Marriage's Global Past: Introduction
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[cover photo]

The picture looks familiar to Western eyes—the happy couple cutting the cake to celebrate their marriage. The pose is classic wedding stuff—hands of both spouses holding the knife on the tall white cake. It was a special moment, one to treasure in photos. Yet one man's expression is cheeky, like a naughty school boy. The expression and the picture suggest that they were doing something utterly traditional, yet at the same time outrageously subversive. Indeed they were.

It was 1957 in the United States. No state or nation in the world would have recognized this union as legally binding. This private ceremony, held inside a home, was a way for the individual men to make a statement to each other about their commitment to each other, a thing to cherish. It was a means for them both to alert their own community of their status as connected and monogamous. It was an indicator of what they recognized as family and community. It was not for complete public consumption, even as it borrowed the rituals from legally-binding wedding ceremonies.

In 1957, in Philadelphia, even private ceremonies rankled other people. When this couple brought the film into a photo studio to be developed, as used to be required to obtain photo prints, they never got them back. The owner refused to return the photos. Instead they went to the back of the shop, with other material deemed lewd and criminal. When the daughter of the photo shop owner unearthed them decades later, she sent them to the ONE National Gay & Lesbian Archives at the University of Southern California. The couple remains unidentified. So, we do not know if the owner did anything more: fighting with the couple when they came to collect, or indeed reporting this outrage to others in his community.

That a picture of two fully clothed people cutting a cake in a house could count as obscene seems extraordinary. Yet this photo shop owner, married to a woman himself, was defending what he saw as traditional marriage and sexual orders, against the seemingly destabilizing activities of these gay men. Many Americans would have been on his side, and heteronormative American law, the "straight state," certainly was.[1] To be sure, it was a small sort of skirmish in a long war for heterosexual monogamy, but it is revelatory. In the end, history seems to have been on the couple's side. This once subversive move has in many places become legalized, indeed at least somewhat normalized. Wedding pictures of two men or two

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[1] Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America*, in *Poltics and Society in Twentieth-Century America*, eds.William Chafe, Gary Gerstle, Linda Gordon, and Julian Zelizer (Princeton: Princeton University Press, 2011).

women are now more common in the United States. It took a lot of work and agitation to make it so. The 2015 decision of the U.S. Supreme Court in the case of *Obergefell v. Hodges* made same-sex marriage legal across all American fifty states. Fifty years earlier, even twenty, this outcome could not have been predicted. [2] This fact reminds us powerfully of the force of historical change.

Yet, in 1957, for all the differences between the happy couple and the unhappy studio owner, the three of them shared a sense that marriage mattered.   All of them recognized that marriage shaped lives in abiding ways, that it was a form of privilege, that it should take certain forms (for instance, only two adult partners).[3] Marriage in the United States in the 1950s was so many things, an edifice as towering as that white cake.   It was the dream of young women who willingly gave up their career ambitions to marry and have families, paths often seen as mutually exclusive. It was the trap that haunted Rock Hudson's characters in films, where it stood both as critical entry into full manhood yet also a way for a man to lose freedom and fun.[4] It was the malaise Betty Friedan identified a few years later in *The Feminine Mystique*, keeping well-educated white women in suburban ennui.[5] It was the juggernaut of racial segregation rolling through bedrooms, in those days before the U.S. Supreme Court ruled against it in *Loving v. Virginia*, ensuring that people of color could not, in many states, marry those deemed white.[6] It was the institution that African-Americans supposedly did not embrace adequately, or so the Moynihan Report would controversially claim a decade later.[7] It was a way to ensure a heterosexual order, even as a few gay women and men chose to practice it privately. It was monogamous, or else.

That marriage looked as it did in the United States in the 1950s was the product of many battles over centuries to make it conform to a particular shape.   "Marriage is so far from having been an institution, fixed by permanent and unalterable laws, that it has been continually varying

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[2] George Chauncey, *Why Marriage? The History Shaping Today's Debate over Gay Equality* (New York: Basic Books, 2004).

[3] Two excellent treatments of this rich history are Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Mass.: Harvard University Press, 2000) and Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002).

[4] As in, for instance, *Pillow Talk*, dir. Michael Gordon (1959).

[5] Betty Friedan, *The Feminine Mystique* (New York: W.W. Norton & Co, 1963).

[6] Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America (*New York: Oxford University Press, 2009).

[7] Daniel Moynihan, et al. "The Negro Family: The Case for National Action," (1965). See Daniel Geary, *Beyond Civil Rights: The Moynihan Report and Its Legacy* (Philadelphia: University of Pennsylvania Press, 2015) and Ta-Nehisi Coates, "The Black Family in the Age of Mass Incarceration," *The Atlantic* (October 2015).

in every period, and in every country."[8] So wrote one historian, William Alexander, in 1779. Alexander did not dwell here on the many controversies that made marriage "vary" so much and that had long shaped its history.   The form marriage took in 1950s United States itself had deep roots in centuries of struggle. That it deliberately excluded a range of people from its privileges was part of its power; it took the assent of state and church to make legal marriages. Its monogamous character had received reaffirmation in battles with Mormon polygamists in the nineteenth century, with theorists and the nation confirming that "monogamic marriage" was "one of the elementary distinctions…between European and Asiatic humanity," the "foundation of "our liberty, of our literature, of our aspirations, of our religious convictions" as well as "one of the pre-existing conditions of our existence as civilized white men."[9] It was only to extend to one man plus one woman, in no other configuration, and with a clear hierarchy between the two. It had long reflected male privilege. While European marital property regimes varied widely for some centuries, the husband's rights over what property a wife brought to marriage and obtained during their marriage often became paramount, and particularly staunchly endorsed in the English common law. It was only in the later nineteenth century that married women's property acts started to alter the assumption that by law, all marital property was the husband's. A husband also usually had more rights when seeking to end a marriage for adultery or other reasons than the wife did. Marriage reflected not just male prerogatives but also race and class privilege. Its denial to many enslaved African-Americans in the colonial and antebellum period of the United States was one of the critical ways by which white power had been established.[10] Settler colonialism made itself felt in marriage regulations in a range of contexts which mandated the authority of the state to decide whose marriage counted as such and to ensure that Native Americans "assimilated" by marrying "properly."[11]

Yet these skirmishes had hardly only begun in the United States; they also continued to

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[8] William Alexander, *The History of Women, From the Earliest Antiquity, to the Present Time*, two vols, (London: W. Strahan and T. Cadell, 1779), II: 240.

[9] Francis Lieber, "The Mormons: Shall Utah be Admitted into the Union?," *Putnam's Monthly Magazine of American Literature, Science, and Art* , 5:27 (March 1855), 234, *American Periodicals* database. See also Sarah Barringer Gordon, "The Liberty of Self-Degradation: Polygamy, Woman Suffrage, and Consent in Nineteenth-Century America," *Journal of American* History 83:3 (Dec. 1996): 815-847.

[10] Tera W. Hunter, *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century* (Cambridge, Mass.: Harvard University Press, 2017)

[11] Ramón A. Gutiérrez, *When Jesus Came, the Corn Mothers Went Away: Marriage, Sexuality, and Power in New Mexico, 1500-1846* (Stanford, CA: Stanford University Press, 1991); Ann Marie Plane, *Colonial Intimacies: Indian Marriage in Early New England* (Ithaca, New York: Cornell University Press, 2000); and Sarah M. S. Pearsall, "Native American Men—and Women—at Home in Plural Marriages in Seventeenth-Century New France," *Gender & History* 27:3 (Nov. 2015): 591-610.

take place around the world. As the articles here detail, the 1940s and 1950s also brought revisions of radical marriage law in the Soviet Union; a riot over the annulment of the marriage of a young Dutch woman to a Muslim man in Malaysia; and a slow transformation in Anindilyakwa practices of "marrying straight" in northern Australia. In the 1950s, in many places, marriage continued to form a central site for the working out of indigenous, state, and colonial powers as well as their subversion. Such controversies, across a range of settings, reflected contests over marriage and authority. They often stemmed from the clash between a longstanding western predilection for monogamous, heterosexual marriage, despite its various discontents, and other forms of marriage.[12] This ongoing —if not always so deeply felt or lived—Greco/Romano-inspired Christian obsession with monogamous marriage gained energy as Europe made contact with ever more of its neighbors and learned about their customs. Colonizers, settlers, and missionaries had to contend first of all with positive endorsements of polygamy in the Hebrew Bible, a text not always so comfortably adopted as their own Old Testament, and with actual polygamy as practiced by many of the peoples across the globe, in the Mediterranean, Europe, as well as in Asia, Africa, and the Americas. Such conflicts resonated throughout the modern period in a range of locations, some of which are detailed here.

At the same time, Western Europeans had to address changing marriage laws and practices within their own borders. Both before and after the religious reformations of the sixteenth century, couples and families tested the boundaries of limits on divorce and insistence on kin prohibition as well as minimum ages for marriage, the prerequisite of parental consent, the requirement of some kind of marital property exchange, and the need for publicity for a marriage to have validity.[13] As western Christianity fragmented, different groups endorsed distinct rules about marriage. Legal divorce with a right to remarry became possible in ways that had not existed for some centuries, and Christian authorities had also to contend with mixed marriages, not just between Christian and non-Christian, but among couples from the various newer and older forms of Christianity. Incest prohibitions lost their force in many cases, only to be redefined more narrowly, remaining continually contested.

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[12] Sara McDougall, *Bigamy and Christian Identity in Late Medieval Champagne* (Philadelphia: University of Pennsylvania Press, 2012), Emelyn Eisenach, *Husbands, Wives, and Concubines* (Kirksville, Mo.: Truman State University Press, 2004) 13–17, 27–30, 37.
[13] David d'Avray, *Medieval Marriage: Symbolism and Society* (Oxford: Oxford University Press, 2005). Charles Donahue, *Law, Marriage, and Society in the Later Middle Ages: Arguments About Marriage in Five Courts* (Cambridge: Cambridge University Press, 2007); Sara McDougall, "The Making of Marriage in Medieval France" *Journal of Family History* 38:2 (2013) 103–21; d'Avray, *Papacy, Monarchy, and Marriage 860-1600* (Cambridge: Cambridge University Press, 2015).

States and religious authorities had stakes in marriage, and they elaborated different policies that did not always align, with secular rulers seeking to bolster state authority through marriage decisions. After all, marriage disputes are what made Reformation official policy in England and Wales, when King Henry VIII found himself at odds with Catholic Church authorities.[14] Unhappily married to his deceased brother's wife, Henry pointed to conflicting ideas about incest prohibitions as he demanded the right to a new wife. Such a move led religious authorities to consider the limits of papal power to end a marriage they generally considered valid, and to weigh indissolubility rules against other alternatives, entertaining even the notion that it might be better for Henry to have two wives at once rather than cast aside his lawfully wed first wife. Horror of polygamy, on the one hand, and of unjustified divorce on the other, coincided with the demands of a political situation that left the pope unwilling to help the English king. So Henry VIII's marital interests had a major place in the English Reformation.[15] At times, rulers and colonial judges actually gave positive license for polygamy to some of its subjects, at least its Jewish subjects, as in Aragon, and one rather exceptionally placed nobleman at an exceptionally charged moment in the midst of religious reform and warfare.[16] This account here, with its focus on the west and on monogamy, is of course only one story among many different narratives about marriage's history.

This Special Issue probes these narratives in various contexts, spanning nearly 1000 years and five continents. It owes much to a fruitful meeting at the Berkshire Conference on the History of Women, Genders, and Sexualities at the University of Massachusetts, Amherst, in 2011. It was there that we, a historian of medieval Europe and a historian of early America, discovered our shared interests in arguments over monogamy in the medieval and modern periods. This joint sense that there was a tale to tell about marriage structures and controversies over a very long and broad expanse inspired our decision to organize a conference and Special Issue to explore these issues. The UK Editorial Collective of *Gender and History* and the Mellon Professor for American History at Cambridge University generously supported this vision.

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[14] Henry Angsar Kelly, *The Matrimonial Trials of Henry VIII* (Wipf and Stock, 2004); d'Avray, *Papacy*, 174-180; Denis Doherty, *The Sexual Doctrine of Cardinal Cajetan* (Regensburg: Pustet, 1966) 233; John L. Thompson, "Patriarchs, Polygamy, and Private Resistance: John Calvin and Others on Breaking God's Rules," *Sixteenth Century Journal* 25 (1994): 3-27: 8.

[15] Eric Josef Carlson, *Marriage and the English Reformation*, (Oxford: Wiley Blackwell, 1994).

[16] For Aragon, see Avraham Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham MA: Brandeis University Press, 2004) 89; John Alfred Faulkner, "Luther and the Bigamous Marriage of Philip of Hesse," *American Journal of Theology* 17:2 (April 1913) 206–31.

To that end, as a first step, scholars from universities across the globe working on cultures from Australia to Soviet Russia, from medieval Europe to post-colonial Malaysia, got together to talk about marriage at Robinson College, Cambridge University in April 2016. We chose paper proposals that focused on structures of marriage in six continents across a broad timeframe, an organizing principle that allowed for some consistency in our chronologically and geographically vast inquiry, but one that meant we could not include many excellent proposals. We aspired to global coverage, but we had less coverage than we would have liked in some areas. Still, this Special Issue covers parts of Asia and the Pacific, Australia, Africa, North America, and Europe, from the ninth century to the twentieth. This global span has been a central theme, and comparative and connected discussions proved very fruitful. Key themes for discussion included monogamy and polygamy, slavery and marriage, interracial and interreligious marriage, ideal forms of marriage, and the conflicts among various authorities and couples and individuals. Many of these themes animate this Special Issue, too. As we learned from our call for papers, which had an overwhelmingly enthusiastic response, scholars are eager to discuss marriage's history. Marriage serves as an important point of intersection for societies but also for scholarship. Historians of every time and place study marriage: theorized, prohibited, represented, and practiced. Therefore, despite the many differences in sources, historical traditions, findings, and terminology, it is possible to have an enlightening comparative conversation about marriage.

One of the major emphases here has been an investigation of marriage across time and space with attention to global diversity and chronological change, recognizing both shared concerns and widely divergent value systems. The decision to go global here means that we see this Special Issue as an intervention into two areas. First, a wider comparative perspective illuminates the history of marriage in particular contexts. It also demonstrates in particular how marriage has been an institution of state, imperial, and religious power, dramatically defining lines of belonging and exclusion. Such has been true in terms of who could marry whom, but also in terms of what shape marriages took. Yet the history of marriage across the world is as much as a story of subversion of those norms as it is their attempted imposition, as the opening photo demonstrates. There are also shared global histories of how indigenous people in a variety of places have defined and practiced marriages and so resisted the marital hegemony of imperial and religious authorities, even as specific contexts have varied considerably. A comparative framework also helps to answer better central questions such as: what constitutes a marriage? Usually, it has required some sort of ceremony and an agreement beyond the two parties from families and communities as well as religious and political authorities. In some

situations, more radically, individuals have staked out claims to marriage based simply on mutual affection and sharing a household. Conflict has often attended different definitions of who was married, and communities have not always been aligned with what the state saw as marriages. For enslaved individuals in Anglophone colonies in the mainland North America and the Caribbean, for instance, the law refused often to recognize their marriages, yet even owners identified "husbands" and "wives" among enslaved people, as did some churches.

Marriage's global past indicates both its wide geographic frame and its intense significance (global in the sense of affecting many), a second major intervention here. Too often broad transnational perspectives lose the domestic and the complex interplay of gender, race, and sexualities. Yet, as one theorist notes, "intimate life takes place through flows and sites that cross national borders."[17]   The history of marriage offers a grounded and valuable way to consider a range of issues critical to historians who are transnationally minded. After all, it touches so many issues at the heart of those histories: the power of the state; migration and immigration law; health, hygiene, and national fitness; property, taxation, and structures of political economy; the reach of the law into a range of populations. Marriage has been central to colonial and postcolonial conflict in a range of contexts, as it established both who could marry whom, and in what ways. Marriage has also done a lot of subversive work, including the undermining of established national borders. As other feminist scholars have observed, "Intimacy is thus potentially and productively disruptive of the geographical binaries and hierarchies that often structure our thinking."[18]

Useful as they are, there are challenges and limits to these global approaches. The same words, even ones as basic as "husband" and "wife," can hold distinct meanings. Dowry and concubinage, for example, are complicated words, even within a single culture. It is necessary to understand as much as possible of the social, religious, political, and economic context for the various ideas and practices concerning marriage under consideration. It is daunting to attempt to understand diverse cultures, but the fruits of such efforts are considerable. We can come away, for example, with a sense of the history of marriage that is richly informed by the range of the possible, the numerous ways marital unions have been defined, redefined, contested, and practiced, and how often marriage sits at the center of efforts to define and regulate family, society, and the state.

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[17] Ara Wilson, "Intimacy: A Useful Category of Transnational Analysis," in Geraldine Pratt and Victoria Rosner, eds. *The Global and the Intimate: Feminism in our Time* (New York: Columbia University Press, 2012), 31-56: 40.

[18] Geraldine Pratt and Victoria Rosner, "Introduction: The Global and the Intimate," in *The Global and the Intimate: Feminism in our Time* (New York: Columbia University Press, 2012), 1-30: 2.

Our method is comparative, yet it is also connected and entangled. Europeans confronted polygamy among non-Europeans and so defined it in certain distinctive ways that resonated powerfully in a range of global settings. Whose marriage was "modern" and "progressive" and whose was "backwards" and "barbaric" depended often on definitions forged in controversies between and among Christians and non-Christians and between and among Europeans and non-Europeans over a very broad span of time indeed. Using marriage to delineate "us" from "them" happened in so many different moments, whether in reformation struggles in early modern Europe or in gay marriage debates in the twentieth century. Marriage has seemed to represent a fundamental basis for social and political order, so that excluding some marriages as "unacceptable" or "improper" has demarcated boundaries of belongings. These understandings of marriage continued to energize thinking about marriage in many contexts.

Power is a critical element for comprehending intimacy and marriage. Power dynamics from the top to the bottom of a society and everywhere in between inform marriage's rich and contested history. Marriage was a tool for every kind of task in the making of a state or of a household.[19] "Marriage… perpetuates social structures, allows the emergence of classes and alliances, and regulates how property is passed on...Furthermore, it is undoubtedly linked to the passing down of culture, values, and attitudes from one generation to the next."[20] So Maria Emma Mannarelli described marriage in seventeenth-century Lima, thus providing a useful working definition for marriage in the global past. Premodern families perpetuated themselves via marriage, the "passing down" of property but also of culture, and power or its absence.[21]

To begin at the top, as it were, marriage has had a predominant role in state formation and in global politics of the premodern world. For centuries, marriage often served to link royal and noble families in ways that advanced the interests of centralizing powers. When Norman

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[19] Joel Harrington, *Reordering Marriage and Society in Reformation Germany* (1995); Julie Hardwick, *Family Business: Litigation and the Political Economies of Daily Life in Early Modern France* (Oxford University Press, 2009); Leslie Harris, *State of the Marital Union, Rhetoric, identity, and Nineteenth-century Marriage Controversies* (Baylor, 2014).

[20] Maria Emma Mannarelli, *Private Passions and Public Sins: Men and Women in Seventeenth-Century Lima* trans. Sidney Evans and Meredith D. Dodge (Albuquerque: University of New Mexico Press, 2007), x.

[21] Ruth Karras, *Unmarriages: Women, Men, and Sexual Unions in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 2012). In addition to questioning the historical meaning and function of marriage, scholars have increasingly called for broader definitions of family in premodern Europe, asking as well that we work harder to recognize other means of family organization and focus. See for example Sara McDougall, "The Chivalric Family" in *Chivalric Identity in the High Middle Ages*, eds. David Crouch, Jeroen Deploige, and Xavier Baecke, (forthcoming with Leuven University Press, 2017).

conquerors sought to establish themselves in Anglo-Saxon England as well as in Sicily, they sought out brides from the royal families whom they had defeated. Marriage thus legitimized conquest, particularly with the birth of heirs who descended *via* their mothers from the former rulers. Mongol conquerors of thirteenth-century Korea in every generation married the Korean crown prince to a daughter of the Mongol imperial family.[22] *Tlahtoani* in what is now Mexico also took brides from conquered lands, thus linking tribute states to the central state via marriage.[23] All of these rulers were operating on the understanding that marital alliances were fundamental to the establishment of political power.

In other words, the exchange of women in marriage oiled the machinery of medieval and early modern states. These royal marriages are just one example of the many ways in which such exchanges through marriage demonstrate the workings of authority, as powerful men used these marital unions to solidify relationships, to seek favors, to prove dominance, or to make peace. Incan rulers gave women in these ways, but they were hardly the only ones.[24] Women were not just consensually exchanged, of course: they were often taken by men from other men to cement their authority.[25] Limitations on marriage also delineated power relationships. Rulers might forbid noble heiresses to marry without royal permission, as in medieval England, Sicily, and the Crusader States, despite the coexistence of a canon law rule that insisted on the rights of individuals to choose their own spouses. Marriage, or at least these marriages, seemed too important to permit the interference of the Church. They were such a valuable way to avert war, to engineer peace, to keep kingdoms intact, and to solidify power through gifts and exchanges.

Authorities, both in Church and State, also recognized marriage's significance as a microcosm of the existing social order, and conversely as a potential incubator of social change. In his *Politics and Ethics*, Aristotle called the marital household the basis of the *polis*. Leaders and thinkers ever since have referred to the conjugal family as the little commonwealth, the little church, the bedrock of the nation. Marriage and the family, and the networks of support and obligations associated with marriage, have often proved essential to the stability of states.

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[22] George Qingzhi Zhao, *Marriage as Political Strategy and Cultural Expression: Mongolian Royal Marriages from World Empire to Yuan Dynasty* (Peter Lang, 2008)

[23] Sarah Cline, "The Spiritual Conquest Reexamined: Baptism and Christian Marriage in Early Sixteenth-Century Mexico," *Hispanic American Historical Review* 73:3 (August 1993): 453–480 and Patricia Lopes Don, "The 1539 Inquisition and Trial of Don Carlos of Texcoco in Early Mexico," *Hispanic American Historical Review* 88: 4 (November 2008): 573–606. See also Don, *Bonfires of Culture: Franciscans, Indigenous Leaders, and the Inquisition in Early Mexico, 1524–1540* (Norman: University of Oklahoma Press, 2010).

[24] Maria Rostworowski de Diez Canseco, *La mujer en la época pre-hispánica* (Lima: Instituto de Estudios Peruanos, 1986)

[25] Pierre Bourdieu, *Masculine Domination*, trans. Richard Nice (Stanford: Stanford University Press, 2001) 43, 49.

Correspondingly, innovative theories of marriage seemed to have destabilizing potential.

Religious and political institutions of all stripes therefore vied, or collaborated, for centuries in defining and legislating marriage. Central and peripheral authorities disputed with each other over who could marry and how, and also what marriage meant, as well as what rights and obligations came with what they recognized as marriage. Its definitions, functions, rights, and obligations have all been major sources of contention. Shifting marital property rules, for example, led to riots in the streets in medieval Italy.[26] Western Christendom loosened its strict incest prohibitions at its borders and for the newly converted, but not without dissent.[27] Yuan China resisted the levirate system encouraged by their Mongol conquerors as it was viewed as incestuous, with widow chastity promoted as an alternative.[28] An ideal of the conjugal family as established in nineteenth and twentieth century Egypt led to the widespread practice of covert polygyny among elites.[29]

Scholarship on marriage in colonial settings has produced especially fruitful examples of how different authorities seek to control and often to change the marriage practices of their new subjects. Colonizers often saw marriage as a major priority for exerting power over their new subjects. Colonial officials and missionaries alike made assiduous efforts to keep those they hoped to dominate as well as assimilate from marrying "up," though at least some, including a rather remarkable French fourteenth-century courtier and political strategist, thought that a crack team of attractive female missionary-brides might be just the thing to convert and subdue the "infidels," in this case Muslims in the Middle East.[30]

Some colonial officials prohibited intermarriage between colonizer or settler and indigenous (or imported enslaved person or worker). Some colonizers changed their minds, experimenting with intermarriage or preferring less formal relationships between colonizer and colonized, others completely and staunchly forbade any "mixing." Iberian colonizers in the Americas allowed, famously, for a good deal of mixing, particularly in the initial years following

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[26] Diane Owen Hughes, "From Brideprice to Dowry in Mediterranean Europe," *Journal of Family History* 3 (1978): 261-96.

[27] Mayke de Jong "An Unsolved Riddle" Early Medieval Incest Legislation" in *Franks and Alamanni in the Merovingian Period*, ed. Ian Wood (Boydell & Brewer, 2003) 107-125; Nora Jaffary, "Incest, Sexual Virtue and Social Mobility in Late Colonial Mexico" in *Gender, Rance and Religion in the Colonization of the Americas*, ed. Nora Jaffary (Ashgate, 2007) 95-108.

[28] Bettine Birge, "Levirate Marriage and the Revival of Widow Chastity in Yuan China," *Asia Major* 8:2 (1995) 107-146.

[29] Kenneth M. Cuno, *Modernizing Marriage: Family, Ideology and Law in Nineteenth Cenutry in Egypt* (Syracuse University Press, 2015).

[30] Michael R. Evans, "Marriage as a Means of Conversion in Pierre Dubois's *De Recuperatione Terre Sancte*," in *Christianizing People and Converting Individuals*, ed. Guyda Armstrong and Ian N. Wood (Turnhout: Brepols, 2000) 195–202.

conquest, and eventually made strident efforts to define various "castas" and make some effort to keep them apart or at least define them as distinct, and strove above all to prevent too much social or cultural mobility upward.[31] In Colonial Latin America missionaries quickly sought to eliminate polygamy and impose Christian marriage norms, attempting, for example, to require men with multiple spouses to keep only their first wives, separating from the others. Various pieces of papal legislation from the sixteenth century similarly sought to facilitate the transition of an aspiring convert from a life of polygyny to that of monogamy.[32] Such rules against polygamy had several purposes, not just to improve the chances for the salvation of the pagan and indigenous, but also to perform civilizing Christian power. As Sarah Carter observes of western Canada: "Claiming to have superior marriage laws that supposedly permitted women freedom and power was (and continues to be) a common boast of imperial powers."[33]

Colonial authorities sought to impose particular kinds of marriages on their populations, but they did not always agree on how best to do this work. Religious and secular authorities did not always reach accord on marriage policies and practices, nor did metropolitan and colonial officials. In some colonial settings, the authorities chose to violate some of their own principles concerning the marriage practices of those people over whom they ruled. So in addition to top-down efforts to regulate and control marriage, there were also horizontal conflicts, between church and state and local authorities, among competing jurisdictions, and among communities and families. The debates were fierce because the issues at stake were those of governmental power, not just the law or ethics of marriage. Indigenous people and settlers nevertheless made their own decisions. The record is full of both top-down and bottom-up efforts to shape marriage.

Marriage is also about power because it is about property. Marriage ceremonies frequently included gift and property exchanges, both symbolic and actual.[34] One of the

[31] Jane Mangan, *Transatlantic Obligations Creating the Bonds of Family in Conquest-Era Peru and Spain.* (Oxford: Oxford University Press, 2016); Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1572-1821* (1988); Ilona Katzew, *Casta Painting: Images of Race in Eighteenth-Century Mexico* (New Haven: Yale University Press, 2004); María Elena Martinez, *Genealogical Fictions: Limpieza de Sangre, Religion, and Gender in Colonial Mexico* (Stanford: Stanford University Press, 2008).

[32] John T Noonan, "Experience and the Development of Moral Doctrine" CTSA Proceedings 54 (1999) 43-56; 45

[33] Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915*, (Alberta: University of Alberta Press), 5. See also Bettina Bradbury, "Colonial Comparisons: Rethinking Marriage, Civilization, and Nation in Nineteenth-Century White Settler Societies" in *Rediscovering the British World* , eds. Philip Buckner and R. Douglas Francis (Calgary: University of Calgary Press, 2005): 135-158.

[34] Joanna Drell, *Kinship and Conquest: Family Strategies in the Principality of Salerno* (Cornell University Press, 2002) 55-89; Patricia Buckley Ebrey, "Shifts in Marriage Finance from the Sixth to

fundamental uses of marriage in the global past has been as an identifier of a union with certain property rights for the spouses, a union whose children would also have a claim to the property of the parents, and would entail automatic rights for widows or widowers. Different societies made use of a range of distinct iterations of this idea, sometimes following customary practices and negotiating agreements that cost the bride's family more, sometimes that of the groom. Inheritance was often tied to marriage and legitimacy, and property was critical too to the end of marriages. The many rules governing marriage and inheritance could have unanticipated side effects. In Qing China, while the mighty performed power by accumulating concubines, the poor had to contend with such a scarcity of women that they made use of polyandry and wife-sale to ensure the survival of families, evidently often with the encouragement of a wife.[35] So, power dynamics of marriage can include a wide range of different behaviors and practices, and with surprising gender reversals, even within the confines of the most patriarchal of societies and households.

The history of marriage is also centrally a history of power dynamics within households. In the domestic sphere husbands as household heads often had, and in some places continue to have, a legal and moral right to a recognized position of authority, with wives and children in subordinate positions. The subordination of women to their husbands in marriage is of course a widespread historical phenomenon, one bolstered by various societal interpretations of Confucian, Greco-Roman, Hindu, Buddhist, Jewish, Christian, and Islamic doctrine, among others. Men have variously had authority over wife/wives and children, control over family property, over a wife's freedom of movement and employment, and in some cases sole rights to decide if a marriage should be brought to an end, as is the ostensible case with Jewish and Muslim divorce law. It is vital, however, to recognize the real limits of patriarchal authority, and even in societies that firmly outlined a man's role as such. Many societies, for example, gave women the right to demand sexual satisfaction from their husbands, as can be found in Jewish, Christian, and Muslim traditions. Some also recognized various legal measures to seek control over property if a husband was found to be dissipating the family fortune. While many legal and religious systems disadvantaged women in marriage, women nevertheless exploited various opportunities to improve their circumstances, sometimes even able to profit from the various ways the legal system technically incapacitated them.

Thirteenth Century" in Rubie S. Watson and Patricia Buckley Ebrey, eds. *Marriage and Inequality in Chinese Society* (UCLA Press, 1991) 97-132; Jane Fishburne, *Marriage and Inequality in Classless Societies* (Stanford University Press, 1988); Barbara M. Cooper, "Women's Worth and Wedding Gift Exchange in Maradi, Niger, 1907-89," *JAH* 36 (1995), 121-140.

[35] Matthew Sommer, *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions* (UCLA Press, 2015)

Ideals and practices of gender have been central to marriage, just as marriage has been central to them. As historian Nancy Cott has framed it, "marriage has designated the ways both sexes act in the world and the reciprocal relation between them. It has done so probably more emphatically than any other single institution or social force."[36] From courtship to weddings to married life, gender expectations shape marriages and the forms they have taken. Women and men have often experienced marriages in quite distinct ways. The dynamics of marriage both rehearse and sometimes undermine complicated scripts around proper gender roles. Roles of husband and wives have depended on demarcating certain labor within marriage as belonging specifically to those roles (who "brings home the bacon" and who cooks it). In the majority of cultures, and certainly among most of those surveyed here, men have disproportionately benefitted from the household labors fundamentally supported by marriage, enjoying privileged access to the bodies, labors, and property of a wife —or wives. Marriage has also historically been a way to advance the material interests of families in ways that depend often on patriarchal privilege. Marriage's critical role in drawing lines of legitimate descent, so that only children of marriage are recognized as rightfully inheriting property, has also tied intimacies and gender to property and its control.

So, marriage is an institution of exceptional intersectionality.[37] It has melded so many kinds of concerns around gender. As theorists of intersectionality note, such a perspective considers "categories not as distinct but as always permeated by other categories, fluid and changing, always in the process of creating and being created by dynamics of power."[38] The history of marriage is centrally about how these many categories merge and pull apart in complicated, ever-changing, and sometimes unexpected ways. It has been a way to establish the authority of state and religious orders in so many ways yet it has also offered endless ways to subvert that authority. The wedding picture of the two men in 1957 Philadelphia shows the ways in which state and religious authority was borrowed, to make a certain kind of commitment manifest, even as that authority was also dramatically flouted. Marriage has structured lives and lineages and societies. It has also configured identities. To be married has been a marker of a certain kind of personhood, of adulthood, of householding in many diverse contexts; to refuse this position has also had power. Marriage's intense intersectionality is clear.

Marriage transforms the simply sexual into the legitimate. As one eighteenth-century

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[36] Cott, *Public Vows*, 3.
[37] A useful overview of this literature can be found in Sumi Cho, Kimberlé Williams Crenshaw, and Leslie McCall, "Toward a Field of Intersectionality Studies: Theory, Applications, Praxis," *Signs: Journal of Women in Culture and Society* 13:4 (2013): 785-810.
[38] Cho, Crenshaw, and McCall, 795.

man copied approvingly in his commonplace book, "Marriage is rather a Felloship of Dearest Amity, than disordered Love meerly carnall."[39] Yet the "meerly carnall" still throbs insistently under law and custom, so sexuality and gender have vividly intersected in the history of marriage. Marriage has been a way to harness and direct sexual energies in particular and legitimate ways, approved in some basic sense by families, communities, and religious authorities. Yet, at the same time, spouses were often supposed to have parity in their rights to ownership of each other's bodies, and the right to demand sexual gratification from one's spouse whenever needed. Immanuel Kant infamously described marriage as a contractual relationship "for the lifelong possession of each other's sexual attributes."[40] This access, denied to others, was a source of pleasure and power, but also of complicated and sometimes conflicting views of duty and inclination in such situations. The longstanding refusal to allow two men, or two women, to marry each other indicated in part a deep discomfort not only with certain sexual practices but also with the muddying of gender roles which seemed to accompany them. Recognizing sexual difference in this way seemed to endanger gender roles: who would "wear the pants" in the family, as people might have asked in 1950s USA. The organization of labor within the household seemed likely to alter.

"Think of the children!" Such has been the rallying cry of many of those who argued against what seemed novel forms of marriage. Many critics of altering marriage have contended that marriages which undermined normative sexual and gender practices seemed also to imperil the next generation as children would be confused and damaged permanently by growing up in households that seemed to deviate from the norm.[41] Such claims characterized those who fought against same-sex marriage, but it also colored controversies over, for instance, the union of individuals of different religions, cultures, and races. Would the children of mixed marriages between, for instance, Jews and Christians be raised as Jewish or Christian? Families, communities, and religious institutions really cared about the answer, and regulated legitimate unions because of these concerns.

So, religion was also a central category of intersection with gender. Religious teachings shaped both to whom and how marriages could be undertaken, as authorities professed a range

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[39] John Saffin, *John Saffin, his book (1665-1708): a collection of various matters of divinity, law, and state affairs epitomiz'd both in verse and prose*, ed. Caroline Hazard (New York: Harbor Press, 1928, as quoted in Plane, *Colonial Intimacies*, 38.

[40] Immanuel Kant as quoted in Adrian Daub, *Uncivil Unions: The Metaphysics of Marriage in German Idealism and Romanticism* (Chicago: University of Chicago Press, 2012), 16.

[41] See, for instance, Daniel Winunwe Rivers, *Radical Relations: Lesbian Mothers, Gay Fathers, and their Children in the United States since World War II*, (Chapel Hill: University of North Carolina Press, 2013).

of different ideas about appropriate gender roles in marriage. Christian authorities often promoted the idea of marriage as essentially requiring the union of (one) man to (one) woman, with that gendered hierarchy often considered a requisite as Christian marriage had to resemble the union of Christ and Church, with Christ ruling over his Bride. Muslim authorities extended to men the right to no more than four wives, but no wife was allowed more than one husband. Marriage thereby enshrined distinct senses of what was acceptable for women and for men. The religious and legal recognition of plural marriages, carefully regulated by law yet also acknowledged as acceptable, sometimes led those of other faiths, whether Christians, Hindus, or others, to condemn Muslims for their practices of marriage which seemed problematic, whether in medieval Spain or modern India. Among other objections, critics asserted that such unions gave excessive licence to men, while keeping women subordinate.[42] The complicated intersection of gender and religion is also plain in the marriage disputes that frequently accompanied the meetings of people of different cultures.

Forging cultural and racial, as well as religious, difference was also an essential function of marriage and its regulations. One of marriage's central aspects has been its importance in defining who belongs and who does not. There has been considerable anxiety surrounding what constituted "mixed marriages," though whether this mixing meant Protestants and Catholics, or black and white people, has varied considerably. Such configurations have also depended on gender, as it has more often been acceptable, for instance, for white men to marry across cultural and racial lines than for white women to do so. This complex entangling of race and gender has centered often on legal marriages, and what counted as such, as in colonial Virginia, where it is possible to identify, as Kathleen Brown has done, "the sexualization of race."[43] Virginia's 1691 law against interracial unions targeted in particular marriages between men of color and white women: "for prevention of that abominable mixture and spurious issue which hereafter may encrease in this dominion, as well by negroes, mulattoes, and Indians intermarrying with English, or other white women."[44] As Brown has contended, "the colonial legislature appropriated sexual regulations to redefine and reinforce racial boundaries."[45] Sex and marriage were central to these racial categories and their hardening in a colony which depended on a large population

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[42] This is of course a typical example of western societies' willingness to critique other societies for oppressing women, even as they reinforce partriarchy at home.

[43] Kathleen M. Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race, and Power in Colonial Virginia*, (Chapel Hill: University of North Carolina Press for Omohundro Institute of Early American History and Culture, 1996), 187.

[44] See Law Library of Congress, American Women, American Memory, Library of Congress, USA, https://memory.loc.gov/ammem/awhhtml/awlaw3/slavery.html, accessed 6 May 2017.

[45] Brown, 211.

of enslaved people of color. Denying such individuals the right to marry also hammered out, harshly and at high cost, critical racial distinctions.

Stories about marriage did as much work and regulation as marriage laws did. Accompanying this denial of legal marriage to enslaved African-Americans were a set of narratives contending that such people did not respect marriage law adequately. Tales of marital disorder thus served to emphasize the inability of some groups of people to respect and sustain proper monogamous marriage. A refusal to marry "correctly" singled out certain groups as backwards and barbaric. Promiscuity, polygamy, "perversion," and overall lack of respect for monogamous marriage became useful shorthands for signalling "inferior" people whose political and social orders were so problematic so that they could never be trusted. So, one nineteenth-century American Senator declared in no uncertain terms of the Chinese, that "the yellow race; the Mongol race" were "a people to whom polygamy is as natural as monogamy is with us."[46] Such a "natural" propensity to polygamy indicated racial inferiority and an incapacity for monogamy and civilization. Numerous global histories of marriage in the eighteenth and nineteenth centuries made this same point, upholding monogamy as the pinnacle of civilization.

Physical and mental health, for individuals, families, and nations, supposedly depended on marriage's proper operation. Bad marriages endangered husbands, wives, and children. One American Congressman denounced polygamy as a "crying evil" in 1860. For him, polygamy "pervert[ed] the social virtues, and vitiate[ed] the morals of its victims." It also led to "political despotism," leading to "extremes of brutal blood-thirstiness or timid and mean prevarication." Yet it also struck at the body "sapping … the physical constitutions of the people practicing it, dwarfing their physical proportions and emasculating their energies."[47] Some even argued marriage imprinted itself in racial terms. Roberts Barthelow argued in 1861 that polygamous Mormons were a degenerate race. He observed: "It is a curious fact, that Mormonism makes it impress on the countenance …The yellow, sunken, cadaverous visage; the greenish-colored eye; the thick, protuberant lips; the low forehead; the light, yellowish hair, and the lank, angular person, constitute an appearance so characteristic of the new race, the production of polygamy, as to distinguish them at a glance."[48] Yet Mormon women and men in plural marriages refuted

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[46] Senator Cowan, Cong. Globe. 39th Congress. 1st Sess 2891 (1866), as quoted in Kerry Abrams, "Polygamy, Prostitution, and the Federalization of Immigration Law," *Columbia Law Review* 105:3 (April 2005), 641-716: 661.

[47] Statement of Representative John Alexander McClernand (Illinois), Cong. Globe, 36th Congress, 1st Session 1514 (1860), as quoted in Abrams, 641.

[48] Roberts Barthelow as quoted in Samuel A. Cartwright, "Hereditary Descent; or, Depravity of the Offspring of Polygamy among the Mormons," *Debow's Review*, 30:2 (Feb 1861), 206-216: 209-210. *Making of America Database*, University of Michigan.

these claims, pointing to the health and vitality of their families and communities.[49] In other times and places, commentators contended that practices such as polygamy limited population growth by reducing the fertility of wives though others, such as various *philosophes* and theorists in eighteenth-century France, argued the opposite.[50] National strength depended on marriage patterns in complicated and sometime contested ways. Those who married "incorrectly" were thought to imperil national fitness.

Ideas about the "backwardness" of certain forms of marriage remain a global inheritance. Such claims are highly politicized ones, depending on casting certain forms of marriage, as well as certain people, as inferior and lacking progress.[51] Yet marriage has been both fiercely traditional, as well as startlingly subversive. It also could become subversive in unexpected ways; sometimes people deployed old forms in new ways, making "radically conservative" choices in marriage and society.[52] As the opening picture here makes clear, doing something so traditional could take on aspects of subversion; such sums up neatly some of the paradoxes that attend the history of marriage.

Marriage, Religion, and Gender

The opening section of this special issue uses the earliest piece chronologically paired with one from the twentieth century to probe the complicated intersections of gender and religion with marriage. In so many premodern societies the familiar story of the conjugal household is that of patriarchy and paternal lineage, or patriline, with husbands and their natal families in the predominant position of power. It is easy to imagine religious authorities most often acting to reinforce these family structures, keeping male authority in place. Yet the articles by Elisabeth Van Houts and Charlotte Walker-Said describe religious authorities, male clergy in medieval Europe on the one hand, and female African religious leaders in twentieth century Cameroon on the other, defining gender roles in marriage in ways that posed challenges to a husband and father's control over a household.

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[49] On these controversies from different angles, see W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015) and Laurel Thatcher Ulrich, *A House Full of Females: Plural Marriage and Women's Rights in Early Mormonism, 1835-1870* (New York: Random House, 2017).

[50] Carol Blum, *Strength in Numbers: Population, Reproduction, and Power in Eighteenth-Century France* (Baltimore: Johns Hopkins University Press, 2002), Ch 5.

[51] Daniel Lord Smail and Andrew Shryock, "History and the 'Pre,' " *American Historical Review* 118: 3 (June 2013): 709–737.

[52] Sarah M. S. Pearsall, "'Having Many Wives' in Two American Rebellions: The Politics of Households and the Radically Coservative," *American Historical Review* 118:4 (Oct. 2013): 1000-1028.

In the patriarchal world of premodern Europe, husbands, as household heads, had authority over their wives, who had a more subservient position reflecting their imagined relative weakness as female.[53] Husbands had the right to expect a wife's obedience, and technically had the authority to admonish and discipline or even confine a disobedient spouses "within reason." In seeking to understand these gendered dynamics in Medieval Europe, Van Houts makes new use of old sources, namely miracle stories from France and England in the eleventh and twelfth centuries. These stories, most often written by male clergy, were intended to promote better Christian living on the part of the laity, including veneration for the saint in question. These *miracula* reflect no interest in instructing laity in how to marry properly or punishment for failure to do so. Instead they generally feature vignettes of married life in deeply patriarchal households. However, they also describe the subversion of that patriarchal authority. As Van Houts movingly documents, the clergy who wrote these stories implied that when husbands stood in the way of religious obligations, they misused their authority. Husbands and wives alike who kept each other from veneration of saints were proven wrong time and again. Clerical authors portrayed women as submissive, but they also offered models of the appropriate kinds of affective gestures women could adopt when seeking to correct husbands who acted contrary to the interests of the church or the saints. Moreover, clergy portrayed women as potentially powerful in their ability to improve the behavior of their husbands. As Van Houts explains, the stories set models for ideal behavior likely not intended to encourage female rebellion, but they do seem to have given permission to women to find ways to serve God even when such service potentially subverted patriarchal authority.

Centuries later in Cameroon, marriage also served a useful way to redefine relations around religion and gender. There, Christian religious authorities explicitly sought to improve, as they saw it, the place of women in the patriarchal household, often by seeking to change the woman herself via religious instruction, general education, and training. Female religious leaders, seeing as their main opponent not a husband but a patriarchal father, aimed to help their fellow indigenous women of Cameroon "escape" polygamous marriages, child marriages, and bridewealth. In seeking to remake Christian families, female missionaries and religious educators emphasized in particular the role of women as mothers and educators, with the hope that they would pass on these ideas to their husbands and children. Walker-Said sees these religious women's efforts as part of a broader project to promote a model of Christian marriage and

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[53] Jennifer Ward, *Women in Medieval Europe*, ch 2 & 3; for an examiniation of the limits of these ideas in canon law see Sara McDougall, "Women and Gender in Medieval Canon Law," in the *Oxford Handbook of Women and Gender in Medieval Europe*, eds. Ruth Karras and Judith Bennett (Oxford: Oxford University Press, 2013).

family as central to African statebuilding, even as their ideas about the importance of monogamy and ideal motherhood came into conflict with the French colonial administration's promotion of chiefdom and patriarchal control. Despite these conflicts, Christian women's organizations continued to promote an ideal household order as a means of pressing moral reform in moments of change and the winning of national independence.

These marital controversies thus flag complicated dynamics over gender, religion, and authority. In both Medieval Europe and in twentieth-century Cameroon, good Christian wives absolutely submitted to their husbands—in theory, anyway. Women could nevertheless sometimes challenge their husbands. Male clergy in their miracle stories describe and seemingly endorse gendered behaviors in marriage. Van Houts identifies in particular women's gestures as central to marital negotiations. A pious wife whose husband behaves badly, particularly as a bad Christian, could adopt gendered gestures of supplication or mourning that in these stories obtained good results. Wringing hands and wailing returns an errant husband to the fold. African female religious leaders, meanwhile, use education and training not to facilitate challenges to a husband's authority, but to help women become perfect Christian wives. Like their medieval European predecessors, these wives are not supposed to challenge a husband's or father's authority, though they are encouraged to resist polygamous marriage and brideprice. The efforts of these African religious women, moreover, came into conflict not just with fathers or husbands, bur with European church authorities. Largely absent from Van Houts' account, but central in that of Walker-Said, are the various ways in which a good Christian wife should seek to improve herself. She should above all live as a devout Christian, and in so doing avoid being too materialistic or independent. She could certainly, and with their help, learn skills that could improve her household economy, but not at the risk of defying her husband's authority. Another interesting difference is the sometimes seemingly counterintuitive insistence on the part of African female religious authorities that Christian women, future wives, were responsible, had the right and ability to defy parents pressuring them into polygamous marriages made with brideprice, and had as well a responsibility and ability for "perfecting African marriages and families."[54] Here, it seems, we can find a real difference in that medieval male clergy saw

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[55] Sylvie Joye, *La Femme ravie. Le mariage par rapt dans les sociétés occidentales du haut Moyen Âge* (Turnhout: Brepols, 2012); Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100–1500* (Cambridge: Cambridge University Press, 2013); Barbara Diefendorf, *Paris City Councillors in the Sixteenth Century: The Politics of Patrimony* (Princeton: Princeton University Press, 1983) 155-191; Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire*, Second ed. (Routledge, 2014) 81-83, 91-93; Patricia Seed, *To Love, Honor and Obey in Colonial Mexico: Conflicts over Marriage Choice 1574-1821* (Stanford: Stanford University Press, 1988)

Christian wives as potentially useful, but nowhere near as responsible for their behavior and that of their husband as found with Walk-Said's female religious authorities, who perhaps ask rather more of these women than was reasonable given the risks of violent responses to their rejection of "traditional marriage." In these very different contexts, Christian models of marriage, overtly patriarchal, became, somewhat unexpectedly, a way to disseminate innovative ideas about gender and household orders and to support women who might flout the authority of a male head of household. Yet there were limits as to how much subversion of male authority religious officials in both times and places were willing to tolerate. Finally, both authors offer something that scholars of African women and family have recently asked for, a shift of attention from economic and social power dynamics to the subjective, to emotion and desire.

"Customary Marriages" in Colonial Settings

Such unexpected twists in the history of marriage also characterize marriage in various colonial settings, as in articles by Rena Lauer and Nafisa Essop Sheik. There are many colonial stories in which the conquerors make the conversion and assimilation of their new subjects, including enforcing ideals of marriage often focused on lifelong monogamy, a top priority. However, such distinctions were often muddier than it might first seem. The handling of marriage practices in fifteenth-century Venetian Crete and in nineteenth-century British Natal (now South Africa), was a commitment on the part of authorities in both places to maintain as separate the religious and marital practices of their indigenous subjects. In both places, there was little will to "assimilate" distinctive marriage patterns; rather, authorities sought to keep them distinct, under separate laws which reflected "customary practices." One such "distinctive" marriage form was levirate marriage, the marriage to a deceased wife's sister on which King Henry VIII of England's claims to annulment of his first marriage rested. Jews in Venetian courts litigated over levirate marriages, and so did litigants and petitions in nineteenth-century Natal—both indigenous people, and, more surprisingly, some English settlers themselves. Their complicated negotiations here demonstrate that there were unexpected twists to colonialism and marriage, and that "customary practices" could align with official ones in discomfiting ways.

In both Crete and Natal, authorities followed a marriage policy of keeping "traditional marriage" of local populations separate, with surprising consequences. As Lauer argues, Venetian conquerors in Crete followed their longstanding rule of allowing Jews to marry and divorce according to their own customs, one of many ways in which these colonizers allowed their conquered subjects to follow their own religious and personal law. Venice, in seeking to rule over a majority Greek Orthodox Crete, accommodated the religious and marital practices not

just of the Orthodox Christians but of the small, wealthy Jewish community. Venetian colonial officials showed considerable respect for Jewish traditions and law. This commitment on the part of the Venetians also created a remarkable opportunity for Jewish litigants in Venetian colonial courts to present the Christian judges with their own interpretations of Jewish custom or law. In particular, women used colonial (Christian Venetian) courts to win property settlements following separation from their husbands under Jewish law. In this fascinating example of women's successful "forum shopping" in fifteenth-century Venetian Crete, Jewish women who wanted to separate from their husbands with financial support sought judgements from the Venetian colonial courts rather than their own rabbinical courts. For Lauer, such cases reflect the importance of women to Mediterranean legal pluralism.

There were also some twists and turns in the regulation of marriage in colonial Natal. English marriage law did not allow levirate marriage, but settler widowers, with large families, successfully petitioned Natal authorities for the right to pursue it. They did so on the basis on preserving families, property, and respectability. In fact, the distinctions between colonial and metropolitan marriage ideals were less clearcut than many wanted to believe, as levirate marriage was also a source of controversy in Britain itself. Men often wanted to marry their dead wife's sister because of her willingness to be "useful" in a household and to undertake childcare duties for her nephews and nieces. Both settler and indigenous men in Natal sought to preserve households, to maintain labor patterns there, and to make diplomatic connections through such practices as levirate marriage and polygamy. Distinctions between settlers and indigenous people were thus also less clearcut. Not only did some settlers petition for levirate marriage, but in fact some colonial officials participated in an exchange economy of wives according to Zulu, not British, traditions, accepting "wives" as gifts from Zulu leaders. The mingling of colonial and metropolitan norms occurred in some unanticipated ways.

So, in Venetian Crete and colonial Natal, as these authors show, there were not two distinct groups, colonizer and indigenous, when it came to marriage. Instead there were different ideas about marriage and the appropriateness of certain practices such as polygamy and levirate marriage found on both "sides" among the Jewish community and among the British. As both authors demonstrate, internal complications could lead to unexpected decisions on the part of colonial officials concerning marriage practices in their colonies, allowing practices widely deemed abhorrent in the metropole. Gender informed these colonial issues. Recognizing the motivations of the British in allowing the Natal marriage practices to persist raises questions about the motivations of the Venetians. Did they too aim to keep their Jewish subjects separate and unequal, or was there more or something different to their project? The juxtaposition of

these articles raises also the question of how Zulu and other locals in Natal themselves thought about their marriage practices especially in relation to settler practices.

Intermarriage and Gender

Marriages could separate into "customary" and "official," yet there were other ways marriage did the work of categorizing peoples.   One form of marriage which officials often sought to prevent was intermarriage across lines of religion, culture, and race. Forbidding such "mixed marriages" was a way to erect barriers between distinct groups in areas where such populations were likely to intermingle, whether in Reformation Europe or in colonial Batavia. Western European countries had a long tradition of seeking to keep certain groups separate from each other, forbidding the marriages of Christians to Jews or to Muslims, prohibiting even their sexual relationships. European authorities also often attempted to regulate mixed status unions, the joining of free and slave (or serf) or unions that seemed to violate class boundaries, particularly between noble and commoner. From the ninth century onward in Europe and its colonies there were efforts to prevent the marriage of higher-status women to lower-status men in elopement-like methods, a central issue for religious authorities who had to decide if free consent to marry mattered more than making sure that lower-status men did not run off with wealthy heiresses without the consent of her family.[55]

In sixteenth-century Western Europe, as Cecilia Cristellon explains, church and state authorities had to address a more complicated form of mixed marriage than the older limits on marriage between Christian and non-Christian: marriages *between* Christians, but Protestant and Catholic ones. The Catholic Church deemed such marriages abhorrent and even criminal, indeed a form of pollution to the body politic and religious. These biconfessional marriages posed a threat to authority because each spouse had competing and conflicting loyalties to authorities of church and state. A Protestant husband of a Catholic in a country dominated by Catholics, for example, would risk having his authority over his wife subverted. Her compliance with her husband's wishes, meanwhile, risked heresy. Concerns focused on the woman as wife and mother. Authorities recognized and praised the particular abilities of women to beguile and convert a man but at the same time feared that the particular weakness of a woman made her

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[55] Sylvie Joye, *La Femme ravie. Le mariage par rapt dans les sociétés occidentales du haut Moyen Âge* (Turnhout: Brepols, 2012); Caroline Dunn, *Stolen Women in Medieval England: Rape, Abduction, and Adultery, 1100–1500* (Cambridge: Cambridge University Press, 2013); Barbara Diefendorf, *Paris City Councillors in the Sixteenth Century: The Politics of Patrimony* (Princeton: Princeton University Press, 1983) 155-191; Merry Wiesner-Hanks, *Christianity and Sexuality in the Early Modern World: Regulating Desire*, Second ed. (Routledge, 2014) 81-83, 91-93; Patricia Seed, *To Love, Honor and Obey in Colonial Mexico: Conflicts over Marriage Choice 1574-1821* (Stanford: Stanford University Press, 1988)

more susceptible to conversion than a stronger, more rational man. When a Protestant married a Catholic, moreover, a maternal body in such a union might transmit heresy or might allow it to prosper, by allowing a child to be raised in the opposing faith. Despite these concerns, Catholic authorities reluctantly allowed such marriages, largely due to pressing political exigencies. Yet the overwhelming fear of "contagion" led Catholic authorities to try to prevent the spread of this "disease," by requiring marriages be made by proxy, at night, in secret, outside a church and with as few witnesses as possible.

Mixed marriages, and the complex interplay of law, confession, and custom, also characterized colonial Dutch Batavia in the seventeenth century, as Deborah Hamer demonstrates. Yet here the difference was not just between Catholic and Protestant; rather it was European men, representing various social classes, and women free and enslaved, Dutch, mixed race, and of various religious backgrounds. As with Catholic and Protestant authorities in early modern Europe, the Dutch Reformed Church opposed but did not declare illegal marriages between European men and Asian or mixed-race women in seventeenth-century Batavia. Inhabitants of Dutch Batavia often had, at least in principle, a legal right to enter into marriage with a wider range of people than found elsewhere. That said, they could not expect that they would be treated well if the union defied social norms. Religious authorities, moreover, required that both spouses be Christian to enjoy the full legal benefits of marriage. In Dutch Batavia, different colonial officials, religious and secular, local and of the metropole, had different concerns related to marriage and could and did change their minds over time. Dutch colonial officials seemed particularly preoccupied with maintaining class distinctions, largely between free and slave but also between higher- or lower-status Dutch (or Europeans) and everyone else. They also worried about concubinage, and once again did not have clear or consistent solutions. In practice, European elites could not marry non-Europeans, but soldiers, often non-elite and not Dutch, were permitted to marry mixed and Asian women. Doing so was even sometimes encouraged, both to facilitate further exploitation of the colony and to keep soldiers in the colony without demanding European wives.

Both these articles take as their respective subjects marriages that Christian religious and secular authorities alike often found unacceptable in theory, but were willing to tolerate in practice. In one case the emphasis is more on marriages among royalty in Europe, while the other grudgingly tolerates and even encourages marriages among the non-elites in colonial Batavia. Catholics did not want to be ruled over by Protestant kings or queens, nor did they want their royal princes or princesses to have a Protestant mother or father, a risk to the purity of the faith of the future rulers. In Dutch Batavia, leaders believed that European elites should not

marry beneath their class, even if the women in question were Christian. Non-elite European soldiers, meanwhile, could marry women of different races. In Hamer's Dutch Batavia the main concern is the maintenance of status distinctions; in Cristellon's Catholic Europe, the issue is to limit the "contagion" of Protestant heresy in Catholic countries and for Catholics everywhere. Indeed, contagion has a role in both articles but sometimes located in surprising places. It does not shock that Catholics saw Protestants - and vice versa - as pollutants. But Hamer shows how some colonial officials occasionally preferred that European men marry "natives" out of fear of the contagion of working-class European women from their own communities, both as potentially actually sick - in their minds with sexual transmitted diseases - but also as potentially too difficult as they would demand that their husbands be paid more or worst of all abandon the colony that needed their labor. In short, with Cristellon's Catholic authorities we find biconfessional marriages as necessary evil for the political success of European states. With Hamer's Dutch colonial officials we find more tolerance for the racial mixings we expect to be considered most problematic, but less tolerance for marriages that crossed jurisdictional or class lines.

Marriage, Progress, and Civilization

Marriage controversies often centered on claims about progress and civilization, and how certain problematic forms of union demonstrated the inferiority of certain people. The alleged "backwardness" and lasciviousness of particular forms of marriage, such as polygamy or child marriage, served as a flashpoint for colonial and post-colonial rivalries over authority, progress, and society.[56] There were conflicts over how best to marry which sometimes turned violent, and which made plain the complicated ways in which marriage structured ideas of inclusion and exclusion. Such themes link the articles in this section, which consider sometimes fierce contestations between people of different cultures and religions centering on marriage. Forms of marriage were both a way to resist colonial and postcolonial authorities and a means to hammer out dynamics within specific local communities. Settler colonialism depended on condemning certain kinds of marriage as unacceptable to the nation, but this process played out in complicated, sometimes unexpected ways, too.

Marriage was at the center of conflicts between the Anindilyakwa people and the authority both of missionaries and the Australian state in the twentieth century, as Laura Rademaker makes plain. The state, through acts on marriage and divorce in 1959 and 1961, strove to privilege a view of marriage as monogamous and heterosexual. Yet the 1961 bill

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[56] See also Nicholas Syrett, *American Child Bride: A History of Minors and Marriage in the United States* (Chapel Hill: University of North Carolina Press, 2016) .

specifically excluded Aboriginal people, as in the laws in another British settled area, Natal, since the law did not register Aboriginal unions as marriages but merely as "tribal arrangements." Anindilyakwa people were able to exploit this exclusion, and differences of opinion between secular and religious leaders, to maintain their own systems of marriage. In Groote Eylandt in north central Australia, local and religious authorities attempted to end "customary" practices such as polygamy and child marriage. They did so as part of a larger settler-colonial project which attempted to impose Western norms on indigenous people and which also sought to reorient such people away from kinship and land to the Australian nation-state. Such efforts foundered on the critical ways in which kinship shaped relations and politics for Anindilyakwa women and men. Their views of marriage did not merely reject Christian monogamy; instead they centered on marrying "straight" by which they meant in the right and proper lines of kinship, as opposed to problematic forms of marriage which were "close" or "wrong." Polygamy and significant age disparities were acceptable in order to prioritize "marrying straight." Yet their marriage forms altered over the later twentieth century, with a gradual erosion of polygamy, less because of these settler-colonial efforts than because of the changing dynamics within Anindilyakwa communities themselves.

Polygamy and underage marriage were also points of contention in India in the twentieth century. Hindus in early twentieth-century India condemned some kinds of Muslim marriages as backward and problematic, occasionally ignoring at the same time similar Hindu practices, as Ishita Pande demonstrates here. In so doing, the critics of the anti-Muslim *Rangila Rasul*, which mocked the marriage practices of the Prophet Mohammed, as salacious and troubled demonstrates the ways in which complicated transitions to modernity involved fierce contestations of marriage. This extremely controversial tract connected both to internal Indian debates about age of marriage regulations as well as to a larger global development of sexology, and ideas that national fitness lay in normative, heterosexual monogamous marriage. This tract served as a focal point for fierce arguments over the proper use and practices of marriage and marital sexuality in a multicultural and multireligious Indian landscape. Through these debates over the *Rangila Rasul*, Indians joined in global conversations about sexual and marital hygiene. Pande helpfully elucidates that it was not only Christians who cast Muslim marriage practices, such as polygamy, as problematic, but that Hindus used such tropes to condemn Muslim neighbors. Defining masculinity through normative, pleasurable monogamous marital sexuality and rejecting practices such as anal sex, marriage and heterosexuality became a way not just to build colonial, racial, and religious hierarchies but also a central way to define the nation and who belonged properly to it.

Similar themes emerge in another public debate around marriage practices in the twentieth century, this one in Malaysia, as Christina Wu demonstrates here. In 1950, a custody dispute over a thirteen-year-old Dutch girl, Nadra/Bertha Maria Hertogh, who had been left with a Muslim family when her family returned to Holland, exploded into a national crisis. The Muslim family with whom Hertogh was living arranged her marriage to a 22-year-old Muslim man and Boy Scout, in order to prevent her return to Holland and her Dutch family. This situation helped to instigate an Age of Marriage bill which raised the age of consent for marriage from 14 to 16 for females. Yet, this bill excluded Muslims, much to the dismay of at least some Muslim women (including some former childbrides). When a British court invalidated Hertogh's marriage and granted custody to her Dutch family, rioting erupted, in part because Muslims were offended that a religious marriage should be nullified by a British civil court. The scandal provoked by this marriage threatened the colonial state's authority in a delicate moment of transition into independence and decolonization. Marriage and complicated lines of gender, race, and age crossed and crisscrossed as Malaysians struggled to navigate new postcolonial orders involving a multiplicity of ethnicities and religion. Marriage and the complications of ensuring that it was "correct" among a variety of people with a multiplicity of practices shaped these national disputes in powerful, disturbing ways.

These various marriage controversies elucidate the complex means by which ideas about progress and civilization could both support and undermine state authority. Rademaker's piece prompts reconsideration of the ways in which kinship and other loyalties could shape marriage and family and also provoke resistance against those who sought to impose normative heterosexual monogamy. Queries about sexuality and hygiene might also be raised of the Anindilyakwa and Malay Muslims, to consider how such ideals and practices might have influenced these marriage debates. This treatment of Australian Aborigines and Muslim Malaysians might also prompt further attention to the complications and conflicts of "customary" marriage law in India and how completing legal regimes might coalesce or collide at particular moments. All three articles raise issues about the vexed concerns of polygamy and age of marriage, as well as the ways in which the twentieth century included numerous debates over modern and traditional marriage, in a range of surprising contexts.

Innovation and Ironies of Marriage

Such themes, about modernity and innovation, also characterize the complications of marriage in articles here by Lauren Kaminsky and Stephen Vider. Twentieth-century thinkers of various kinds saw marriage as a vital location for reform. New kinds of unions would bring freedom from oppression associated with bourgeois cultures, as Soviet reformers saw it, or with

heterosexual imperatives, for lesbian and gay couples in the twentieth-century United States. They contended, whether privately or publicly, that changing marriage would bring about better orders, and greater personal happiness and "adjustment." At the same time, there were also complicated ironies in the ways that even political radicals sometimes bought into normative ideas about non-marital promiscuity and its perils.

"Sexual promiscuity is bourgeois and a sign of degeneration, which undermines the health and energy of the young." So apparently declared Vladimir Lenin, in response to the more radical Marxist claims that "in a communist society the satisfaction of sexual desires, of love, will be as simple and straightforward as drinking a glass of water." Lenin rejected this "glass-of-water" theory, noting that no one wanted water from "a glass with a rim greasy from many lips."[57] Such debates, explored here by Lauren Kaminsky, flag how Soviet thinking on marriage, sex, and love held many traditional elements, which eventually overcame early radicalism, even with reformers who saw in Bolshevik revolution a promise of a new order. One of the more radical such reformers was Aleksandra Kollontai, a feminist and the only woman in Lenin's government, who wanted Bolshevik freedom to extend to the domestic and the sexual. Kollontai's sense that marriage was an oppressive bourgeois institution stemmed from both political and personal convictions. Innovative early thinking such as hers resulted in the first Soviet Family Code of 1918, so that the state not only allowed divorce but recognized all births as "legitimate" whether the parents were married or not. This law thus gave unprecedented powers to women, who could claim support from fathers even outside of marriage. Early Soviet laws promised considerable change, instigating one of the most progressive laws on marriage anywhere at the time. Yet early agitation eventually became domesticated in part over complications over customary practice in other parts of the Soviet Union as well as wartime exigencies. By 1944, the Soviet state also tamed the fierce urgency of Kollontai's feminist vision, returning unpaid labor to mothers who had to be married to be able to obtain support from fathers even while, ironically, enshrining some of Kollontai's basic principles.

Other reformers of the twentieth century sought to change marriage to include same-sex unions. Stephen Vider here excavates gay marriage before gay marriage was legal, in the mid-twentieth-century United States. He examines debates about same-sex marriage among those in the "homophile" movement which sought to secure acceptance and better legal treatment for lesbians and gay men. In doing so, he is able to demonstrate the significance of marriage and long-term relationships, both for lesbian and gay men and for other Americans. For many in this

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[57] Clara Zetkin, *Reminiscences of Lenin* (New York: International Publishers, 1934), 48 as quoted in Kaminsky, here following.

period, long-term partnerships, whether legally recognized or not, seemed the best way to achieve what Vider here terms "romantic adjustment," drawing on psychological theories which argued that such adjustment was necessary for mental health and happiness. Gay women and men used such ideas to argue for same-sex marriage and its usefulness to individuals and communities. Such claims allowed especially gay men to enjoy the privileges and responsibilities of middle-class life, while taming the alleged "deviancy" of same-sex desires and practices. This acceptance of "adjustment" theories indicated a willingness to accept heterosexual views on domesticity and mental health, while also undermining them by forcefully including gay women and men. As in other contexts, then, marriage was both a tool of oppression and of liberation at once. For gay men, in particular, marriage seemed to promise privilege, yet both women and men embraced these unions.

Both articles, in remarkably diverse twentieth-century contexts, suggest the ironies of reforming marriage, and the ways in which a radical rejection of the traditional bourgeoisie and heterosexual institution of marriage in part often flounder on personal and national desires and necessities. In both, marriage ultimately changed somewhat but still maintains much of its monogamous and normative character, one still weighted to male privilege. Both also show that critiques of sex outside of marriage continue to influence even left-wing thinking, with sex with multiple partners often remaining a sign of "degeneration" or lack of "adjustment." Such concerns over that greasy glass touched by many lips remained even in radical recastings of marriage, whether Soviet revolution or the homophile movement. There are also issues about how women have participated in critiques of marriage yet also been coopted into traditional practices of marriage and childcare. Kaminksy lingers on the surprise at Soviet marriage law evinced by American birth control activist Margaret Sanger when she visited the Soviet Union in 1934; one wonders what Kollontai might have said about the American homophile movement. Given her powerful relationship with her female friend, Zoia Shadurskaia, she seems likely to have been in sympathy with same-sex love, but perhaps less comfortable with the enshrining of bourgeois marriage and "adjustment" in the homophile movement. Perhaps the couple pictured in 1957 who organized their own gay wedding would have been in sympathy with her criticisms of marriage yet also deeply discomfited by her feminist rejection of marriage and her insistence on radical reforms of childcare and household labor. Marriage's long span has resulted in many ironies and twists, not least that photo of a marriage ceremony, lost to its participants but preserved for us. The rich histories captured in the photo of that smiling couple, and so many other sources, allow insight into the joys, pains, changes, continuities, and complications of marriage's global past.