

# The Importance of Social Movements and the Intersection of Social Equity: Marriage Equality and RACING Towards Justice

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The social movements of the 1960's and 1970's have had an irreversible positive impact on the wellbeing of all citizens in the 21<sup>st</sup> century United States. It can also be argued that social equity as a subfield of public administration and policy grew out of the 1960's though there is no definite way of knowing what the framers of the subfield were thinking or how they were influenced by the social movements of the time. Still, it is a reasonable assumption to believe that the framers were at least marginally influenced by the changing times. Therefore, social equity is used as a backdrop for social movements in the paper, which analyzes their importance for a modern day society. Specially, the social movements addressed in the paper include, the civil rights movement, women's rights movement, the Internet Movement and the LGBT (lesbian, gay, bisexual and transgender) movement. The paper then turns its attention to the importance of race and the intersection of the same sex marriage debate. The paper asserts that African Americans and the Hispanic communities have been vilified and accused of being an alleged impediment to the progress of same sex marriage, especially regarding Proposition 8 in California. The paper presents evidence to the contrary of this well believed myth. Finally the paper concludes with clear and concise recommendations for addressing the issues mentioned in the paper.

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*Humans' capacity for justice makes democracy possible,  
but humans' inclination toward injustice  
makes democracy necessary.*

*-Reinhold Niebuhr, 1944*

**S**ocial equity has been linked with many human rights concerns such as race, gender and to a lesser extent, sexual orientation. However, public administration scholars have missed opportunities to use social equity as a framework or indeed tool in helping to bridge social

justice issues with our field. For example this author's review of *Justice for All: Promoting Social Equity in Public Administration* by Johnson (no relationship to author) & Svava (PAR, 2011), notes the absence of materials on issues relating to gender identity and sexual orientation. The Johnson and Svava text makes a strong contribution to the social equity literature, according to the author of this paper. However, the author's omission on sexual orientation content is consistent with the field's overall and historically conservative stance on human sexuality and gender identity.

The field of public of public administration has also been woeful in addressing the issue of same sex marriage/marriage equity. Despite the fact that the issue has been left to the states to weigh in on, many state and local government scholars in public administration have not sought to address the issue in print or in class. The same can certainly be suggested about many social equity scholars as well.

Therefore, the paper has three foci. The first focus addresses the relevance of social movements within the United States. Secondly, the paper focuses on the important of issue race and the intersection of same sex marriage as an alleged impediment to progress. The final focus of the paper offers substantive recommendations for addressing the issues addressed.

### **Social Equity Defined**

It is unfortunate that the concept social equity must still be defined in 2012. However, defining the term still stands as a much-needed starting point. Public Administration as an academic field was created during the late 1800's to early 1900's. The subfield of social equity was not created until the late 1960's. Of particular note is the substantial amount of years that public administration students were taught without the benefit of social equity issues. Though it can be assumed that traces of social equity were embedded in various academic programs throughout the country, though there is no way to verify this assumption.

There is also no way to know if the social movements of the 1960's had a strong impact on the development of social equity as a subfield. Though social justice had been addressed in many other academic fields such as social work and political science for many years prior to the 1960's. What can be suggested however, is that that the social movements addressed in this paper were in full swing when the social equity subfield of public administration was created and the term first used.

The National Academy of Public Administration (NAPA) established by the United States Congress in 1967 created the Standing Panel on Social Equity in Governance. The panel defines social equity as follows:

The fair, just and equitable management of all institutions serving the public directly or by contract; the fair, just and equitable distribution of public services and implementation of public policy; and the commitment to promote fairness, justice, and equity in the formation of public policy (NAPA 2012).

In short, social equity is the equal treatment of all humans living in a society. Indeed, it can be suggested that social equity is more than a practical method that public administrators can use to distribute goods and services in a city or state. Social equity is a mechanism by which all human beings are afforded the same basic rights in a civilized society. One of the reasons why social movements emerged was because of the unethical treatment of humans who were being marginalized in the United States. The next section deconstructs several of the important social movements of the last 20<sup>th</sup> and 21<sup>st</sup> century as a backdrop for the same

sex marriage movement.<sup>1</sup>

## **Social Movements**

The United States is a country that has afforded rights to marginalized groups as a result of social movements as a mechanism of change. There have been several social movements during the 20<sup>th</sup> and 21<sup>th</sup> centuries of the United States, and those social movements have helped to create justice for those in the movement and outside the movement as well.

Social movements are political and action oriented groups that respond to the needs of their constituents. The groups may organize at the local (grassroots), state, national and/or international level. The new, or contemporary, social movements have occurred from 1960 until the present (Giugni, 1999; Buechler, 2000; Kendall, 2005). There are many U.S. social movements dealing with such issues as political unrest, hunger, global warming, health reform, public education reform and of course racial inequity.

The purpose of this section is to demonstrate how social movements have moved the United States social equity agenda further along and provided voice for disenfranchised Americans. Specifically, this section aims to provide a much needed link to marriage equality as a human right.

## **Social Movements Examples**

There are many social movements within the United States and abroad. Such movements include, disability awareness and the HIV/AIDS awareness movement. However, for purposes of this paper, civil rights, women's liberation, Internet Movement and the LGBT (Lesbian Gay Bisexual and Transgender) movement are highlighted due to the strong support and opposition each group endured and are endured.

The Civil Rights Movement was predicated upon the fact that African Americans were not afforded rights due to their race. Therefore, employment and housing discrimination ran rampant. As a result of the movement, which involved many different races and other groups of people, the U.S. Congress enacted the Civil Rights Act of 1964. The act officially seeks to ban employment and housing discrimination based on race, gender, religion, disabilities and national origin. Though many employers have an EEOC statement at the end of their job ads, research continues to show that employment discrimination does occur. The 2003 study of Bertrand and Mullainathan (National Bureau of Economic Research) found that resumes with African American sounding names (i.e.: Leroy Jones or Lawanda Jackson) were 50 percent less likely to receive a call back for an interview. Resumes with non-ethnic sounding names (i.e.: Mary Johnson) were more likely to be called backed for an interview. In other words, it took fifteen resumes with African American sounding names for a person to receive one call back versus only ten resumes with non-ethnic sounding names to receive one call back.

And still as recently as January 2012, films such as "The Help" which depicts life for African American maids living in the 1960's can still be seen as Oscar nominee worthy. The tragedy of this film is that it preys on images of the "Great White Savior" to lift the African American maids from poverty.

As with the other major struggles of the 1960's, the Asian American/ Pacific Islander movement became less visible and often less confrontational in later decades, but a

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<sup>1</sup> Marriage equality and same sex marriage are used interchangeability in this paper as is Black and African American.

wide range of community-based organizations have continued to fight for the rights of various groups collectively termed Asian-American in the United States. New waves of Asian immigrants also have brought forth new exploitation and discrimination, and therefore new waves of activism. Activism has stemmed from mainly local organizations, however through media outlets such as blogs and YouTube, the youth is raising their voices to raise awareness and attack various issues concerning the Asian-American community.

The Women's Liberation Movement sought to change the political and social landscape for how women were treated in the workplace. "Equal pay for equal work" is still considered one of the most memorable slogans of the movement (Ramdas, 2006). And due to the persistence of the movement, the Equal Pay Act was signed into law on June 10, 1963 (Murphy, 2004). Ramdas postulates that gaining political capital or strength has never been easy for the women's liberation movement or any social movements. Thus, maintaining conviction on the part of movement organizers and participants takes considerable strength and fortitude. In a 2006 report issued by Seattle PI Catalyst Firm, women hold only 16 percent of executive positions (board-made appointments) in Fortune 500 companies, with less than 15 percent serving on major boards thus indicating that the glass ceiling continues to stay firmly in place despite advancement by the women's movement.

The successes of government overthrows can be traced directly to the Internet Movement of the last several years. There have been protests for many years. It appears that in the limited amount of time since the Internet, the status quo is a thing of the past for many institutions and ways of being. The power to create change and mobilize people in the 2000's was probably unthinkable when the Internet was first designed.

Today's Internet is not the same as it was a decade ago. The Internet movement, or what research calls the "Right to Communicate" movement, brings a whole new light and way to express and transfer thoughts and opinions. Social network websites such as Facebook, Twitter, and YouTube have changed everything about the game. The recent Occupy movement is living through online social media like Twitter, tracking its steps every "tweet". Also, the recent SOPA (Stop Online Privacy Act) and PIPA (Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act), bills shows the power of the Internet and how people can gather together to protect their right to free speech.

Similarly, the LGBT movement also sought to secure opportunities, in this case for lesbians, gays, bisexuals and individuals who are Transgender. After years of hiding their sexual orientation, queers (a term now embraced by many in the LGBT community) had the courage to fight against oppression and their oppressors. As recently as 2003, the private sexual lives of gay men were still an issue for public debate. In *Lawrence v. Texas*, two consenting adult males were prosecuted under the state's discriminatory sodomy law, which prohibited same sex people from engaging in certain sexual acts. The Texas Supreme Court felt justified in their decision based upon a seventeen year old case, *Bowers v. Hardwick* (1986), which made it illegal for same-sex individuals to engage in certain sexual practices. In 2003 the Supreme Court ruled 6-3 that it was unconstitutional for gays and lesbians to be banned from certain sexual practices. Such a monumental decision has social equity implications not only for sexual privacy, but also for other fundamental aspects in the lives of lesbians and gays as well.

The LGBT movement has worked to secure rights for lesbians and gays; the same movement has not been historically proactive in securing the same rights for transgender individuals (Johnson, 2011; Ming-Yu, 2007, Nangeroni, 1998). This is primarily because many lesbian and gay activists have generally viewed transgender people as having gender

identity/ expression issues, not sexual orientation issues, even though sexual orientation and gender expression may be inextricably linked for some transgender people. It is still challenging to acknowledge that one oppressed group can oppress another segment within the same movement or another movement. As Dahir explains, "A significant number of gays and lesbians haven't resolved their own phobias around gender and appearance, and they're the ones most likely to object to including Transgender (Dahir, 1999)." Additionally, Paul Ryan has stated that he has a Black sister-in-law and has a Black girlfriend in his bachelor days (Karen Grigsby Bates, 2012). However, what if anything does this mean about Ryan's views on policies impacting people of color and women living in the United States. This situation points to the fact that there may be a disconnect and continued biases for even the most liberal of individuals regardless of the social movement they support.

There has been some integration of transgender involvement into the LGBT agenda. However, for the most part, transgender people continue to feel isolated and marginalized even within the larger movement struggling for equal rights.

Social movements, especially the ones mentioned in this paper provides a lens for social equity scholars and other public administration scholars to evaluate and deconstruct social policies that impact all human citizens living in the United States, especially the marginalized and disenfranchised.

### **Marriage Equality Movement**

The history of marriage equality, also known as same sex marriage, as a movement is relatively new compared with the other social justice movements within the United States. The term first came to the attention of the U.S. in 1993 when judges in a Hawaii same sex marriage case declared the state's constitution did not provide a compelling argument for denying same sex marriage (Justin Sullivan-Getty, 2008). Thirty states have constitutional amendments banning gay marriage (ProCon.org, 2012)

As of February 14, 2012, gay marriage is allowed in seven U.S. states:

- Massachusetts
- Connecticut
- Iowa
- Vermont
- New Hampshire
- New York
- Washington
- Maryland
- District of Columbia

Source: ProCon.org, 2012.

Some states are making ground on the issue of same sex marriage. However many more are not. The issue of same sex marriage continues to be a battleground for both sides of the argument. Though it is apparent that the Federal government has not yet weighed in on this matter, deferring instead to individual states. The lack of Federal recognition of same sex marriage means a denial of 1,138 benefits that gay and lesbian couples don't receive according to Curtis Tate McClatchy (2012). Included in the missing benefits are social security survivor benefits, health insurance coverage, immigration status, veterans benefits, joint income tax filing and estate tax payments.

McClatchy suggest that 46% of Americans supported same sex marriage as recently as November 2011 as compared with 33% in 2006. This staggering increase in public opinion represents a dynamic shift and provides hope that same sex marriage will become legal in most of the fifty states if not national law of the land (Tate, 2012). Tate postulates the following:

“The more Americans have been talking about who gay families are, the margin of defeat for freedom to marry has gotten smaller and smaller over the years,” said Evan Wolfson, an attorney and the founder of Freedom to Marry, a gay rights organization in New York, who attended the Baltimore conference. He said that as gay and lesbian couples tell their stories, elected officials and voters come over to their side (Tate, 2012).

### **Defense of Marriage Act (DOMA)**

Perhaps no other contemporary Federal legislation has had such negative consequences on the marriage equity movement as DOMA, created in 1996 by the Clinton administration. DOMA defines marriage as a union only between one man and one woman. DOMA is currently being challenged in the courts, however, now resolution has been achieved yet (Sylvia Thomson, 2012).

“Do as I say and not as I do” seems to apply to the contentious debates—cultural, policy, and legal debates—in the U.S. concerning same-sex marriage. Notwithstanding progress in the extension of spousal rights to gay couples in the U.S. (and much of the rest of the world), our country seems to be stuck in both legal and semantic traps uniquely of its own making. And an ethical quandary follows, which this paper will explore briefly in this section. Indeed, many individuals and groups have consistently supported civil unions with full spousal legal rights as the most feasible way to attain marriage equality. But still many political pundits throughout the U.S. have not supported civil unions or same sex marriage.

However, because of the Defense of Marriage Act, or DOMA, the federal government does not recognize either same-sex marriages or any other form of same-gender civil unions. Same-sex unions, even when sanctioned by supportive state law, have no more standing under federal law than mere “cohabitation.” From an ethical standpoint, departing from a premise that citizens should be treated equally under federal and state laws and policies alike, DOMA throws a wrench into ethical and legal principles of equal treatment under the law. The arch-conservatives who drafted DOMA have unwittingly created a quandary—forcing the marriage equality debate in the direction or in favor of the same-sex marriage solution. If federal law obtains at all (and conservatives should argue, for consistency’s sake, on state prerogatives in the matter of marriage recognition under law), it should be there to facilitate, not block, the recognition of same-sex unions from one state to another.

There may be some inconsistency, or simply strategic shift, when marriage equality advocates support state legislative moves toward civil unions, when it is known that these do not confer full spousal rights anywhere in the U.S., even if it’s done to get first a half loaf in order to then advocate for the full loaf. However, this inconsistency, if that is what it is, is nothing compared to the contortions that DOMA represents for conservative opponents of any legal recognition of any kind of same-sex civil unions.

It is staggering to understand why countries like Spain and Argentina—Catholic,

and conservative on reproductive rights law—have moved to outright legal enactment of same-sex marriage. Here semantics come into play. In these countries—and in the Spanish language, as a geographic and semantic “field”—there is but one word that pertains to marriage—“matrimonio,” or matrimony. Not marriage versus matrimony, just matrimony. This word lacks the emotional and ideological loading of the word “marriage.” There can be little doubt that having but one word to describe legally-sanctioned intimate union, and a word that is as neutral in its connotations in the Spanish-speaking world as is “matrimonio,” has made support for same-sex matrimony (i.e., in our terms, marriage) much easier.

This may amount to an argument for the U.S. to revisit the terminology we wish to use in relation to same-sex unions—we’ve had enough of what linguists call “semantic priming” to move that effort forward. However, we also need to revisit DOMA and consider the ethical underpinnings of the debate, which should be equality of status and treatment under the law, across the entirety of our country. Whether these efforts are all necessary or desirable, and how they should be sequenced, would properly be a matter of strategy for advocates of marriage equality.

It must also be noted that very few academics within public administration have tackled the issue of same sex marriage as a serious area of research. Well-known scholars in the field and new scholars to the field have been remiss in discussing the issue of same sex marriage in peer-reviewed journals and public administration textbooks. Dan Pinello is one of the earliest political scientists to write a book on same sex marriage in 2004. Pinello’s book, *America’s struggle for same-sex marriage* is a wakeup call to the injustices that are caused when a same sex couple is not permitted to marry due to a state’s religious, historical biases Pinello’s book is a call to action for a country that still suffers with infractions cited earlier in this paper regarding other social movements.

### **Race In the Same Sex Equality Debate**

One of the most contentious issues facing the debate on same sex marriage is race, specifically, African Americans and Hispanics who have been accused of obstructing the marriage equality movement progress. Gregory Lewis (2003) argues that there are no true differences in opinions of LGBT civil rights with Blacks verses their White counterparts. Though the African American biases towards the LGBT community may have stronger a historical context overall.

African Americans have historically been conservative on matters of LGBT issues which might stem back to slavery days when Blacks only had religion to ease their pain and suffering. In 2012 President Obama became the first United States president to declare his support for same sex marriage (Sylvia Thomson, 2012).

I have to tell you that over the course of several years,” Obama said in a rambling explanation, “as I have talked to friends and family and neighbors, when I think about members of my own staff who are in incredibly committed monogamous relationships, same-sex relationships, who are raising kids together, when I think about those soldiers or airmen or Marines or sailors who are out there fighting on my behalf and yet feel constrained, even now that don’t-ask-don’t-tell is gone, because they are not able to commit themselves in a marriage, at a certain point I’ve just concluded that for me personally it is important to go ahead and affirm that I think same-sex couples should be able to get married (Bohon, 2012).

It can be suggested that President Obama, had an awaking on the issue of same sex marriage as noted in his comments above. Still with his reelection looming in several weeks, it is amazing that he would take such a strong stand in support of marriage equity for all Americans. Whether inspired by goodwill, politics or a higher power, Obama demonstrated in that one moment that he was willing to stand for what is right and what is possible.

But while this announcement came as a victory for the LGBT community. Many individuals in the faith community were displeased with the president's public support of same sex marriage. Specifically, African American pastors suggested that they were unhappy with the President Obama and his support of LGBT issues generally and his support of same sex marriage, specifically.

Despite the cry from many Black pastors against same sex marriage, studies continue to support the fact that Blacks are no more or less homophobic than other races of people. What can be noted however has that African Americans hold religion to be a key part of their lives as noted above. Michael Datcher (2009) sagely points out that African Americans are well aware of the discrimination that occurs when marriage is forbidden due to race and other circumstances. This scenario is well documented when Blacks could not get married during the days of slavery. Here Blacks were not allowed to marry because they were considered property. Instead the enslaved Blacks created their own marriage ritual called "jumping the broom." Jumping the broom symbolized jumping into freedom and away from oppression and the horrors of slavery.

A landmark court case according to Datcher that should convince anyone that African Americans support same-sex marriage is the *Loving v. Virginia* case. This case involved the interracial marriage of a White man and African American women in Virginia during the 1950's. This case is pivotal as it challenged the old notion that different races could not marriage. Thus the Loving

Perhaps, no other debate on same sex marriage has been more contentious than in the 2008 Proposition 8 ballot initiative in California where communities of color, specifically were blamed for helping to vote the ban on same sex marriage in law. Egan and Sherrill (2009) argue that African Americans did vote high number for Proposition 8. However, the percentage at 70% was over estimated by the National Election Poll (NEP), which resulted in mass media also reporting the same around the country. Egan and Sherrill also point out that African Americans in California tend to be more religious than California as a whole. Thus, this can explain why the community voted in such high numbers for Proposition 8.

## **Recommendations**

The topic of same sex marriage will remain a highly contested issue in the United States. However, below are some suggested recommendations for going forward towards a more just and humane society.

- The same sex movement must stop the "blame game" and reach out to communities of color and faith communities. This includes education to clergy, parents, and single people etc. Historically, there has been a divide between communities of color and the majority communities in terms of LGBT beliefs. The differences can also be noted there is still a visible divide between LGBT communities of color and White LGBT community. This fact is easily observable with gay communities such



as the Castro District of San Francisco and DuPont Circle of Washington DC where LGBT people of color are almost absent.

- The majority community should aggressively begin to work with communities of color around marriage equity issues by going into predominantly African American, Hispanic and Asian neighborhoods to discuss the issues. Door-to-door campaigns, forums and panels may be effective tools for drawing communities of color to the same sex marriage and its importance.
- The same sex marriage social movement would be wise to establish coalition building with other social movements such as the four addressed in this paper. These social movements have established and demonstrated track records of obtaining rights for their constituents. Additionally, working with the international communities where same marriage is legal such as Canada and, South Africa could prove beneficial as the social movement in the United States goes forward in the 21<sup>st</sup> century.
- Social equity scholars need to research same sex marriage as a human rights issue. Social equity like many other subfields within public administration is charged with the production and advancement of new knowledge. This should be the case with social equity as well. However, the subfield has been woeful in the production of new scholarship addressing same sex marriage issues. There are two issues here related to this recommendation. The first is that academics must find that the issue of same sex marriage is worthy of research and investigation. Secondly, department chairs and promotion/tenure committees must also support a faculty's research agenda that includes articles and books written on marriage equity. Many academics feel constrained by what they believe what would be acceptable research for promotion and tenure. However, Professor Linda Tillman from University of North Carolina encourages academics to step outside of their comfort zone (2002).

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