the couple is “one,” and through the use of patriarchal and oppressive naming practices, that “one” is ultimately the husband. As previously stated, this practice was symbolic of a wife’s civil identity being “covered” by her husband’s and her own civil death. Since she had no civil identity, she did not need a name of her own, for she was the property of her husband. While the legal realities of coverture no longer exist, the taking of a husband’s name is still an important indicator of the role(s) that married women are expected to fulfill and an indication of her new priority: her husband and family.

Supposedly the laws of coverture have been overturned, amended, or otherwise allowed to lapse, and women are under no obligation to take a husband’s name upon marriage. Indeed, many, especially professional women, do retain their own surnames. However, many more still

\(^{47}\) I am using the definition of “text” established by Witte as, “any ordered set of signs for which or through which people in a culture construct meaning” (269).

\(^{48}\) Nina Calloway a contributor on a popular wedding website has this to say about wedding vows: “Did you know that wedding vows are more important to a wedding than the photography, cake and catering combined? The little words that marry you give meaning to everything else that happens during that day, and the promises that you make to each other during the ceremony set the parameters for your marriage”(par. 1).

\(^{49}\) This phrasing or something very similar is what is most often portrayed in mass media weddings and is also found in wedding vow guides/books. Even if the words spoken are not the same, the meaning remains.
take their husband’s last name upon marriage. When women voluntarily take their husband’s name as part of the ritual and custom of marriage, they are reinforcing a system of beliefs that has been used to justify the second-class status of women. Through this action, women reinforce the hegemonic ideology that perpetuates the continued inequality of all women. While there are no current laws in the United States that forbid women from retaining their own surname when they marry, it has only been recently that the laws requiring women to change their names have been removed from US legal codes. During the time that legal coverture was sanctioned, there were laws in many states that automatically changed a women’s legal surname when she got married. In the 1960s and 1970s the number of women choosing to take their husband’s name hit an all time low of 85%. Today, surprisingly, that figure has risen back to 90% (Goldin and Shim 98).

At one time, the surname debate was a high priority for feminist, but in the past several years, there is a sense that feminism has “moved beyond” this argument. Both conservative and liberal columnist and educators have come out in support of the practice of women taking their husband’s name. University of Virginia professor Steven Rhodes, the author of Taking Sex Differences Seriously, believes that the trend of fewer women keeping their surname is a positive sign. He states, “I think it will strengthen marriage. It's a sign that someone intends it to be a unit, that this is a marriage” (qtd. in Lowry par. 9). Katie Roiphe, a columnist with Slate magazine also believes that feminism and feminist have moved beyond the

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50 As late as 1971 the Supreme Court ruled that it was constitutional for Alabama to automatically change a woman’s surname to that of her husband when she got married (Grossman par. 5).

51 A popular wedding web site (www.theknot.com) has a “top selling” “name changing kit” that brides can purchase ($19.95.) According to the website: “This kit makes the name-change game as easy as saying ‘I do’. This comprehensive, ‘pro’ version of the popular all-in-one name change kit includes hard copies of legally recognized name change notification letters (some that you’ve never even thought of), as well as detailed tips and instructions. The handy, purse-sized checklist will keep you organized and on-track pre and post wedding. For those that prefer to work on-line, the enclosed software for your Mac or PC includes access to a database of easy-to-use computer fillable and printable notifications that you can organize and track. Quite simply, everything you need to change your surname is right here in this kit, from official government and financial forms for Social Security, IRS, DMV, voting, passport, banks, creditors, and insurers -- to visa information for your honeymoon and form letters for your drycleaner. Believe us when we say, it's a nightmare without it!”
surname debate. In a column she wrote on March 16, 2004, Roiphe wrote, “There’s something romantic and pleasantly old-fashioned about giving up your name, a kind of frisson in seeing yourself represented as Mrs. John Doe in the calligraphy of a wedding invitation on occasion” (par. 9). While the conservative supporters of wives taking their husbands names usually state that it should be done because it is the way that it is meant to be done, and liberal (including feminist) supporters claim that the wife taking the husband’s name has no impact on equality, I believe that both are wrong. It is my belief that there is perhaps no greater way that cultural coverture (oppression) is reinforced and reinvigorated than through the women willingly surrendering their names to their husbands.

The immediate impact of the couple becoming “one” and the expectation that the husband will take on the dominant role can be seen in the research of Leeds-Hurwitz. Through examining gender roles and weddings and how they mirror larger cultural expectations, Leeds-Hurwitz describes the role of the groom in the process of planning the wedding. She notes that in most cases, the bride, her mother and sometimes the groom’s mother are responsible for the planning of the actual wedding ceremony and that grooms are generally not included in the planning of this part of the wedding. However, she reports that grooms were usually either in charge of the reception and/or played a significant role in the planning of the reception. This struck me as particularly interesting because it appears that the moment the couple becomes “one,” the man is expected to “take charge” and make the decisions.

What was of further interest in her discussion of receptions was the ways in which some grooms participated in acts of humiliation of their new brides. Leeds-Hurwitz specifically focuses on the wedding ritual/tradition at wedding reception when the bride and groom serve each other cake. Exploring the tradition of serving each other cake, Leeds-Hurwitz was surprised
how many grooms were interested in this tradition and had planned in advance how they were
going to behave during this tradition. One groom is quoted as saying, “at his wedding he [his
dad] said that he got my mom really bad. Everyone was laughing. He told me I had better not let
him down. So I nailed her” (142). In this case, an act of “mutual love” turns into a public
humiliation of the bride. In addition, I find the language of the groom quite interesting and
telling. Though the groom was talking about smashing cake in his bride’s face when he said “I
nailed her,” this is also a phrase used by men when describing having sex and colloquially refers
to a “one night stand.”

While the grooms seemed actively to anticipate the act of smashing cake into the face of
their brides, brides expressed dread and anxiety about the tradition, fearing that they would get
“nailed” by their grooms. Yet, most of the brides interviewed by Leeds-Hurwitz accepted the
possibility of being humiliated as an expected part of the reception. One bride was quoted as
saying, “I just kept thinking at the last minute, is he going to smash this into my face, but he
didn’t” (142). I find it interesting that something as “simple” and “expected” as the tradition of
serving each other cake at the wedding reception carries such different expectations for brides
and grooms while simultaneous serving to reinforce gender norms and expectations of husbands
and wives. As the husband, he has the “right” to smash cake into the face of his wife, even if this
is something she does not want, and as the wife, she is expected to accept his actions.52

Through weddings couples are able to publically express their commitment to and
validation of dominant cultural ideologies and expectations about marriage, gender roles and
heterosexual privilege. As Leeds-Hurwitz states, through their legal and cultural transformative

52 Another disturbing trend that I became aware of during my work in the domestic violence movement, especially
among women who married twenty plus years ago, was the wedding night “tradition” of being beaten and raped for
the first time by their husbands.
power, “Weddings display who we are, and who we will become. They make the social transition from two separate individuals to a single social unit visible to the larger community” (29). And in this single social unit, the obligations of the wife to her husband and family have been and are viewed as reflecting the highest virtue a woman can achieve and this serves to not only impact (limit) those women who are wives, but also all women who are not yet, and may never be, wives (Kerber 11).
CHAPTER 4
CULTURAL COVERTURE: EXPLORING THE REALITIES AND CONSEQUENCES OF OPPRESSION

So far in this project I have examined marriage laws, practices, and traditions from a historical perspective and how these characteristics of marriage are communicated through the ritual of marriage. In this chapter I will focus on the real effects that oppressive ideologies, which are linked/related to coverture, have on contemporary women. From the research that I have conducted, there are several--and often related--ways that the ideologies, traditions and practices of coverture still limit the full equality and freedom of women. Working together, these oppressive forces impede the physical, economic and spiritual agency of all women.

One of the most pressing ways that coverture is still practiced is through domestic violence or intimate partner violence. Historically, women’s bodies have been regarded as the properties of their fathers and husbands, and laws were created that protected the rights of men (husbands and fathers) to use the bodies of women as they saw fit. Assyrian law declared: A man may flog his wife, pluck her hair, strike her and mutilate her ear and there is no guilt. The Old Testament suggested that a bride whose virginity was not intact would be stoned to death and Confucius defined a wife as “someone who submits to another.” A wife, according to

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53 Domestic violence or intimate partner violence encompasses a wide range of relationships, including couple who are married, dating, cohabitating, former partners, same-sex, older and/or youth. I will be using the term “intimate partner violence” because I feel that it more accurately reflects the violence relationships discussed in this chapter.

54 I find it very telling that many states, including Louisiana, partly fund domestic violence programs through funds collected from marriage licenses. It is almost as if, when you pay for your marriage license, you are purchasing insurance in case you need the services of a domestic violence program in the future.
Confucian philosophy, had to follow “the three rules of obedience; while at home she obeys her father, after marriage she obeys her husband, after he dies she obeys her son” (Coontz 47).

By the 19th century, the legitimacy of wife beating was being debated, and men who beat their wives (at least those who did so in a ways that become public) were the target of public scandal and shame. Wife beating came to be seen as something that happened to the “lower class” and not something in which a respectable man would engage. This myth/notion that violence in intimate relationships only happens in poor and/or low class families persists despite research that shows that intimate partner violence occurs across every demographic group and that women from upper class families face abuse and are also trapped economically in violent relationships.

Though all states have to some degree laws that prohibit intimate partner violence55 (“ABA Commission on Domestic Violence”), intimate partner violence is the number one public health issue facing women and children in the United States (Domestic Violence: The Facts 3). According to statistics compiled by the National Coalition Against Domestic Violence, one in four women in the United States will be a victim of intimate partner violence during her life56. The greatest risk factor for being a victim of intimate partner violence is being a women; it its estimated that 90%-95% of all intimate partner violence victims are women (CAFVIC). Statistics indicate that 37% of women seeking treatment from emergency rooms were there as a result of intimate partner violence, (Rand) with emergency room visits resulting from intimate partner violence accounting for more visits than car crashes, muggings and rapes combined (Sklar 279). It is estimated that intimate partner violence costs the nation over 4.1 billion dollars a year in

55 In addition to State laws, in 1994 the United States Congress passed the Violence Against Women Act (VOWA) that provided funding for domestic violence programs and stiffer penalties for some domestic violence crimes.
56 If as Susan Pharr suggests, you include the verbal violence, economic oppression, the constant threat of physical/sexual violence, objectification, and limited access, “virtually every women is a battered woman” (Pharr 181).
direct medical and mental health costs. In addition to the health impact and costs, intimate partner violence is a major cause of homelessness among women and children in the United States\(^57\) (United States Conference of Mayors).

While intimate partner violence may only directly impact 25% of women living in the United States, the fundamental assumptions and acceptance of intimate partner violence make all women potential targets while strengthening the bonds of other forms of oppression. According to the National Coalition Against Domestic Violence:

Intimate partner violence is intrinsically connected to the societal oppression of women, children, people of color, people with disabilities, people who are lesbian, gay, bisexual and trans, elders, Jewish people, and other marginalized groups. While oppression functions in similar ways regardless of which group is targeted, different target groups have unique experiences of oppression stemming from their specific historic, cultural and social experiences and realities. The work to end domestic violence must necessarily include the fight against all oppressions.

Building upon the statement from the National Coalition Against Domestic Violence and examining a more theoretical framework for intimate partner violence (and other forms of violence against women), Susan Pharr, in “Homophobia as a Weapon of Sexism,” makes clear connections between the violence inflicted on the bodies of women and the cultural traditions and assumptions about the role and place of women.\(^58\) She sees the violence women face as a direct result of societal conditions that limit access and equality, including equal pay, access to resources, and shared power/status with men. Through this limited access, men come to see women as lacking and therefore open to and in need to “protection” that takes the form of

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57 For more statistics on intimate partner violence, refer to National Coalition Against Domestic Violence (www.ncadv.org), United States Bureau of Justice Statistics (http://www.ojp.usdoj.gov/bjs/intimate/ipv.htm) and the Centers for Disease Control and Prevention (http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/index.html)

58 As Janet Pace and Margrit Shildrick (editors of Feminist Theory and the Body) point out, there are many feminist scholars and philosophers who want to move away from the corporeal and focus on the intellectual—often at the cost of ignoring the body or making it the “unspoken” (1-12). However, the physical body remains a primary sight of oppression and the consequences of physical oppression and torture that are specifically targeted on the bodies of women must be examined and critiqued.
oppression. The cultural assumption that men are superior and that women need to be controlled feeds into male violence against women and places the burden of protection squarely on the victim (women.) When women attempt to gain power and position in ways that are not sanctioned by patriarchy, violence is often a tool used to men to “punish” women for their transgressions and ensure that they will remain in their place while simultaneously serving as a warning and reminder to other women about the consequences of challenging dominant ideologies and practices. Pharr also makes connections to the “theory/myth” of the origin and primary function of marriage as a means to protect women. Since women are not allowed full agency and access to society, they need a man to guide and “protect” them as they navigate their way through culture. Without this protection, women are always vulnerable and must live with the fear and uncertainty that is associated with lacking safety. Women who forego this protector and guide (especially all lesbian women) then become a threat to the hegemonic control and authority of men and must be suppressed in some other way--through physical and/or sexual violence, wage oppression, denial of rights and overall limited access.

Like physical violence in intimate relationships, sexual violence in relationships has also been accepted and sanctioned for thousands of years. For centuries many religions held (and some still hold) that no woman was/is exempt from her “marriage debt” and that she was/is obligated to engage in sex with her husband, with or without her consent, at his demand (Coontz 16). This view, like many other religious views of women, also found its way into federal and State legal code. It was not until 1986 that the Federal Sexual Abuse Act criminalized marital

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59 Sexual assault occurs in all types of intimate partner relationships and has at its core the assumption that once a women give her body to a man, that he then has “ownership” and access to her body- even if the couple is not legally married. Sexual assault in intimate partner relationships also occurs in same-sex couples, with the victim often having restricted access to legal and social services due to discrimination and prejudice. Many victims of same-sex intimate partner violence are also reluctant to seek assistance from law enforcement and/or service providers for fear of “outing” and/or fear of being seen as a traitor to the larger LBGTQ community (Lambda Legal)
rape on all Federal lands and, as previously stated, it was not until July 5, 1993, that marital rape became a crime in at least 1 section of the sexual offense codes in all 50 States (“NCJRS Publications”). Though against the law in all states, the view that a wife owes her husband his “marriage debt” is still widely held. Intimate partner rape is believed to be one of the most, if not the most, underreported “violent” crimes in the United States, accounting for more rapes than both “stranger rape” and “acquaintance rape” (Cadena par 3-6). Based on legal reports, it is estimated that up to 12% of all married women are raped at some time during their marriage by their husbands (Powers par. 2). 60 In American culture, violence and oppression against women are linked in ways that one leads to the happening of the other. Even when a man is not actively engaged in either, through their silence and inactivity, they are supporting the actions and systems that allow for the perpetuation of violence and oppression (Ayvazian 601).

Along with physical and sexual violence, one of the most pervasive ways that historical practices of coverture have been imbedded in current culture is though the economic oppression faced by all women. It has long been held that the primary role of a woman was not to function in the labor market. The historical view has been that single women were only working until they got married and married women were only working to add a little extra income to the family. 61 Unfortunately, these ideals (or at least their vestiges) are still at play and act to severely limit the opportunity that women have to be economically independent. According to

60 The figure of 12% is probably much lower than the actual occurrence- especially considering that it is based only off of reported instances. According to statistics from the Bureau of Justice Statistics, only one third of all rapes and sexual assaults are ever reported to law enforcement

61 I was recently giving a presentation on Healthy Relationships and Youth Dating Violence to the freshman class at a local high school, and before the presentation began I was reading some reports the students wrote about their plans/hopes for the future. Of the approximately ten reports from female students that I read, four of these students said that it was their goal to get college degrees, marry right after graduation and stay at home while their husbands worked. One student was so bold as to require that her husband make at least $800,000 a year to support her and their children.
the latest census figures (2006), women still earn 77% of what men earn, with women of color falling even further behind (African American women make 66% of what white men make and Hispanic women make 54% of what white men make). The wage gap has had not only a real impact on individual women, but also on families. According to research conducted by Women’s Institute for Policy Research in 1999, the wage gap results in a total loss of about $4,000 a year to American families, and the research further found that if single mothers were paid equally to their comparable skilled men, the poverty rate for families headed by single mothers would be cut in half (Hartmann, Allen and Owens 5).

Even when taking “equalizing” factors (such as education, hours worked, child care responsibilities, etc.) into account, the United States Government Accountability Office reports that 20% of the pay gap between men and women cannot be explained or justified (Women’s Earnings 5). The question, therefore, becomes, what are the factors that influence the 20% of the pay gap that cannot be accounted for? Many feminist scholars and activists would say that sexism and racism are the two largest factors that play into the continued pay gaps that exist. Recent studies have revealed that the education system places men and women and racial/ethnic groups on different “tracks” that are greatly influenced by accepted cultural assumptions/stereotypes about gender and race. An article from The Washington Post (2002) revealed that young women in vocational schools were pushed into the low paying fields of childcare (84% women), health aids/assistants (89%-93% women) and cosmetology (99% women).
women) where the average salary was $8.49 an hour, while men were tracked into higher paying fields such as drafting (84% men), information technology (84% men), carpentry (95% men) and mechanics (95% men) where the average salary is $30.06 an hour. The article also revealed that women are rarely advised about the possibility of careers outside of gender normative occupations and that when women do enroll in classes for male dominated occupations, they face harassment and lack of support in finding employment (qtd. in Rothenberg 233-234).

As Manning Marable explores in “Racism and Sexism,” the economic system in the United States has been structured in ways that largely exclude the full participation of women and all people of color, and when individuals from these groups do engage in full participation, their work is seen as less valuable and, therefore, deserving of less pay. In “Women and the American Economy,” Elyce Rotella examines some of the reasons why women are paid less than men and why careers dominated by women are undervalued and underpaid. She contends that most people (including educators and employers) take it for granted that the gendered division of labor is natural and based on biological differences between men and women. This, of course, is not a “fact,” but rather a social construction that perpetuates the belief that men are naturally superior. Globally, there are considerable variations on gendered labor; that is, about what jobs certain cultures consider to be “masculine” and feminine.” However, what remains universal is that no matter what work is done by women, it is always valued less than the work done by men (Rotella 383). In addition to the devaluing of work, women also face the added assumption (based on the principles of coverture) that their true “work” is in the home and that any work in the labor market is to supplement the family, not sustain the family (Marble 162).

One of the most disturbing trends in gendered wage discrimination is that the more educated a women is, the greater her life-time economic loss will be when compared to
men. According to data gathered by the WAGE Project, the wage gap that exists in the United States has very real and lasting consequences for women. According to their research, a high school educated women will earn $700,000 less over her life-time than the men she graduated with; a college educated women will earn $1.2 million less than the men she graduated with; and women with post graduate degrees will earn $2 million less than the men she graduated with (“What Are the Costs of the Wage Gap? Par. 4-6).

Through the socially constructed and institutionalized practice of wage discrimination, many women have not been able to independently support themselves and see marriage as their only alternative to destitution or prostitution (Coontz 185). The irony of this reality is that it is through marriage that the ideologies that support the fundamental assumptions and principles of pay discrimination are reinforced.

Adding to issues of wage discrimination is the fact that few women ever achieve high level and high-power positions in either the private labor market or in politics. As Marabel points out, major corporations are largely run by white men who dominate the decision/policy making positions. In addition to controlling the majority of major corporations, men control newspapers, the film industry, radio and television, and through these mass media markets have the ability to perpetuate and reinforce the stereotypes about women and minorities, which are then used as a means to justify their oppression.

Women and other minorities also suffer greatly through the lack of representation in high-level government positions that are charged with reviewing, revising and making policy.

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66 Also see the American Association of University Women (www.aauw.org) for more information and statistics on pay discrimination and the wage gap.
67 The United States Census Bureau states that only 5.8% of married couples live in poverty (5.4% white, 8.3% black and 14.9% Hispanic) while 26.6% of single parent families live in poverty (30% white, 44% back and 33% Hispanic).
68 In the documentary Tough Guise Jackson Katz critiques violent media images of masculinity and makes links to these portrayals of masculinity and the negative impact that it has on women. Katz also explores the role that these violent portrayals have on how men understand masculinity and its appropriate role in culture.
The United States is often held up as the ideal and bedrock of Democracy, but we have some of the lowest rates of representation for women and minorities in all democratic governments (Marabel 162-163). In the current 111th congress, there are a total of ninety women (16.8%) in Congress. Of these, seventeen (17%) are serving in the Senate and seventy-three (16.8%) are serving in the House of Representatives (“Women in Elective Office 2009” par. 1-2) Of these, there are twenty-two women of color are serving in the House of Representatives and no women of color serving in the Senate (“Women of Color in Congress). Currently there are seven women serving in twenty-two Cabinet level positions (“Women in President Obama’s Cabinet”) and only one women serving on the United States Supreme Court. On May 26, 2009 President Obama announced that he was nominating Sonia Sotomayor to replace retiring Supreme Court Justice David Souter. If confirmed, Sotomayor would be the third woman and first Hispanic Justice on the Supreme Court.

Recently Justice Ruth Bader Ginsburg, the only women currently on the United States Supreme Court, discussed in an interview the importance of having not only women, but individuals from various racial and ethnic backgrounds on the court. She stated that while gender, race, and/or ethnicity do not change the law, they influence the way that the law is applied and are therefore important factors in determining the nuances, intents and consequences. In a 2001 Sonia Sotomayor expressed similar ideas as Ginsburg when in a speech she said, “I would hope that a wise Latina woman with the richness of her experience would more often than not reach a better conclusion than a white male who hasn't lived that life” (qtd. in USA Today). When discussing the detrimental impact of only having one woman on the Supreme Court, Ginsberg specifically addressed two recent cases where her being a woman provided unique and

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69 The biggest attacks on Sotomayor revolve around this quote and conservative commentators Rush Limbaugh and Newt Gingrich have gone so far as to brand Sotomayor a “racist.”
needed insight into the application and consequence of the law. In the interview, Ginsburg said having just one woman on the Supreme Court sends a disheartening message to Americans about women's roles in society and that, "Women belong in all places where decisions are being made" (Biskupic par. 5).

Though Ginsburg and other women who have achieved positions of power realize the need to have more women attain the same levels of achievement, there are multiple barriers still in place that make it difficult for women to reach these elite levels of power and/or be successful in them. Allan Johnson points out that even when a woman achieves a position of power and authority, people will view her as the exception to the rule and will subsequently wonder how she will measure up to her male counterparts, and if she does not measure up, it will be assumed that her “failures” are a result of her being a woman and will thus justify the continued exclusion of women. Allen goes on to explain that even when some women do achieve power and are successful, they are still operating within the accepted parameters of patriarchy, having embraced the core values of patriarchy in order to achieve their position, and that their limited successes do not truly weaken or challenge the homogeneity of patriarchy (Johnson 165-167).

At the center of economic discrimination/oppression are the principles of patriarchy. Allan Johnson provides great insight into how patriarchy operates in economic systems and how it functions in ways that create oppression and punishment simultaneously. In his article “Patriarchy,” Johnson has this to say about the function and consequences of patriarchy:

In the simplest sense, male domination creates power differences between men and women. It means, for example, that men can claim larger shares of income and wealth.

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70 The cases she discussed were the Lilly Ledbetter* pay discrimination case, where the Supreme Court found against Lilly Ledbetter, and the current case of a female high school student being strip-searched for allegedly bringing over-the-counter medication to school. In reference to the latter case, Justice Ginsberg said, “They{the other Justices} have never been a 13-year-old girl, it's a very sensitive age for a girl. I didn't think that my colleagues, some of them, quite understood.” * The first act of legislation that President Obama signed into law was the “Lilly Ledbetter Act” that overturned the Supreme Court decision.
It means they can shape culture in ways that reflect and serve men’s collective interest, for example, controlling the content of film and television shows, passing laws that allow husbands to rape their wives, or adjudicating rape and sexual harassment cases in ways that put the victim rather than the defendant on trial. Male dominance promotes the idea that men are superior to women (166).

In this piece, Johnson also examines how feminism threatens the validity and structure of patriarchy and why there is such a ruthless backlash to feminism. Johnson states that the backlash to feminism occurs not because feminism is ridiculous (a widely held popular belief), but because it uncovers deep truths that make continued denial of oppression at best fragile. He goes on to state that if feminism were not such a real threat to patriarchy, there would not be the “vigorous backlash” that exists (170).

The final area that I will be examining in this chapter is government and the role that government has had in shaping legal and cultural attitudes and realities related to coverture. From the inception of the United States of America to the present, the government has been actively involved in creating laws, acts and statutes that govern marriage (who can marry, who cannot marry, what happens to an individual upon marriage, what rights and privileges are associated with marriage, etc.) Not only do the laws associated with marriage have an impact on all women, they also have specific and detrimental legal and cultural impact on women of color, poor people and those who are outside heteronormativity. 71

In the closing decades of the twentieth century, as marriages and intimate relationships become more egalitarian and resembled the informal arrangements of small agricultural societies (lack of formal marriages, single parent families, dual working families, co-parenting, etc.) and as the conservative movement became more mainstream and powerful, there were calls by many

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71 Poverty in the United States is very racialized and when many speak about the “poor,” they are in actuality speaking about racial minorities. While there are more white individuals in the United States that live in poverty, the percentage of racial minorities who live in poverty far exceeds that of white Americans. According to the United States Census Bureau, 10.5% of white people, 25.5% of African Americans and 21.5% of Hispanic people live in poverty.
for women to shun the advancements of gender equality and return to more traditional times and
traditional gender roles. In “Women’s Liberation: The Relevance Tocqueville,” neoconservative
commentator William Kristol encouraged women to move “beyond women’s liberation to grasp
the following three points: the necessity of marriage, the importance of good morals and the
necessity of inequality within marriage.” (491) These “traditional values” espoused by Kristol
were supported by right-wing proponents who relied on the conservative Republican- controlled
Congress and presidency of George W. Bush to push legislation that they hoped would, “re-
institutionalize marriage as the main mechanism that regulates sexuality, legitimize children,
organizes divisions of labor between man and women, and redistributes resources to dependants”
(Coontz 49).

Shortly after President Bush took office, he began pushing a 1.5 billion dollar marriage
promotion plan. Included in the plan were incentives for welfare mothers to get married and
allocations to promote marriage among the nation’s poor. In 2003, President Bush began
moving a welfare marriage plan through Congress and followed up in 2004 by aggressively
pushing marriage among the poor. During the “marriage campaign,” a White House aide is
quoted as saying, “The president loves to do that sort of thing in the inner city with black
churches, and he’s very good at it” (Pear and Kirkpatrick par. 10). Beginning in 2004, the
Republican-led Congress launched a series of congressional hearings about marriage and
marriage promotion. According to a GOP memo, the hearings were the beginning of a “full-
court push to educate the public on the importance of marriage” (McMurray par. 2). The policies

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72 The National Organization for Women was one of many groups which opposed President Bush’s welfare reforms. According to the National Organization for Women, the marriage mandates for welfare mothers would divert money away from basic economic support, place domestic violence victims at higher risk, limit state flexibility and would send the message that the only way for women to get out of poverty is through dependence on a male spouse.
of President Bush were not the first time that the government looked to unmarried and poor women (and specifically African-American women) as a scapegoat for larger cultural problems. Families headed by minority women (and specifically African American women) have faced great scrutiny and been used as a scapegoat for many issues. One of the greatest examples of the assault on families headed by African American women was the “infamous” report that Daniel Patrick Moynihan made to President Johnson in 1967. In the report Moynihan claimed that the greatest problem facing both urban areas and the “negro family” was the black matriarch and the role reversals of husband and wife in non-white families. In other words, because many back urban families did not follow the established patriarchal model, they were viewed and labeled destructive and out of sync with the rest of American society. After the report was published, activists worked to discredit the findings of the report, but they did so by denying the existence of the back matriarchy and not through exposing the racial oppression that was at the root of most of the concerns in Moynihan’s report. Thus, these activists (including African Americans William Julius Wilson and Ron Innis) made a choice to support patriarchy instead of exposing racism and sexism (McNair 12-13; Kerber 76-77). The legacy of the Moynihan report was at the core of the welfare/marriage promotion laws that were passed during the Bush administration.

During the debates about welfare reform, then Senator John Ashcroft (R-MO) stated that, “Illegitimacy is a threat to the survival of our nation and our culture” (Sidel 375). Like Moynihan, Ashcroft was expressing that the downfall of patriarchy would lead to the fall of our civilization. Republicans were not alone in their critique and criticism of matriarchal/single parent homes. In 1994 Democratic Senator Bill Bradley made a major speech to the National Press Club where he blamed single-mothers for the violence that was plaguing urban areas,
calling children from single-parent (mother) homes, “this army of neglected, often abused, sometimes abandoned, street-trained, gang-tested, friendless young people” (Sidel 377). What both Ashcroft and Brady failed to understand and articulate were the roles that racism and sexism played in shaping these cultural “problems.” Neither addressed the socially constructed and institutionally supported economic and social inequality that these single mothers faced as a result of gender and racial oppression. Throughout the entire debate on welfare reform, single mothers (especially African American mothers) were the primary target in bearing the responsibility for problems in youth culture, declining family values and welfare fraud.  

In addition to the welfare reform policies pushed through by the Bush administration, there were laws (federal and state) put into place that specifically blocked gay and lesbian couples from getting married and thus having access to the over 1000 privileges granted to married couple (Cott 2). In 1996, under the administration of President Clinton, but back by the Republican-controlled Congress, the Defense of Marriage Act (DOMA) was passed. DOMA came about in reaction to a law that was being proposed in Hawaii that would have allowed gay and lesbian couples to marry. In reaction to this “threat,” conservative groups began pushing for national legislation that would ban marriages between same-sex couples from getting married. Though no national laws were passed to ban same-sex marriage, the DOMA does limit the rights of gay and lesbian married couples by ensuring that no State can be forced to recognize marriages performed in others states between same-sex couples. In addition to this, the DOMA makes implicit what has been legally and culturally assumed for over two hundred years: that

73 What was not widely publicized during the debate on welfare reform was the fact the almost half of applicants for government assistance were couples who were married and supporting themselves (Sidel 382).

74 Throughout history, there have been examples of cultures that sanctioned same-sex marriage. One example is ancient Rome. Though same-sex marriages* were allowed, they were viewed as exceptional and regarded unfavorably by contemporaries. The reason that same-sex marriage was viewed negatively by Romans had nothing to do with “morality.” “The reason they found male-male marriages repugnant was that no “real man” would ever agree to play the subordinate role demanded of a Roman wife (Coontz 11). *of course, it was only men who were allowed to engage in same-sex marriage
marriage is the union between a man and a woman. According to DOMA, a spouse is a husband or wife of the opposite sex (“Defense of Marriage Act”). Since DOMA was passed, twenty-nine states have amended their constitutions to state that marriage can only occur between one man and one woman and that same-sex marriages performed in other states will not be legally recognized. Currently in the United States, gay and lesbian couples are only allowed to marry and/or enter into civil unions in five states (Belge par. 1). 75

At the center of the legal and cultural push to mandate heteronormativity is the desire to keep masculinity and patriarchy firmly in place and unquestionable. One way that this is achieved is through the use of homophobia to express masculinity. Both Kimmel and Parr make explicit connections to the formation and function of masculinity by using homophobia as a tool of oppression. As Kimmel states in “Homophobia as a Cause of Sexism, Heterosexism and Racism”

Homophobia is intimately interwoven with both sexism and racism. The fear--sometimes conscious, sometimes not--that others might perceive us as homosexual propels men to enact all manner of exaggerated masculine behaviors and attitudes to make sure that no one could possibly get the wrong idea about us. One of the centerpieces of that exaggerated masculinity is putting women down, both by excluding them from the public sphere and by the quotidian put-downs in speech and behaviors that organize the daily life of the American man. (90)

Pharr builds upon this concept and uses homophobia and heterosexism to describe how both are used to create the compulsory heterosexuality that is at the core of all nuclear families, with nuclear families serving as the bastion of patriarchal power. Through working for equality of women, promoting the self-determination of women, and demanding control over our bodies and lives, feminists are seen by right-wing fundamentalist (and many who would not consider

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75 These states are Massachusetts, Connecticut, Iowa, Vermont and Maine
themselves part of this group) as a direct and powerful threat to the “traditional family” (Pharr 182-183).

It has been the effort to save and promote the “traditional family” that DOMA and other laws have been passed that make explicit the accepted gender roles for men and women. Following DOMA in 1996 and the continued efforts to get marriage mandates/incentives into welfare laws, states have been pushing legislation that promotes a return to “traditional” marriages. A reflection of these efforts can be seen in the creation of so called “Covenant Marriages” that have been/are pushed mainly by evangelical Christian groups. In 1997 Louisiana became the first state to create a Covenant Marriage law, and it was followed by Arkansas and Arizona. Covenant marriages are different from other marriages in that the couple must undergo premarital counseling (may include church counseling) in order to obtain a Covenant Marriage license. Once married, the only grounds for dissolving the marriage are adultery, abandonment, abuse or when one spouse has been convicted of a felony and sentenced to death or imprisonment at hard labor.

Overarching all topics that have been discussed in this chapter and throughout this entire project are the ways that the principles of Christianity (and to a lesser degree other religions) have been woven into the fabric of American culture and influence our understanding about the “natural” and divinely mandated roles of men and women. It is nearly impossible to examine the status of women in America without examining the role that Christianity has played in shaping historical and contemporary views of and roles for both married and single women. While the United States Constitution calls for the separation of church and state, Christianity is one of the dominant forces in shaping American culture (Kramer 42). As Lucinda Joy Peach expresses in

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76 Covenant marriage laws have been proposed in at least 21 other states, but none have been successful.
Women and World Religions, all major world religions are both “patriarchal and sexist in origin, development, leadership, authority and power” (1). And through the powerful influence of religion and the perpetuation of patriarchy as divinely mandated, women have been and are devalued in the “church” and in larger society (1-2). As feminist theorist Luce Irigary examines in “Equal to Whom?” religion has been constructed by men so that women have not and do not have access to divinity and that through this lack of access to divinity, their subordination is divinely mandated and justified. She states explicitly, “Monotheistic religions speak to us of God the Father and God made man; nothing is said of a God the Mother or of God made Woman, or even of God as a couple or couples” (Irigary 76). “Through this creation/construction, men have positioned themselves as “naturally” and divinely superior to women and it is through this understanding that gender roles in Christianity are understood. And as Deborah Sawyer makes explicit it is, “Christianity’s understanding of the nature and role of men and women has been the single most influential ingredient in the construction of gender roles and behavior in western society” (41).

This influence can clearly be seen through the recent push of the Southern Baptist Convention (SBC) to remind women of their divinely mandated role and place. The SBC is the second largest religious body in the United States and has more churches than any other religion in the US. In 1998, at its annual conference, the SBC issued a “Mission Statement,” based on Biblical scripture, concerning marriage and the role of women in marriage. One of the main passages in the statement is about the “duty” of the wife to submit to the husband. The statement

78 In resistance to patriarchal religion, there is a growing movement among women to reclaim the Goddess as the primary figure of female spirituality. Through embracing and honoring the Goddess, these women are acknowledging the legitimacy of female power (Christ 365). There is also a growing movement among African American Christian women to embrace what they call “Womanist Theology.” At the center of Womanist Theology is the movement that seeks to empower the voice and place of African American women in their faith communities while simultaneously questioning all forms of oppression, with the fundamental belief that all forms of oppression are against the teachings of Jesus (Thomas par. 1).

79 A copy of the full statement can be viewed at www.sbc.net
also states that the man is the head of the family and that all other family members are obligated to submit to him. In essence, the SBC “Mission Statement” is a call and ecclesiastical command for the re-institution of ideologies of coverture in the marital relationship.

Marriage in the United States has never been, as former President Bush stated, “a sacred institution between a man and a woman” (Second Presidential Debate 2000). Rather, marriage has been and is a social and government institution that is used to ensure that the private choices and lives of citizens can be controlled and influenced through legal means. The degree through which the government uses marriage laws to create, enforce and reinforce social norms and values can be seen in both the laws of colonial and current America. Marriage laws in colonial America and marriage laws in current America reflect the interest of the ruling classes. Marriage laws act as powerful tools through which social control can be exacted to ensure conformity while promoting exclusion for those who fall outside of societal norms. Through control and manipulation of the law, members of the ruling class have successfully created marriage laws through which their cultural ideologies can be promoted and enforced.
CONCLUSION

FROM BUTTERFLIES TO CHESS: CHALLENGING PATRIARCHIAL OPPRESSION

While the focus of this project has been on the ways that laws of coverture have transformed into cultural practices, the oppressions discussed in this paper are not only faced by married women. Just as the laws and principles of coverture impacted all women in early American, so too do the realities and consequences of “cultural coverture.” In the past several months, there has not been one day when I have not read an article and/or watched a news program that has incorporated the themes of this project. Following up on this observation, in her conclusion to *No Constitutional Right to be Ladies*, Kerber laments that even at the turn of the twenty-first century, “virtually every issue [of coverture] remains alive” even if it is in a different form than when first encountered (308). Today in the United States, there is no Constitutional amendment that recognizes, mandates, or requires equality for women. Each year there are efforts on both the State and Federal levels to pass the Equal Rights Amendment, and so far each has failed. Although there are laws that make gender and racial pay discrimination illegal, as a whole, women still only earn 77% of what men make, with women of color not even achieving this meager amount.\(^\text{80}\) The vast majority of this pay gap cannot be explained by anything other than sexism and racism. Every state has laws against intimate partner violence

\(^{80}\) In the current legislative session in Louisiana, there has been a push to get both an Equal Right Amendment passed and an Equal Pay bill passed. On May 21, 2009, the House of Representatives in Louisiana Legislature voted down an Equal Pay bill 59-33. The sponsors of the bill note that Louisianan has one of the largest gender pay gaps in the nation. One Representative said the proposal would allow people without valid claims to file lawsuits against their employers “just to cause trouble.” However, as another Representative pointed out, “If you're doing the right thing, this should not hurt you or bother you” (Sentel).
and rape, yet intimate partner violence and rape continue in near epidemic proportions. We live in a country that encourages “welfare” mothers to get married in order to add stability to their families, while simultaneously denying the rights of marriage to gay and lesbian citizens.

Even with overwhelming evidence (much of it discussed throughout this project) that gender oppression exists and has very real consequences, one of the greatest barriers that keeps existing oppressions in place is the widely held belief that gender inequality is no longer an important issue and/or that gender inequality no longer exists. While there are many theories that may explain this phenomenon (mass media, belief that gender differences are not unjust, belief that women are free to make choices, and individuals not feeling responsibility in challenging injustice), the fact remains that large segments of the population--both men and women--are not actively engaged in questioning, challenging or changing gender oppression (Kramer 31-32).

Perhaps many women are not engaged in ending gender oppression because, as Linda Kerber points out continually in No Constitutional Right to Be Ladies, they view their inequality as a privilege while viewing equality as a burden, and will actively challenge attempts to “force” equality on them. One of the central themes in No Constitutional Right to Be Ladies, is the use of privileging some of the oppressed in order to keep the entire system of oppression unquestioned and intact. Through this practice, one of the fundamental components of oppression is to create a hierarchy among the oppressed and grant privileges to those higher in the hierarchy than those who are lower can never hope to achieve. From the beginning of American culture, this opposition has been set in terms of racial difference and white privilege.

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81 Kerber discusses how this phenomenon also came into play in the extended legal process of ending coverture. She discusses how throughout the battles to get coverture removed from the law that there were always claims by scholars that coverture never had a negative impact on women or since coverture ended so long ago, that it was not an issues that needed to be addressed (306).
(with sexuality recently also coming into play as heterosexism is increasingly challenged as a hegemonic system.) As a result of this system, those who are oppressed will fight among themselves and through this struggle, will not question or challenge the group at the very top of the hierarchy. In the creation of these oppositional relationships, those in ultimate power ensure that their position is secure. In addition, some women may feel that they do not face oppression, inequality, or discrimination in their own lives and may assume that since they do not face oppression, their experiences are universal. To paraphrase Kerber, even though we spend our lives submerged in oppression, most of us, most of the time, are only peripherally aware of its impact on our lives (301). Or, as Johnson points out, living in a patriarchal society does not prevent individual women from achieving success, but that success is always achieved in spite of patriarchy and not always available to all women (Johnson 170).

The challenge, then, becomes how do you change dominant ideologies about women and counter the oppression that limits all women? As many feminist theorists point out, resistance to oppression is always embedded into a system of oppression and therefore, there is always the possibility and ability to challenge the systems that create and perpetuate oppression. To extrapolate from feminist theorist Judith Lorber is to understand that the very fact that socially constructed categories are continually evolving to meet the “demands” and challenges of dominant culture is evidence that they are not natural and are in fact constructed. And anything that can be constructed can be deconstructed (54). As feminist theorist Christine Battersby states in *The Phenomenal Woman*, “patriarchy might itself be inherently unstable as a system, and hence how the slight flapping of the wings of a feminist butterfly might—metaphorically—provide the trigger that would enable it to flip over into a state of radical change.” (57) It is
almost as if oppression is an elaborate chess game\textsuperscript{82}, played on the personal and cultural level, between those who have power and those who seek to question, challenge or access that power. For each move one side makes, the other is always there to counter.

There are, however, alternatives to this “chess match” and it is in these alternatives that true and lasting change can occur. As Andrea Ayvazian states, anyone in a dominant group can become an ally in the ending/mitigating of oppression by engaging in intentional, overt, and consistent behaviors that challenge the assumptions and realities of oppression; working to empower the oppressed; and making visible the privileges that are so often invisible and/or assumed to be natural (598). One of the most salient examples of this consciously allied behavior that I came across in the course of my research is a description of a wedding highlighted in \textit{Wedding as Text}.

The wedding involved a white bride who identified as Jewish and a bi-racial groom who identified as African American. It was very important for this couple to meld and honor their myriad cultural identities into their wedding ceremony as a statement of commitment and solidarity, not only to each other, but also to those who attended the ceremony. In order to accomplish this goal, the couple adapted many wedding traditions from their respective cultures and melded them together in ways that acknowledged the original traditions while simultaneous imbuing these traditions with new meanings that were significant to the couple.

\textsuperscript{82} I am very drawn to the metaphor of the chess game for multiple reasons. The objective of chess is to protect the king through the strategic movement of the various pieces, some of which are very “powerful” and some of which appear to be of little threat. If the king is viewed as oppression, the other pieces can be viewed as the strategies that are used to protect oppression. Like in a game of chess, many of the pieces can fall, yet the “king” remains safe and always has the potential to be a deadly threat. Another aspect of the metaphor of chess that appeals to me is that even the seemingly weakest pieces on the board (the pawn) can ultimately undo the king. There are, however, two additional aspects of this metaphor that I find the most salient when examining how oppression operates. The first is that the most powerful piece in a game of chess is the queen. It is she who has the most power and responsibility in protecting the king. In gender oppression, women are very powerful, yet many use their power to protect oppression rather than challenge it. In chess, as in oppression, I have often wondered what would happen if the queen decided that she no longer wanted to protect the king. While I see this metaphor as a powerful example of both realities and possibilities, the final “reality” of chess (and oppression) is one that simultaneously provides hope and despair. At the end of a chess game, even when one has been victorious, both kings still remain of the board.
One thing that was very important for this couple was to express was their commitment to equality. In their wedding ceremony, they incorporated both implicit and explicit means to accomplish this goal. Some of the implicit ways that equality was incorporated into their ceremony was through the use of two Jewish traditions. The first tradition was incorporating a huppah or wedding canopy in the ceremony. In traditional Jewish weddings, the huppah that the couple stands under during the ceremony represents the entire Jewish community and symbolizes that the couple is now part of the larger community. This couple incorporated the huppah in their ceremony, but used cloth from Kenya and wood from land the groom’s family owned, and the huppah was held by two of the groom’s friends and two of the bride’s friends. The other Jewish tradition that was incorporated was the breaking of a glass at the end of the ceremony (there are many explanations why this is done, but none are universally accepted as “truth.”) In traditional Jewish weddings, this is only done by the groom, but in this couple’s wedding, both the bride and groom broke the glass. Also, in place of the traditional “giving away” of the bride, both bride and groom were escorted down the aisle by their siblings.

There were also many explicit ways this couple’s commitment to equality was incorporated into their wedding ceremony. At one point, the pastor told the audience, “We cannot create new worlds without bringing forward traditions that have shaped our histories. Where those traditions are beloved, but incorporate actions which exclude or demean, we must remake those traditions so they continue to inform, but not limit our lives.” (3) The couple also directly addressed racial oppression when the following statement was said during the ceremony:

As a white women and a man of color, you are saying to the world that love will not accept the boundaries which society has arranged to make itself comfortable. You proclaim that it is only love which opens our eyes to see the Other. In loving one another,

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83 In most traditional Jewish weddings, the huppah is only used when both the bride and groom as Jewish and it is usually made from a prayer shawl and held by members of the Jewish community (Leeds-Hurwitz 2).
you have taken on the challenge of love and commitment and chosen to stand among those who transform the world in the name of love and passion (3).

Through subverting many of the “master narratives” of weddings, this couple was able to partake in the cultural ritual of marriage, while acknowledging and challenging oppressive forces in culture that limit full freedom and equality. As stated in Chapter 3, all weddings have a measure of performance to them, and when those performances are used to subvert dominant ideologies, they have the power to unravel the very ideologies they are questioning.  

Although patriarchy and its oppressive forces influence all aspects of culture and none of us are immune to its influence, we can make choices about what aspects of patriarchy we chose to reinforce and pass on to future generations (Johnson 172). When we make conscious choices to challenge, question and expose the ways that oppression and inequality are perpetuated, we are working to unravel the systems of oppression that have been and are used to justify treating some people as less than fully human. While there is renewed hope among many that the presidency of Barak Obama will bring about sweeping changes in an effort to promote the full freedom and equality of all Americans, we cannot rely on governmental policy to take the place of individual social action/activism. As the couple above demonstrates, resistance can take the form of personal statements and actions that can be integrated into even the most traditional institutions and situations.

84 See works by feminist theorist Judith Butler, Marry Russo, and Luce Irigaray for in-depth analysis of gender deconstruction through performance.
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