

Unwedding: Why You Can't Get Married

A marriage between Negroes or mulattos of either sex, and white persons are declared to be absolutely void.

Colorado Constitution, 1877



Only a union of one man and one woman shall be valid or recognized as a marriage in Colorado.

Colorado Constitution, Defense of Marriage Amendment, 2006

an exhibit proposal by Nava Atlas
to commemorate the 50th Anniversary
of the *Loving v Virginia* decision

This proposed exhibit, titled *Unwedding: Why You Can't Get Married* is an outgrowth of a limited edition artist's book by Nava Atlas (similarly titled *Why You Can't Get Married: An Unwedding Album*). The work in this series compares the language that opposed interracial marriage in earlier generations, with the language that opposed same-sex marriage in more recent times, especially when it was being argued in congress and before the courts.

The American Congress has had a long history of legislating bias, working hand in hand with judiciaries that have upheld laws designed to discriminate. Today, there are stark reminders of just how easily individual freedoms can erode with full cooperation of the law, as we approach the 50th anniversary of *Loving v Virginia* in May of 2017.



The unanimous U.S. Supreme Court decision that in 1967 legalized interracial marriage in all fifty states echoes into the present, particularly in the 2013 ruling to strike down DOMA (Defense of Marriage Act), and the 2015 case that legalized same-sex marriage.

The very arguments used to oppose interracial marriage in generations were blatantly, if inadvertently, recycled for use against same-sex marriage. The arguments used against both types of unions are eerily similar, drawing upon familiar tropes — it will lead down the slippery slope to polygamy, the children of these unions are victims, it's unnatural, it will spread disease, and so on.

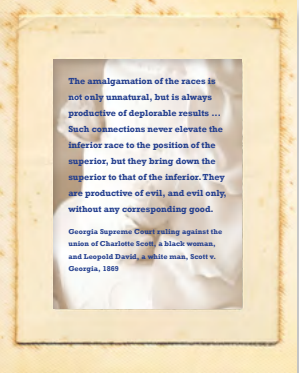
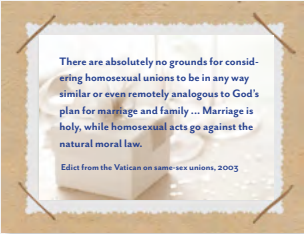
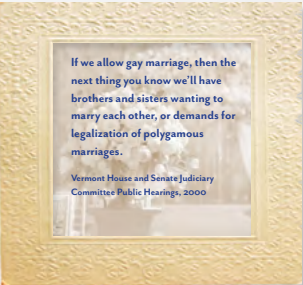
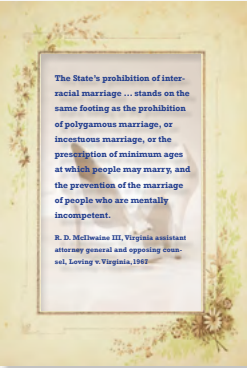
A possible add-on to the work shown in this proposal might look at the backlash that resulted from the 2015 Obergefell decision targeting LGBT individuals, especially in certain parts of the country. The tendency toward legislating bias in the name of “religious freedom” is again on the rise.

As Mildred Loving stated on the occasion of the 40th anniversary of the Supreme Court decision: “Government has no business imposing some people's ... beliefs over others. Especially if it denies people's civil rights.” Relatively few people today oppose interracial marriage, but by holding up an injustice of the not-so-distant past as a mirror to its present-day counterpart, this exhibit argues that legally sanctioned bias has no place in contemporary culture.

Why You Can't Get Married: An Unwedding Album
by Nava Atlas is the limited edition artist's book
that serves as the foundation for this expanded installation.

Laser offset, double wire-o binding gatefold © 2013
Hardbound edition of 25
Softcover edition of 200





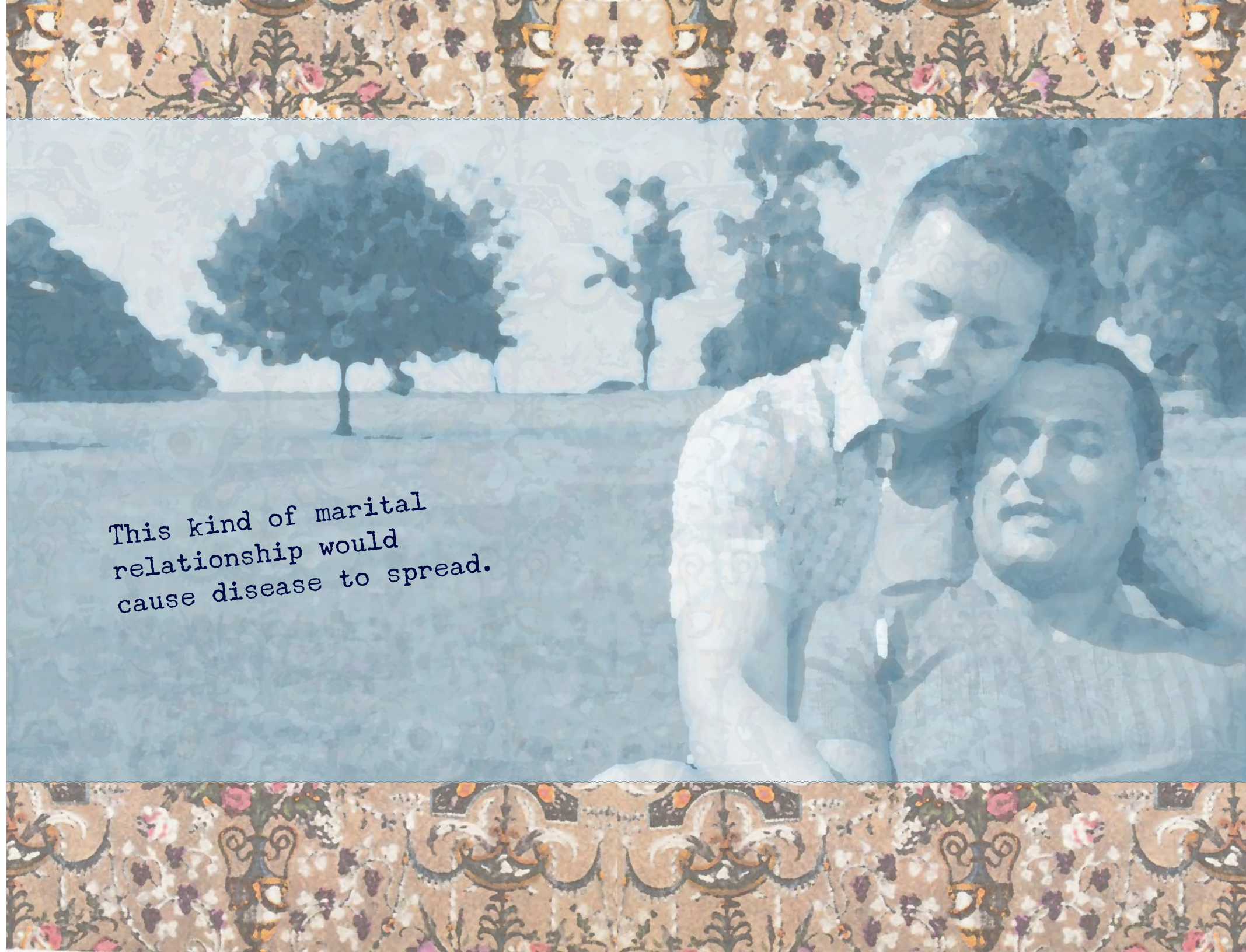
This and the next three “gallery” images scattered throughout this document were created digitally to approximate what this exhibit might look like. The text and imagery would be enlarged from the pages, with some changes and modifications. There will be a mix of materials in the installation — the central images will become digital tapestries; the state code comparisons would be printed on plates; and the side pieces might be printed either on canvas or paper.

Nava Atlas's art is a feast of appropriation and alteration. Subtly manipulating found objects, books, comics, magazine advertising, vintage images, and more, she embellishes with original text to comment on and skewer cultural issues and human foibles. The personal becomes political, and vice versa.

Gender issues, bias, social justice, and animal advocacy are among the themes Nava explores in her work. Of particular interest is exploring how language and media are used to perpetuate outmoded cultural norms and stereotypes.

The resulting works are often text-driven and take the form of altered and limited edition books, small installations, and other readable objects. Her recent series are tied together with a liberal dose of irony a nod to history, and a meticulous attention to detail.

Nava's interest in the subject of this proposal stems from concern for LGBT friends, an abiding interest in civil rights history, and most of all, as the mother of a transgender daughter.



They [gay people] can get married, but they abide by the same law as everyone else. They can marry a man if they're a woman. Or they can marry a woman if they're a man.

Rep. Michele Bachmann (R-Minnesota), 2011

Same-sex marriages have adverse effects on the parties' children, and those children are apt to suffer stigma.

Vermont House and Senate Judiciary Committee Public Hearings, 2000

You're free to marry, just do so properly and within the law.

The children of these kinds of marriages will be stigmatised.

Each party seeking to marry a member of a different race has the right and the privilege of marrying within his or her own group.

California Supreme Court Justice John W. Shenk, dissenting opinion, *Perez v. Lippold*, 1945

It is not infrequent that the children of intermarried parents are referred to not merely as the children of intermarried parents but as the 'victims' of intermarried parents and as the 'martyrs' of intermarried parents.

R. D. McIlwaine III, Virginia assistant attorney general and opposing counsel, *Loving v. Virginia*, 1967

The laws of civilization demand that the races be kept apart in this country. The progress of either does not depend on the admixture of blood. A sound philanthropy, looking to public peace and the happiness of both races, would regard any effort to intermarry the individuality of the races as a calamity full of the saddest and gloomiest portent to the generations that are to come after us.

Tennessee Supreme Court majority opinion statement, *Lomas v. State of Tennessee*, 1871

If any white person and any Negro, in the discussion of any Negro in the third generation, inclusive, through one or more of their generations, be a white person, intemperate or live in adultery or fornication with each other, each of them, then, in addition to be imprisoned in the penitentiary or continued in hard labor for the county for not less than five nor more than seven years.

Alabama State Code, 1901

NOTES

A marriage contracted between individuals of the same sex is voidable in the state... The State of Alabama shall not recognize or validate any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the loss of any jurisdiction regardless of whether a marriage license was issued.

Alabama Marriage Provisions Act, 1998

Marriages void without issue... All marriages between a white person and a colored person shall be void, and without any issue or issue of issue or other legal person. Forfeiture for marriage... If any white person intemperate with a colored person or any colored person intemperate with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years.

Virginia Code, updated 1998

NOTES

The Commonwealth and its political subdivisions shall not create or recognize a legal status for recognition of nonmarital individuals that would be representative of marriage, common-law marriage, or rights of marriage. The Commonwealth shall not create or recognize nonmarital individuals as a political subdivision shall not create or recognize nonmarital individuals, or other legal status in which is assigned the rights, benefits, obligations, penalties, or effects of marriage.

Constitution of Virginia, Marshall-Nelson Amendment, 2006

To allow these marriages would threaten the survival of future generations.

It [same-sex marriage] is not only a complete undermining of the principles of family and marriage and the hope of future generations, but it completely begins to see our society break down to the extent that the foundational unit of the family that is the hope of survival of this country is diminished to the extent that it literally is a threat to the nation's survival in the long run.

Rep. Trent Franks (R-Arizona), 2011



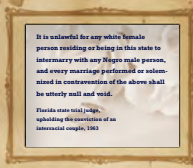
This kind of thing has never
been done before; why start now?

Nava Atlas's artwork has been shown nationally in over 60 museums, galleries, alternative art spaces, and other venues, including Wichita Art Museum, Suffolk Museum, Samuel Dorsky Museum of Art, Purdue University, Duke University, RISD, Delaware Center for Contemporary Art, Everson Museum of Art, Pyramid Atlantic, Weatherspoon Art Museum, Center for Book Arts, and many others.

Her work is in a number of public collections, including the New York Public Library Collection of Prints and Drawings, Samuel Dorsky Museum of Art (SUNY New Paltz), Washington Pavilion of Arts and Science (SD), Weatherspoon Art Museum (NC), Nasher Museum of Art (NC), and others.

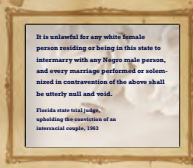
Nava's limited edition artist's books are housed in many collections of artists books, including those at the libraries of MOMA (NY), National Museum of Women in the Arts (Washington, DC), Brooklyn Museum, Boston Museum of Fine Art, and the Victoria and Albert Museum (London), plus dozens of artist's book collections at universities and colleges, too numerous to list.

A permanent, growing archive of her papers, detailing her career as an exhibiting artist, book artist, author, and food writer is housed at the Sallie Bingham Center for Women's History and Culture, a division of the Rubenstein Library at Duke University in Durham, NC.



It is unlawful for any white female
person residing or being in this state to
interview with, nor fling male person,
and every marriage performed or solemn-
ized in contravention of the above shall
be utterly null and void.

Florida state total judges,
upholding the association of an
interracial couple, 1963



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*Your union won't be legally
recognized in most states.*

Florida is not required to recognize or apply Massachusetts' same-sex marriage law because it clearly conflicts with Florida's legitimate public policy of opposing same-sex marriage.

U.S. District Judge James S. Moody Jr. dismissing a case by husband couple seeking to have their Massachusetts marriage license recognized in Florida, 2009

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The state has a natural direct and vital interest in maximizing the number of successful marriages, which lead to stable homes and families and in minimizing those which do not. It is clear from the most recent available evidence on the prophylactic-sociological aspect of this question that intermarried families are subjected to much greater governance and problems than those of the intermarried ...

R. S. McElwaine III, Virginia colonial attorney general and organizing emigrant, Letter to a Virginian, 1682

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It's an unproven social structure for the family unit.

A white envelope with a gold seal, resting on a patterned surface. The envelope is slightly open, and the seal is partially broken. The background is a light-colored surface with a subtle, repeating pattern of small, stylized flowers or leaves in shades of green and brown. The envelope is positioned in the center of the frame, with its top edge slightly tilted to the right. The gold seal is located on the right side of the envelope, and it appears to be a traditional wax or resin seal, now partially broken and peeling away from the paper. The overall lighting is soft and even, highlighting the texture of the paper and the pattern of the background.

**Gay people should not be allowed
to marry because they suffer a
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Vermont House and Senate Judiciary
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A vintage, slightly faded photograph of a man and a woman in a field. The man is in the foreground, looking down, and the woman is behind him, resting her head on his shoulder. The background shows a grassy field with several trees under a clear sky. The photograph is framed by a decorative border with a repeating floral and scroll pattern. Overlaid on the left side of the photograph is the text: "This kind of marital relationship would cause disease to spread."

Racial intermarriage should not be allowed because of the physical inferiority and higher incidence of certain diseases among certain races, such as sickle-cell anemia among African Americans.

California Supreme Court Justice John W. Shenk, dissenting opinion, *Perez v. Lippold*, 1948

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The intermingling of what grows with what sows,
 and how the process of food itself, through the life
 sows in the food generation includes as their language
 gather a new seed, as the life course is unfolded.

Generations of Farmers, 1978

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The history of agriculture and food cannot understand  
 the relationship of man and one another, shall be the  
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*Business Systems Perspective Revolution, 1978*



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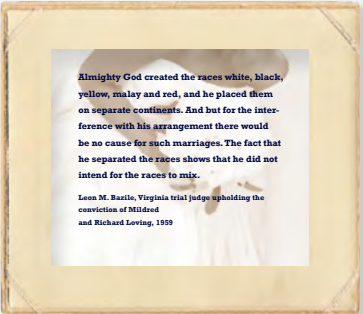
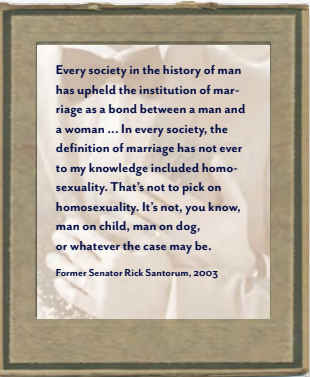
... A family environment with married opposite-sex parents remains the optimal social structure in which to rear children, and that the raising of children by same-sex couples, who by definition cannot be the two sole biological parents of a child ... presents an alternative structure for child rearing that has not yet proven itself beyond objectively scientific dispute to be as optimal as the biologically based marriage norm.

Robert Corby, *Dissenting Justice*, Goodbye, Massachusetts same-sex marriage case, 2003

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Studio visits and full artist CV  
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