

Introduction: Black Marriage and Meaning from Antoney and Isabella to “Beyoncé and Her Husband”

*M*arriage has been a complicated concept in African American history. Chattel slavery, as a defining condition of blacks in the Americas, made everything abnormal, including the institution of marriage, not least because slaves were not allowed to marry legally. Historians like Lerone Bennett Jr. point out, however, that the earliest Africans in North America—“20 and odd Negroes” brought to Jamestown, Virginia, in 1619 and traded to the colonists—were treated as indentured servants, not as slaves. Two of them, known only as Antoney and Isabella (or Isabell), married some years later and in 1624 gave birth to a son, baptized William Tucker, believed to be the first black child born in the English colonies—that is, the first African American. Thus, as Bennett maintains, the black experience in North America began not with slavery but with marriage.

The issue of black marriage—the right of African Americans to partake of holy or civil wedlock and enjoy its legal privileges and protections—has been a greater force in U.S. history and the making (and breaking) of the nation and its laws and customs than we sometimes realize. The black slave Dred Scott, who unsuccessfully sued for freedom for himself

and his family, lives in the annals of American history as the plaintiff in the infamous U.S. Supreme Court decision in *Dred Scott v. John Sandford* (1857) that declared the Missouri Compromise (1820) prohibiting slavery in the northern and western states and territories unconstitutional and decreed that no Negro, whether enslaved or free, was or could ever be a U.S. citizen with the right to sue in federal court or entitlement to any other civil liberties. What has received less attention than the political consequences of the ruling, however, is the fact that Scott had a wife, Harriet Robinson Scott, and that their marriage was at the heart of the notorious case, which she was instrumental in pushing forward through the courts.

Dred Scott and Harriet Robinson met and were allowed to marry in the 1830s while living with their respective masters in the free territories of Illinois and Wisconsin. In fact, it was Robinson's owner, Major Lawrence Taliaferro, an Army officer and justice of the peace, who married the two slaves in a civil ceremony and effectively gave away the bride to the groom's household so that the couple could live together as husband and wife. The fact that the Scotts had been legally married while living in free territory was a key component of their later suits for freedom, which reached the highest court in the land where, by a vote of seven to two, the justices made what many historians and legal scholars consider the Supreme Court's single worst decision: a landmark ruling that reeked of racism and proslavery sectional bias, propelling the nation closer to civil war.

Although not a named plaintiff in the case that reached the Supreme Court and little noted in the historical record, Harriet Scott, like her husband, had filed suit for freedom in the lower courts in the slave state of Missouri on the grounds of having been legally married and having lived freely in territories where slavery was prohibited. The fact that the Scotts and their supporters, including their lawyers, claimed wedlock as *prima facie* evidence of liberty and citizenship suggests precisely why it was that slaves were denied the right to marry. "Could one be truly married and be a slave?" Tera Hunter asks in *Bound in Wedlock: Slave and Free Black Marriage in the Nineteenth Century*. "Does marriage in itself imply certain rights of citizenship and confer social belonging?" (62). In answer, she quotes from the dissenting opinion of Justice Benjamin R. Curtis in *Scott v. Sandford*: "There can be no more effectual abandonment of the legal rights of a master over his slave, than by the consent of the master that the slave should enter into a contract of marriage, in a free state" (qtd. in Hunter 62). Each in its own way a "peculiar institution," slavery and marriage were incompatible, even for those bondmen and women who managed to wed on free soil.

Ultimately, the Scotts' wedding vows were not enough to win them freedom or citizenship, but their case and other freedom suits and citizenship claims based on matrimonial rights suggest the complications this other peculiar institution held and would continue to hold for African Americans, even, if not especially, after emancipation.

Even now, well into the twenty-first century, debates continue to rage over the status of the marriage contract and condition within African American communities. The union of Barack and Michelle Obama, for eight years the First Couple, is pointed to as a model marriage at the same time that many experts pronounce the death of the institution for African Americans and present alarming statistics to support their claims. Marriage rates are declining nationally across racial groups, but the drop is particularly dramatic among African Americans and, it is argued, especially consequential for black women, who studies show are at least three times more likely than their white female counterparts never to marry.

In a 2011 monograph with the provocative title *Is Marriage for White People? How the African American Marriage Decline Affects Everyone*, the Stanford University law professor Ralph Richard Banks asserts that for black women, “[B]eing unmarried has become the new normal, single the new black” (6). As Rebecca Wanzo, one of the contributors to this special issue, has wisely pointed out in another venue, facts and figures behind such claims have a built-in heterosexual presumption. “Statistics are not adjusted for women who do not want husbands,” she writes, “either because they desire women or because they may sexually prefer men but remain single by choice” (2). Contemporary discussions about the dearth of eligible black men and the plight of the unmarried and unmarriageable black professional woman, in particular, not only erase lesbians and women with no need or desire for a husband; they also oversimplify a historical dynamic and current climate that are far more complex than mere numbers suggest.

The essays collected in this volume offer variations on the theme, concept, complications, contradictions, and complex history of black marriage. Contributors—who include historians, social scientists, literary theorists, and legal scholars—examine what the institution has meant and continues to mean in African American culture, from both historical and contemporary perspectives. Essays look back to scholarly, legal, and literary treatments of the marriage question, from the earliest days of blacks in the Americas to current concerns and new modes of investigation, including the critical interventions of black feminist scholars such as Tera Hunter and Hortense Spillers working to resurrect and restore to American history

lost, erased, and overlooked black female figures like Harriet Robinson Scott. Topics treated in this special issue range from Beyoncé's music and marriage as played out sonically, socially, and autoethnographically in her visual album *Lemonade* and her husband Jay-Z's response in *4:44* to such timely intimate matters as interracial coupling and its new genre of advocacy literature; marriage equality and the good, the bad, and the perilous of *Obergefell v. Hodges* granting marriage rights to same-sex couples; the "marital alibis" of fallen black celebrity "love objects" like Michael Jackson and Bill Cosby; black female "oneness" and the crisis of coupling in the work of Audre Lorde and Toni Morrison; and the historical rise and fall of African American marriage rites and the right to marry.

We are particularly honored to open this issue with a conversation with the distinguished black feminist critic Hortense Spillers, the Gertrude Conaway Vanderbilt Professor of English at Vanderbilt University, whose work across four decades in the academy has been pivotal in reassessing the institutions of slavery, marriage, and family. We join the disciplines of historical, literary, and feminist studies in commemorating the thirtieth anniversary of the publication of Spillers's revolutionary essay "Mama's Baby, Papa's Maybe: An American Grammar Book" (1987), which has transformed how we read and write the African American past.

We are also pleased to include a special section on what might be called the present, if not the final, frontier in considerations of color and coupling: the question of marriage equality. Occasioned by and in response to Katherine Franke's provocative monograph *Wedlocked: The Perils of Marriage Equality* (2015), three distinguished social scientists and legal scholars, Mignon Moore, Kendall Thomas, and Patricia J. Williams, discuss and debate the cautionary tale Franke advances about what can be both gained and lost with the acquisition of certain civil rights and legal responsibilities. In *Wedlocked*, Franke, the Sulzbacher Professor of Law and Director of the Center for Gender and Sexuality Law at Columbia University, undertakes a probing comparative analysis of black and gay campaigns for the right to marry. Drawing on the experiences of former slaves, free to wed legally for the first time after the Civil War, Franke explores the social, cultural, and judicial complications inscribed within the institution of marriage as a highly regulated, inherently patriarchal construct, which, she argues, has profound implications for the LGBTQ community and for same-sex marriage. Williams, Moore, and Thomas respond here in equally probing and provocative essays that attend in particular to issues of history, race, gender, and the consequences of *not* having such rights, particularly for nonnormative

communities. Thomas's reading of the 2018 film *Black Panther* carries the question of black marriage into the Afrofuturistic realm of Wakanda, closing this special issue and opening new avenues for thinking about black coupling and its relation to the state.

Marriage may not be for everyone, but it should be for anyone. As a nation with a nearly four-hundred-year history of denying the fundamental right to marry to those it others—and remembering, in particular, the transgendered—we still have miles to go to arrive at what Toni Morrison defines in *Beloved* as real freedom: a place where we can love anyone we choose, “not to need permission for desire” (162).

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Works Cited

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