

## IS GAY MARRIAGE RACIST?

A CONVERSATION WITH MARLON M. BAILEY, PRIYA KANDASWAMY,  
AND MATTIE UDORA RICHARDSON

*This conversation was inspired by the question-and-answer section of a panel presentation of the same name, which took place at New College of California in the spring of 2004.*

**Q:** I understand that historically marriage has been an oppressive institution, but can't queer people change marriage and make it just? Can't queer people—by virtue of our experience building our own family structures, support systems, and definitions of love and commitment—transform marriage?

**Mattie Udora Richardson:** The United States has never been a just society as far as African Americans are concerned. The very first promise to freed slaves was that they would be allotted forty acres and a mule—a promise which has yet to be fulfilled. African Americans have repeatedly attempted to transform the institutions of the U.S. to meet our needs and to create a space for us as full citizens. We have tried to reform the state from the inside, becoming police officers and elected officials; we have relied on legislation to “correct” racism—to no avail.

Black families have been maligned by state and local officials as “pathological,” as they were described in the infamous Department of Labor report issued by Daniel Patrick Moynihan in 1965. Even though our families have always been defined as deviant, African Americans have often looked to heterosexual marriage to afford us respectability. Historically, neither the granting of marriage rights to Blacks during Reconstruction in the nineteenth century nor the relatively recent dismantling of interracial marriage laws in 1974 has legitimized or protected Black families from destructive state interventions like incarceration and the seizure of children by the state. In fact, marriage has been used against African American people, held as an impossible standard of two-parent nuclear household that pathologizes the extended families that are integral to both our African ancestral and African American cultural lives.

I think that, as a people, our continued search for American inclusion is a tragic one. The U.S. will never embrace Black people as we are, no matter what legislation is passed. Just because there are laws on the books does not stop the state from invalidating and destroying Black families by incarcerating our loved-ones by the millions, terrorizing our neighborhoods with local paramilitary police forces, and placing our sexuality under constant scrutiny by state welfare agencies. Until we as Black queer people speak our own truths, what passes for gay rights will do very little for us. Let’s not jump on the white lesbian and gay bandwagon without assessing our own political needs and goals.

**Marlon M. Bailey:** I do not want or need the U.S. state to ratify or legitimate my intimate relationships to merely prove that I am human. I am not heterosexual, nor do I want to be heterosexual; therefore, personally, I have no use for a heterosexual institution like marriage. Yet, I see this forum as a very important opportunity to begin to grapple with some of the complexities of same-sex marriage, especially when we begin to see it in the context of race, class, gender, and sexuality. Not everybody’s relationship to the state is the same; therefore, people’s different investments in same-sex marriage or lack thereof should be discussed.

**Q:** My lover is in the hospital and I can’t visit her because I don’t have spousal rights. Wouldn’t gay marriage help me to help my lover?

**MR:** First of all, I think that everyone should have the right to choose whomever they want to visit them in the hospital and to make decisions for them. Sadly, it’s often women’s spouses who put them in the hospital in the first place. I want to choose who visits me in the hospital, who makes

my medical decisions, and who receives my Social Security benefits. Maybe I want my nephews to receive my benefits, not my partner. It should really be up to me.

This question about hospital visitation is always linked to the issue of gaining access to spousal health insurance. I think it's ridiculous to have health care contingent on employment status. In fact, I want all of my lovers to have health insurance! I'd like for society to truly honor families in their diversity and to actually have a commitment to the health and well-being of everyone—regardless of citizenship, marital and employment status.

**Q:** My lover and I had a brutal custody battle when we split up, and since she was the biological mother, the courts gave her full custodial rights and prevented me from seeing my child. Wouldn't legalizing gay marriage allow me to see my daughter?

**Priya Kandaswamy:** Not necessarily. While many of its advocates argue that gay marriage would secure parental rights for gay and lesbian couples, I think this actually depends on a lot more than marital status. In the U.S., race is the strongest determinant of whether or not the state chooses to recognize your parental ties. Black families are the most likely of any racial group to be disrupted by Child Protection authorities, and 42 percent of all children in foster care in the U.S. are black. If being married doesn't protect straight black families from having their children taken away, it's unlikely that it will protect queer black families. It is incredibly important that we organize to have non-biological ties to children recognized and respected. While marriage might offer limited protections to some people, it will not change the racist and homophobic practices through which Child Protective Services determines who is fit or unfit to be a parent. Unless we change these practices, I don't think that any of our parental relationships are really secure.

**MB:** We should not assume, in a racist, sexist, heterosexist, and homophobic society, that all people will have access to the so-called rights and privileges that marriage purports to offer. Black people, especially Black queers, have never been able to rely on the state to see us as equal citizens entitled to the rights and privileges granted to our white counterparts. For many Black people, marriage has never been the answer to these problems simply because Black people's social institutions are not seen as institutions worth honoring. We are locked out of these so-called protections even when we adhere to the social strictures that are supposed to enable such protections.

**Q:** My lover was recently deported because he couldn't get a green card. We are domestic partners, but the courts didn't recognize that status. Wouldn't marriage have kept us together?

**PK:** It is true that theoretically if you and your partner were able to have a legally recognized marriage, it may have allowed your partner to remain in the country. However, I think that there are a couple of important things to consider before taking this as a reason to endorse gay marriage. The first question that I would ask you is: Was your partner really deported because the two of you couldn't get married? Or was s/he deported because of racist immigration policies that readily exploit immigrant labor while at the same time forcing millions of immigrants to live in constant fear of deportation because the state refuses to grant them legal status in this country?

It is true that for some immigrants, marriage can be a path to obtaining legal status. However, not only is the process of gaining legal status through marriage contingent on the INS's recognition of your marriage as one made in "good faith," but this process also places a great deal of power over an immigrant in the hands of their citizen spouse. The requirement that immigrants prove to the INS that their marriages are legitimate and not just a means to legal status has meant that immigrants of color, who by virtue of the racist discourses surrounding immigration are more likely to be seen as "cheating the system," often have a much harder time gaining legal status than white immigrants. In addition, many feminist activists within immigrant communities have drawn attention to the ways that an immigrant's dependency on her citizen spouse for legal status in this country can produce or at least exacerbate exploitation and abuse within a relationship. As a result, in many cases, immigrant women are faced with the dilemma of having to choose between remaining in an abusive relationship or deportation. Given that domestic violence is not only a problem of the straight community, I think it is important that we take seriously the inequalities that gay marriage might produce in relationships between citizens and immigrants. It seems better to me to focus our political energies on fighting for broader changes in immigration policies that might enable immigrants in this country to live better lives regardless of their marital status.

It is really important that you bring up the particular concerns of queer immigrants as these concerns are often very marginalized within queer political organizing. I think that a radical queer politics must address the multifaceted forms of oppression that queer immigrants face in this country. This means not simply thinking about queer immigrants in relation to their citizen partners, but developing a complex analysis of the ways that capitalist exploitation of immigrant labor, xenophobia, nationalism, racism, patriarchy, and homophobia affect the lives of queer

immigrants. Most immigrants in this country come from places in the world that have been devastated by U.S. military operations or U.S.-sponsored economic policies. When they get to the U.S., many of these immigrants are forced to take poorly paid jobs with long hours, few benefits, little upward mobility, and few, if any, labor protections. To top it all off, they are denied most public services, and often their very presence in this country is criminalized. So, it seems to me that a radical queer politics needs to, at the very least, take a firm stance against U.S. military and economic colonialism abroad, support struggles of workers everywhere, and oppose racist state policies that criminalize immigrants. This seems much more in line with the long term interests of queer immigrants as a group than struggles for gay marriage.

**Q:** Obviously gay marriage shouldn't be the main priority for queer struggle—I know that this is just a first step, but don't we have to support gay marriage if we want to further struggles for full equality and civil rights for all queers?

**MB:** The crux of this movement is led by white, middle-class gays and lesbians who would largely benefit from same-sex marriage (the Log Cabin Republicans, for instance). These people already have a considerable amount of upward mobility, so marriage is the icing on the cake. However, what these white queers are not concerned about, or at least it has not been expressed, is the vast majority of people of color who do not enjoy such social mobility and who are largely disenfranchised, and who need health care and don't have it, etc. There has been no sustained critique of marriage from the white queer community, no mention of how it has been situated as a marker that Black people are compared to. While Blacks are seen as being outside of marriage and therefore deemed a dysfunctional people, meanwhile the state is consistently engaged in various schemes that undermine Black social institutions that support our kinship structures. And let's be honest, the white queer community, in large part, is extremely racist. Therefore, Black queers should be highly skeptical of any movement where we are being asked to jump on the bandwagon because at the end of the day, we are not the ones who stand to gain anything.

**MR:** The mainstream white lesbian and gay leadership is extremely arrogant to assume gay marriage as a "last barrier" to full citizenship when many of us will never see full equality or civil rights. Lesbian and gay mainstream marriage advocates have proclaimed that their inclusion will complete the U.S. march towards full equality for all of its citizens. This argument is a slap in the face to everyone who continues to experience institutionalized oppression in this country. The fact

that they reflexively refer to African American civil rights struggles as their point of comparison for equality that has been “won” does two things. One, it falsely establishes that Black people and gay people are mutually exclusive population sets. Two, it is a boldface disregard for Black history and an act of disrespect to Black people who continue to face the violence of racism every day.

Furthermore, not every queer desires to base their families on the model of the two-parent household with 2.5 kids. Every time white lesbian and gay leaders trot out some well-heeled homosexual couple who own their own homes, have six figure salaries, and live the American dream, they do violence to the numerous forms of intimate arrangements and loving parenting that do not conform to mainstream ideas. For example, not so long ago my partner and I accepted the challenge of caring for my teenaged nephew. During that time I had to interact with several state and local agencies that did not recognize us as a legitimate family even though I am a close blood relative. The first institution that challenged our legitimacy was the school my nephew attended, which did not see my partner as an equal guardian with me. The second was the state welfare office. Being a graduate student earning poverty wages, I applied for general assistance for such necessities as food. I was humiliated and denied aid because my sister did not relinquish her parental rights.

In reality, this is a lesbian and gay agenda, not a queer one. Our families are more “queer” than simply having two parents and children; we have kids enter our lives from our extended family, from our neighbors and friends. We have multiple intimate partnerships; we live in bodies that are not exclusively “male” or “female.” Many of our genders and the genders of our lovers are not recognized by the state at all. Upon closer inspection, marriage is not even a first step for addressing the needs of queer people.

**Q:** I agree with your points, but isn't it true that at the very [base], marriage is about love and any way that two people can express that love for one another is progress?

**PK:** I would disagree with your assumption that love is actually at the foundation of the institution of marriage. Rather, I would argue that marriage is a legal institution that is fundamentally about preserving property relations. Not only does the marriage contract have its historical roots in the ownership and exchange of women, but it has been a key mechanism through which material wealth has been kept within particular families. In addition, the centrality of anti-miscegena-

tion laws in U.S. history also demonstrates the ways that marriage has functioned to police racial borders and preserve white privilege.

Ultimately, whether people love each other and whether people get married are two very different questions. The state recognizes a very particular kind of relationship in its recognition of marriage, a relationship that is structured by the idiom of property. However, this is not the only kind of love relationship that exists, nor is it the kind of love relationship to which we as queer people ought to aspire. For me, radical queer politics has always been about challenging the boundaries of what counts as “love.” One doesn’t have to be in a monogamous, long term, same-sex relationship to love other people. One of the things that I think is most unfortunate about the gay marriage movement is that its implicit message seems to be that framing our relationships in ways that the state might recognize is more important than defining our practices of love on our own terms.