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Autore	Grossberg Michael <1950->
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Nota di contenuto	Contents; Preface; Notes; Acknowledgments; Introduction; 1. Domestic Relations: A Law for Republican Families; The Emergence of the Republican Family; The Beginning of the "'Crisis of the Family'"; Founding a Republican Legal Order; Creating a Republican Concept of Domestic Relations; Making Matrimony a Private Contract; Marriage Revision; Launching an Attack on Patriarchy; Guarding Homes; Notes; Part I. Matrimony: Courtship, Nuptials, Prohibitions; 2. Broken Promises: Judges and the Law of Courtship; A Common Law for Republican Courtship; The Judicial Reception of the Suit Judges Create Rules for Courtship Seduction and the Shifting Bias of the Law; Judges Defend the Suit; The Effort to Liberate Courtship from the Law; Critics Challenge the Courts; Judicial Accommodations and the Limits of Reform; Legal Doubts; Notes; 3. Nuptial License: The Regulation of Weddings; Matrimony Becomes a Republican Right; An Uncertain Colonial Nuptial Legacy; Judges Differ over Marriages without Ceremonies; The Triumph of Common-Law Marriage; Expanding the Legal Freedom to Marry; The Courts Put Old Rules to New Purposes; Republican Nuptials A Marriage Reform Movement Challenges the Law The Case against

Marriage Law; The Fight over Common-Law Marriages; Growing State Incursions into Nuptial Rights; The Judicial Defense of Common-Law Marriage; A New Balance; Notes; 4. Matrimonial Limitations: Who's Fit to Wed?; The Adoption of Traditional Nuptial Prohibitions; Setting Physical Qualifications for Marriage; Youthful Marriages; Sexual Incapacity; Kin Restrictions; Mental Incompetence; Preventing Nuptial Dishonesty; The Campaign against Mormonism; Americans Fashion Racial Restrictions; Antebellum Efforts at Racial Purity  
The Denial of Marriage to Slaves  
Reconstructing the Color Line after the Civil War; Slave Unions; Antimiscegenation Laws; Late Nineteenth Century Attempts to Prevent "Unfit" Marriages; The Campaign against Youthful Marriage; The Hygienic Invasion of Marriage Law; Incest Fears; Mental Fitness; Medical Restrictions; Notes; Part II. Parenthood: Birth, Legitimacy, Custody; 5. Contraception and Abortion: Who Controls the Womb?; The Law Endorses Parental Choice in Antebellum America; Birth Control Enters Family Law; Abortion Becomes a New Crime; Judges Protect Early-Term Abortions  
The Battle over Abortion Begins  
Mid-Century Childbirth; Contraception and Abortion Become Obscenities; The Spread of Antiabortion Agitation; Contraception Becomes a Major Crime; The Courts and the Defense of Family Limitation; Judges Weaken Antiabortion Laws; The Federal Campaign against Birth Control; Legal Differences; Notes; 6. Bastard Rights: Recognizing a New Family Member; The Colonies Inherit a Repressive Heritage; The Creation of a Republican Bastardy Law; Reducing the Chances of Becoming or Staying a Bastard; The Creation of a Bastard Family; The Poor Laws Resist Change; New Rights  
Bastardy Law and the Process of Legal Diffusion

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Sommario/riassunto

Presenting a new framework for understanding the complex but vital relationship between legal history and the family, Michael Grossberg analyzes the formation of legal policies on such issues as common law marriage, adoption, and rights for illegitimate children. He shows how legal changes diminished male authority, increased women's and children's rights, and fixed more clearly the state's responsibilities in family affairs. Grossberg further illustrates why many basic principles of this distinctive and powerful new body of law--antiabortion and maternal biases in child custody--remained in e

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