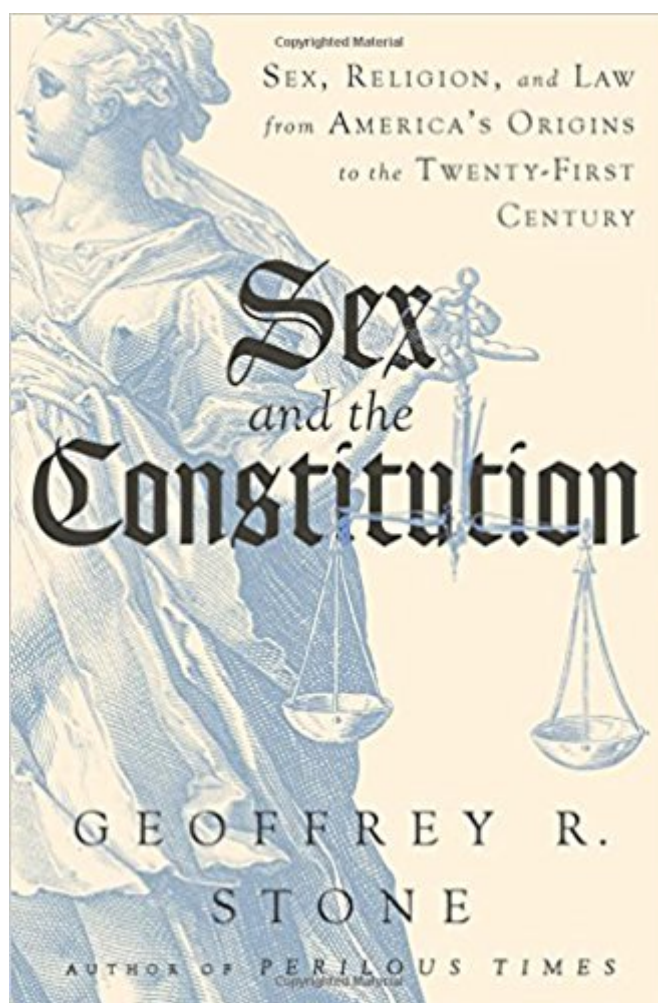


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# Sex And The Constitution: Sex, Religion, And Law From America's Origins To The Twenty-First Century



## Synopsis

There has never been a book like *Sex and the Constitution*, a one-volume history that chapter after chapter overturns popular shibboleths, while dramatically narrating the epic story of how sex came to be legislated in America. Beginning his volume in the ancient and medieval worlds, Geoffrey R. Stone demonstrates how the Founding Fathers, deeply influenced by their philosophical forebears, saw traditional Christianity as an impediment to the pursuit of happiness and to the quest for human progress. Acutely aware of the need to separate politics from the divisive forces of religion, the Founding Fathers crafted a constitution that expressed the fundamental values of the Enlightenment. Although the Second Great Awakening later came to define America through the lens of evangelical Christianity, nineteenth-century Americans continued to view sex as a matter of private concern, so much so that sexual expression and information about contraception circulated freely, abortions before "quickening" remained legal, and prosecutions for sodomy were almost nonexistent. The late nineteenth and early twentieth centuries reversed such tolerance, however, as charismatic spiritual leaders and barnstorming politicians rejected the values of our nation's founders. Spurred on by Anthony Comstock, America's most feared enforcer of morality, new laws were enacted banning pornography, contraception, and abortion, with Comstock proposing that the word "unclean" be branded on the foreheads of homosexuals. Women increasingly lost control of their bodies, and birth control advocates, like Margaret Sanger, were imprisoned for advocating their beliefs. In this new world, abortions were for the first time relegated to dank and dangerous back rooms. The twentieth century gradually saw the emergence of bitter divisions over issues of sexual "morality" and sexual freedom. Fiercely determined organizations and individuals on both the right and the left wrestled in the domains of politics, religion, public opinion, and the courts to win over the soul of the nation. With its stirring portrayals of Supreme Court justices, *Sex and the Constitution* reads like a dramatic gazette of the critical cases they decided, ranging from *Griswold v. Connecticut* (contraception), to *Roe v. Wade* (abortion), to *Obergefell v. Hodges* (gay marriage), with Stone providing vivid historical context to the decisions that have come to define who we are as a nation. Now, though, after the 2016 presidential election, we seem to have taken a huge step backward, with the progress of the last half century suddenly imperiled. No one can predict the extent to which constitutional decisions safeguarding our personal freedoms might soon be eroded, but *Sex and the Constitution* is more vital now than ever before. 50 photographs

## Book Information

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## Customer Reviews

“Writing confidently and expertly about several centuries of American laws regulating sex, Stone shows that the line between moral and religious reasoning was almost always illusory. . . .

Sex and the Constitution is most persuasive when Stone turns to America, and his comprehensive knowledge of constitutional law is put on full display. He is especially good on the eighteenth century, bringing a bracing and much-needed dose of reality about the Founders’s views of sexuality. . . . [A] very important book.” - Annette Gordon-Reed, New York Review of Books

“A comprehensive history and analysis of our law’s fitful and frequently schizophrenic treatment of sex - A story that is both fascinating and maddening - This book brings us all the way up to the controversies of our day (including gay marriage) and offers tantalizing glimpses of some of the legal battles that lie ahead - Those interested in adding historical context to their thinking about these hot button issues would be well-advised to add Stone’s book to their summer reading list.” - David Wecht, Pittsburgh Post-Gazette

“This masterpiece is the rarest of combinations: a page-turner that is also a magisterial font of wisdom.” -

Laurence H. Tribe, author of The Invisible Constitution “This fascinating account of how sexual mores, religion, and law have intersected or - more often - collided throughout American history is really about even more than that. It’s about the role of law in maintaining a civil society in a diverse twenty-first-century America, and a call to the Supreme Court to step up to the challenge.” - Linda Greenhouse, winner of the Pulitzer Prize and Knight

Distinguished Journalist in Residence at Yale Law School “A volume of lasting significance that quickly will become essential reading not only for law students and scholars but for all who want

to better understand sweeping cultural transformations that continue to roil society. — Lee C. Bollinger, president, Columbia University — “Magnificent and monumental — a stunning blend of dispassionate analysis and deep moral conviction. Think that the United States was born as a Christian nation? Think again. — Cass R. Sunstein, Robert Walmsley University Professor, Harvard University — “A superb examination of the history of how the law has regulated sexual behavior and sexual expression from the ancient world to today. — Erwin Chemerinsky, dean and Raymond Pryke Professor of First Amendment Law, University of California, Irvine School of Law — “Sex, which has simultaneously inspired and eluded regulation through the ages, has been the focus of many of our greatest constitutional controversies. No one is better suited than the always erudite and lucid Geoffrey Stone to provide the panoramic treatment that the subject deserves. Unless you are the rare person who has no interest in either the Constitution or sex, you will want to read this book. — David Cole, author of *Engines of Liberty: The Power of Citizen Activists to Make Constitutional Law* — “This title is a commanding synthesis of scholarship on over two centuries of American legal debate and practice regarding these issues, and would work well as the core text for a course of the subject. . . . Stone’s analysis is highly recommended for anyone seeking an introduction to the history of U.S. law and sexual expression. — Publisher’s Weekly

Geoffrey R. Stone is the author of the prize-winning *Perilous Times*. He is the Edward H. Levi Distinguished Service Professor of Law at the University of Chicago and one of our nation’s leading constitutional scholars.

Earlier this summer, at my 50th high school reunion (yikes!) , I was part of a conversation about, "What has been the biggest change, you’ve seen?" The hands down winner was not the internet, but the incredible change in public attitudes about sexual orientation, roles and rights. And the next question was, "How could everything have changed so fast,?" which did seem a genuine puzzle. "Sex and the Constitution" provides a most insightful account of how that momentous change happened and where it might be going. It very skillfully tells the tale of the interaction between culture, courts and politics that defined a new set of rights that even as a non-lawyer, I have a much better sense of how we got here. Other reviewers have noted that the book is much more than this - and indeed, although the focus is on American institutions, it is a focused history - sex in the western world...beginning with those 4th century BC Greeks.. with original perspectives on all the Christian writers, even the ones I thought I knew. A fantastic amount of book for the

money.

AN exciting and informative book. Historical background and contemporary application. No holds barred. Each chapter uncovers new understanding as it leads to America 2017 and the issues we struggle with. Highly recommended to all.

Excellent coverage of the relations between law and sexual mores. The long view is provided going back into the history of the western world. The coverage of court cases and U.S. Supreme Court cases related to all matters with sexual implications is a good study of constitutional history. It is eye-opening to see how general attitudes have changed several times during the history of the U.S. and the development of social attitudes by religious forces. Specific cases, personalities and anecdotes make this book highly readable while teaching much about the crafting of constitutional principles.

Very educational, in historic, legal, medical, psychological, political and religious terms.

Extensive but interesting historical background to how sex was viewed through the ages. Excellent treatment of each of the Founding Fathers' belief in how the U.S Constitution should be. These products of the Enlightenment wanted to connection between religion and politics in our government and were clear about it. Very good read!!

Absolutely a terrific book. Well written and very well researched.

Fun, intelligent and enjoyable read.

Good and interesting read

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