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### Commentary: Strange Bedfellows or an Overdue Analogy? Library Access and Marriage Equality

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## *A*bstract

The issue of same-sex marriage has made a significant impact on popular culture. In this commentary, I argue that the current discussion about whether same-sex marriage is a civil right can be clarified for advocates and naysayers alike by analogizing the institutions of marriage and libraries. Just like libraries, the institution of marriage opens new worlds of upward mobility and access. And as such, just as American society acknowledged the injustice of closing libraries to non-whites, we need to rethink the exclusion of same-sex couples from the institution of marriage. Moreover, analogizing the two institutions clarifies the role of both marriage and libraries in strengthening citizenship and promoting social inclusion.

## *Introduction*

Libraries, the proud public and private homes of books, have played a critical role in shaping the contemporary American consciousness. Yet the idea of allowing Blacks to read, or even allowing them to enter libraries, was once preposterous. For example, Booker T. Washington, founder of the Tuskegee Institute, learned to read because his mother procured a copy of Webster's 'blue-back' spelling book surreptitiously which enabled Washington to teach himself how to read (Washington, 1901).<sup>1</sup> Until the end of the civil rights era, Blacks were excluded from libraries on the Plessy v. Ferguson-inspired grounds that separate was equal. Ordering books through the back door and picking them up at the bookmobile which came to town weekly was determined to be acceptable access for non-Whites.

The public library, a direct benefit of government taxes, is a way into enhanced citizenship, social mobility and educational opportunities. The library card is a passport. In addition to accessing hundreds of books, citizen members can learn about the many opportunities to grow their social circle through local reading groups and volunteering, how they can best contribute to their community through local events, and how to access job opportunities. The American Library Association (ALA), established in 1879, and the International Federation of Library Associations and Institutions, started in 1927, are two organizations created to promote intellectual freedom, resist censorship, and uphold the principle of fair and equitable access to libraries. Consequently, according to the ALA and IFLA, access to libraries is a civil right. Public libraries support the right to read for 'self-improvement, social awareness, and entertainment' (Graham, 2001).<sup>2</sup>

### *Getting on the Same Page: The Marriage/Library Analogy*

While there has been discussion about the inappropriateness of using the term "civil rights"

for same-sex marriage (Rivers & Johnson, 2006), I contend that the institution of marriage, like the public library, is an important addition to the movement for civil rights.<sup>3</sup> While libraries do not create literacy, they do create the opportunity for literacy and allow access to a new world of imagination and self-determination.

In this sense, libraries are like marriage. Legal same-sex marriage does not create equality in the minds of Americans, but it creates the opportunity for same-sex couples to be viewed as equal. The Wellesley Centers for Women (WCW) Same-Sex Marriage Study, which collected interview data from 51 Massachusetts couples, shows that many same-sex couples view legal same-sex marriage as an important civil right. For couples in the study, the legal ceremony granted their relationship legitimacy, benefits, and protection, albeit limited to the state of Massachusetts (Porche, Purvin, & Waddell, 2005).<sup>4</sup> Whether or not they decided to marry, participants agreed that the legalization of same-sex marriage was an important civil right. Just as American society decided that limiting entry into libraries, schools, colleges, and universities on the basis of race was wrong (Brown v. Board of Education 1954), it decided that limiting the institution of marriage to racially homogenous couples was wrong (Loving v. Virginia 1967). It is now time to consider whether limiting marriage to another group—heterosexual couples—is wrong given the access to government-sanctioned legitimacy, benefits, and protection which this institution provides.

Just as in the case of marriage where activists outside of religious and civil institutions led the way in the fight for integrated libraries, activists outside of librarianship were the harbingers of change in the library system (Graham, 2001). Graham found that librarians' own "professional ethics [which favored non-segregation] stood little chance against a tradition that overpowered white consciences, democratic values, and even Christian

teachings" (p.24). Therefore, like in the fight for civil same-sex marriage, the interdependence of activists and policymakers outside of librarianship has led to institutional change. Another similarity between libraries and marriage is the extent to which both institutions facilitate class mobility. By marrying into another class stratum or reading into one, both institutions provide the means to move from one social class to another.

### *Civil Unions are to Marriage as Bookmobiles are to Libraries*

At first glance, bookmobiles appear to be a mere extension of libraries, yet digging deeper reveals that bookmobiles are an extension of the analogy I present in this commentary. Bookmobiles have been used at U.S. public libraries for over 70 years.<sup>5</sup> The mobile library service has been used for various purposes, such as providing resources to remote areas, planning for new library branch locations, and providing resources to groups without access to the branch locations such as disabled, elderly, and disenfranchised groups. Bookmobiles have been a celebrated source of pride for some, yet for others, bookmobiles are a source of shame. For example, in the segregated U.S. South, bookmobiles were the only way for Black Americans to access the benefits of public libraries. Similarly, in the current period, for some same-sex couples, civil unions are the only way to access the benefits of a state sanctioned marriage. The US General Accounting Office in 1997 released a list of 1,049 benefits and protections available to heterosexual married couples. These benefits range from federal benefits, such as survivor benefits through Social Security, sick leave to care for ailing partner, tax breaks, veterans' benefits and insurance breaks, to benefits such as obtaining family insurance through employers and making medical decisions for partners if they are unable. Civil Unions protect some of these rights, but not all of them; Civil Unions are not recognized by the federal government. With Civil Unions, couples are not able to file joint tax returns

nor are they eligible for tax breaks or protections the government affords married couples.

Similar to being confined to a bookmobile where a patron can never get the full library delivered, a couple that only has access to a Civil Union does not have the full range of benefits available to legally married couples. Although a lawyer can set up certain benefits such as durable power of attorney, wills, and medical power of attorney, it costs thousands of dollars in legal fees. A simple marriage license, which usually costs under \$100, would cover all the same rights and benefits. Another disadvantage of civil unions is that any of the legal contracts drawn can be challenged in court. In the case of wills, legal spouses always have more legal power than any other family member. And finally, marriage laws apply in every state. If someone's husband or wife is injured in an accident, all one needs to do is show up and identify as that person's spouse. This statement will not be questioned. Yet, as Massachusetts State Senator Jarrett Barrios found, even when one has a legal bond with one's partner and children, members of the LGBT community can still be questioned about family relationships in hospitals before granted access (Barrios, 2004).<sup>6</sup>

Civil Unions have mixed meanings and different associations for different people. Bookmobiles, like Civil Unions, also have mixed meanings and different associations as demonstrated by the experiences and associations of my mother, a Black woman with lower middle class roots, and a White colleague also with lower middle class roots. Growing up in segregated Alabama, my mother was forced to enter the library through the back door to order books that were then delivered via the bookmobile. The bookmobile came to her Alabama neighborhood once a week. Alabama, my mother's home state, is an important point of reference because it was one of the most segregated states in the U.S. during the twentieth century, and the public library was one of the battlegrounds for integration (Graham, 2001). My mother was legally

excluded from using the public library simply because she was Black. This exclusion from libraries fueled my mother's conviction to seek inclusion. Her quest led her to a racially integrated college in New Orleans. My father had a scholarship to attend a historically Black college in New Orleans. The two met in New Orleans and left the U.S. South together in search of social mobility. They had two daughters and now, 35 years later, both daughters are Ivy League educated and one is a U.S. Rhodes Scholar. They were lucky. They found the social mobility they quested for, but their quest had roots in the pain of being prevented from entering a childhood public library through the front door.

When I talked about the library-marriage analogy with a White colleague, she thanked me for reminding her of a *happy* memory from her childhood. She had grown up in a working class community in New England. For her, the bookmobile was an air-conditioned escape from the sweltering heat of her house. "I can still smell it!" she exclaimed. As a lower middle class American, she did not grow up with language to explain why she felt more comfortable at the bookmobile, a humble substitute for the local library. Her fond memory of the bookmobile's smell reminded her of an odyssey which started in childhood and ended in her earning a Ph.D. in psychology and embarking on a career in research on social class and human development. Now there is an emerging field of research on social class, including the work of Noonan, Belle, & Spencer,<sup>7</sup> which engages in research which elicits young working class girls and boys language about their perceptions of class position and their experiences with the dual realities of mobility and stratification.

For two avid readers, bookmobiles meant completely different things. My colleague chose to patronize the bookmobile because it was a convenient alternative to trekking across town to the library to which she had unfettered access. But, for my mother, the bookmobile was an affront to her civil rights. The principle of choice, or a

policy which promotes individuals' liberty to define their own concept of freedom, is the only way to maximize the well-being of both readers. Findings from the 2005 WCW study on same-sex marriage bear evidence of the bookmobile / civil union analogy. For some, civil unions were an important new right, but fell short of the full rights, shortchanging the emotional foundation of the relationship. One could say that it symbolized being able to order books, even though one could not read the books in the library. However, some participants had more acrimonious views of the shortcomings of civil unions in relation to marriage. One participating same-sex couple who had been together for over 40 years remarked:

*How are we going to settle for a civil union when that's - I mean even though we're married it's still not completely . . .*

Bookmobiles and civil unions can have different, even opposite, meanings for different people. While some may prefer the bookmobile or civil unions, others prefer bricks and mortar libraries and legal marriage. The commonality among all respondents was a common belief in the *right to choose*. The critical element of choice that works is access to as much information as possible. A bookmobile is never going to have the full range of books available at a library, but if it is clear what is available, and what can be ordered, and how, the choice becomes viable. The lesson from this analogy is that, like bookmobiles, civil unions should be an option for those who choose to take advantage of them, but civil unions and bookmobiles should be in the panoply of options alongside the original, unmodified benefit.

### ***Reading the Writing on the Wall: Marriage Equality as a Civil Right of Inclusion***

Sometimes analogies help us think outside the box and see things we would otherwise miss. By thinking about the institution of marriage as

analogous to a library, we can push beyond the intolerance to considering marriage equality a civil rights concern. What we need to see is that everyone's citizenship is strengthened when excluded groups assert their right to inclusion and equal protection as provided for under the 14<sup>th</sup> Amendment to the Constitution. This is the writing on the wall. Instead of the circle of society becoming small and cramped, it must become larger and more spacious in order to accommodate new groups and their civil, political, and social rights to full, unfettered inclusion.

Growing up, when my family moved to a new neighborhood, my mother promptly carted my sister and me to the public library to get our new

library cards. We had books at home—several shelves full in fact—but she always insisted that we also had a library card. It was as essential as a driver's license, or a marriage license, to her mind. Books had been my mother's ticket. Now she wanted my sister and me to use that ticket to fly even farther. I was raised with my mother's story, and after twenty-seven years, my mother's painful memory has been seared into my own. I now have new stories about the pain of exclusion from library-like institutions such as marriage. I have been excluded for the same reason—ignorance and fear. Maybe the parents who took their children to witness the marriages on May 17, 2004, when same-sex marriage became legal in Massachusetts, shared an uncommon bond with my mother taking me and my sister off to get library cards.

**Endnotes**

- <sup>1</sup> Washington, Booker, T. 1901. *Up From Slavery: An Autobiography*. New York: Doubleday.
- <sup>2</sup> Graham, Patterson, Toby. 2001. "Public librarians and the Civil Rights Movement : Alabama, 1955-1965." *The Library Quarterly* 71: 1, p.1.
- <sup>3</sup> Rivers, Eugene, F. & Johnson, Kenneth, D. June 1, 2006. "Same-sex Marriage: Hijacking the Legacy of Civil Rights," *Weekly Standard*
- <sup>4</sup> Porche, Michelle; Purvin, Diane; & Waddell, Jasmine. 2005. *Tying the knot: The context of social change in Massachusetts*. Working Paper No. 423. Wellesley, MA: Wellesley Centers for Women, p. 23.
- <sup>5</sup> See for example, <<http://www.durhamcountylibrary.org/outreach/hist.htm>>
- <sup>6</sup> [http://www.pbs.org/newshour/bb/law/jan-june04/gaymarriage\\_2-13.html](http://www.pbs.org/newshour/bb/law/jan-june04/gaymarriage_2-13.html)
- <sup>7</sup> Noonan, A.E, Belle, D., & Spencer, R. (in preparation). *Talking in class: Urban high school students' perspectives on social class position and class differences*.