



**RACIAL DISCRIMINATION TOWARDS
INTERRACIAL MARRIAGE SHOWN IN JEFF
NICHOL'S *LOVING***

A FINAL PROJECT

**In Partial Fulfillment of the Requirements for the Sarjana Degree
Majoring American Cultural Studies in English Department
Faculty of Humanities Diponegoro University**

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PRONOUNCEMENT

I state truthfully that this project entitled “Racial Discrimination Towards Interracial Marriage Shown in Nichol’s *Loving*” compiled by me without taking the results from other research in S-1, S-2, and S-3 degree and in diploma of any university. In addition, I ascertain that I do not take the material from other publications or someone’s work except for the references mentioned in bibliography.

Semarang, August 2019

Imelda Theresia

MOTTO AND DEDICATION

“When you’re filled with self-love you make better choices.”

- **Megan Roxanne**

“Because no matter how tough the world becomes, you must never run out of sweetness.”

- **Bernardokath**

“Beauty is when you can appreciate yourself. When you love yourself, that’s when you’re most beautiful.”

- **Zoe Kravitz**

“We must have courage and be kind.”

- **Cinderella, Cinderella**

*I, from the deepest of my heart, dedicated this
Final Project to my beloved family who
always support me whenever I am and
whatever I do and my friends who
always helped and colored my life.*

APPROVAL
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MARRIAGE SHOWN IN JEFF NICHOL'S *LOVING***

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I realized that this project is still far from perfect. I, therefore, will be glad to receive any constructive criticism and recommendation to make this project better.

Finally, I expect this project will be useful to the readers who want to do the same research on film studies.

Semarang, August 2019

Imelda Theresia

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ABSTRACT

Before the United States Supreme Court legalized the interracial marriage, several states in the United States of America prohibited it. This ban in interracial marriage violates the civil rights of people in the United States. The story on how the law brings misery to interracial couple is told in the film titled *Loving* which directed by Jeff Nichol. This analysis focuses on the racial discrimination which was done by the authorities towards the interracial marriage in the United States. The analysis applies the library research method in collecting the data needed in the analysis. Furthermore, the writer applies theory of institutionalized discrimination from Feagin and Eckberg to discuss the issue shown in the film. Through the analysis, the writer does find the racial discrimination towards the interracial marriage in the film which in the form of institutionalized discrimination.

Keywords: racial discrimination, institutionalized discrimination, interracial marriage, *Loving*, civil rights.

1. Introduction

The people in United States of America vary from races and ethnics. As the land of freedom, America attracts immigrants to come and build their new life there while hoping that their life will get better there. For there are many races and ethnics there, it cannot avoid that the fact people from many races will meet, socialize and even build a relation with each other. In 2017 there are 1,127,167 immigrants whose green cards have been granted by the American Government(Department of Homeland Security, 2018). This data show that each year many immigrants from other countries are coming to America and intend to be the permanent residents in America.

For America's population varies from many different races, sometimes the differences cause various kinds of prejudice and discrimination. The emergence of races has an impact against racism among the multicultural community and turned into a social problem. However, the interaction between people from different races cannot be avoid nor separated. Back then in 1960, there was an institutional discrimination against people of color, to be précised the black people, in the form of law which bans the interracial marriage between people of color and white people. However, this law was only enacted in several states in the America namely The Virginia States.

Before the Supreme Court took down the ban for interracial marriage throughout the United States of America in 1967, interracial marriage was considered illegal and any white person who marries any black person in the State

of Virginia would be charged guilty by the court(Vinas-Nelson, 2017). This legalization of interracial marriage was caused by the case of Loving v Virginia. As it is stated in the Supreme Court decision in the case of Loving v. Virginia “Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State” (Supreme Court of The United States, 1967).The Loving v. Virginia case is between Richard and Mildred Loving against the Virginia State. Richard and Mildred Loving are interracial couple from Virginia State. They once being arrested for being married in Washington D.C. then stay cohabitant as man and wife in the Virginia State. Then both of them are exiled from Virginia States by the order of the court to avoid jail sentence. Years later, the Lovings protested the Virginia State Law which forbids the interracial marriage for violated their civil rights. This case demands to put marriage, no matter the race between the intending supposes, to be included in civil rights. In the state Virginia, interracial marriage was banned and had been regulated in the state law titled anti-miscegenation law. Virginia State banned all kind of interracial marriages to prevent race mixture children(Head, 2018). Later on, the case of Loving v. Virginia is filmed in 2016. The title of the film is *Loving* and it is directed by Jeff Nichols. The film is based on true story, it is about the love story of Richard and Mildred Loving and how they struggle to legalize their marriage in the Virginia State(Nichols, Loving, 2016). The writer chooses this film as the object of the study because of its interesting story on how a love story could change the law in The United States of America.

The story goes on with Richard and Mildred getting married in Washington D.C because it is one of the states in America where it allows the interracial marriage between Black people and White people. After they get married, they go back to the Virginia State but then the sheriff finds out about their marriage. The sheriff arrests Richard and Mildred Loving for their crime which is being married. After consulting with their attorney, they are given 2 choices from the judge. Those are to spend one year in prison or keep their marriage but they must leave the Virginia State and never set foot in Virginia State together for 25 years. In the end The Lovings choose to leave Virginia State and move to Washington D.C. Years pass by after The Lovings move to Washington D.C. Mildred writes a letter to Attorney General, Bobby Kennedy, about problems that she and her husband face. The case is forwarded to the ACLU and fortunately they receive respond from the ACLU. Then the ACLU volunteers support them to appeal in the Supreme Court.

In this research the writer will examine the discrimination and racism acts towards interracial couple in film *Loving*. The writer focuses in researching what kind of discrimination act that Richard and Mildred Loving face as interracial married couple. There are two purposes of this study. The first one is to analyze the form of discrimination acts against interracial couple which reflected in the film. The second one is to analyze the impact of the discrimination acts that is found in the analysis.

2. Theoretical Framework

2.1. Interracial Marriage

Interracial marriage is the union of two intending spouses with different races. Based on the theory of Benokraitis in his book titled “Marriage, and Family: changes, choices and constraints” interracial marriage is considered as heterogamy marriage. Heterogamy marriage is a marital union where the person involved marries another person who is different in the aspect of social characteristic such as ethnicity, race and religion (Benokraitis, 1999). However, according to Lewis, Yancey and Bletzer, it is stated that the Americans support the homogamous relationship, particularly when it is involving race(Lewis, Yancey, & Bletzer, 1997). Moreover, it is also stated that racism contributes a big part in giving the social pressure to sustain the same-race marriage (Lewis, Yancey, & Bletzer, 1997). In addition to that, formal and non-formal norms that oblige people into doing same-race marriage have been the foundation to sustain this separate and unequal system (Lewis, Yancey, & Bletzer, 1997).

2.2. Racism

According to Andersen and Taylor, in a book titled “Sociology: The Essential”, racism is an idea and action which consider a racial or ethnic group or a member of that group is intellectually, socially and culturally inferior to one’s own group (Andersen & Taylor, 2013). Racism towards Black people in America was rooted back to slavery. Slavery was constructed by the idea that White people are superior to any other races (Andersen & Taylor, 2013). However, when the slavery has been abolished, the racism is still far from being disappear. It is

explained in the book several kinds of racism namely old-fashioned racism, aversive racism, institutionalized racism, and racial profiling (Andersen & Taylor, 2013). Aversive racism includes a clear refusal to meaningful policy efforts which designed to improve social conditions and practices that oppress the American race (Andersen & Taylor, 2013). Moreover, institutionalized racism means a form of negative treatment and oppression of one racial or ethnic group by existing community institutions based on the inferiority assumption of the oppressed group and one of the example of this kind of racism is racial profiling (Andersen & Taylor, 2013). One example of racial profiling is when African-American and Hispanic people get arrested significantly more often than the Whites (Andersen & Taylor, 2013).

2.3. Discrimination

In analyzing the discrimination aspect in the movie, the writer uses theory from Andersen and Taylor. They state that discrimination occurs when there is a negative and unequal treatment to the member of a social group or stratum merely they are a member of that particular group or stratum (Andersen & Taylor, 2013). In other words, discrimination is a negative or unequal action towards a person merely because that person belongs to a certain group. Discrimination can be experienced by people according to their races, gender and so on. However, in this thesis, the writer focuses on the racial discrimination towards interracial married couple.

Racial discrimination occurs when there is unequal treatment towards a person based on the race or ethnic of that particular person (Andersen & Taylor, 2013). Moreover, in the film, the kind of discrimination that is seen clearly is institutionalized discrimination. Institutionalized discrimination, as described by Feagin and Eckberg in their journal, involves organizationally or community arranged actions that by intention have a different and damaging effect on members of a subordinate group (Feagin & Eckberg, 1980). Furthermore, it is discussed in the journal the examples of institutionalized discrimination are actions and organizational rules which directing the actions (Feagin & Eckberg, 1980). Institutionalized discrimination can be in the practice of an action that is done by an organization or a community towards a person of a particular group. Moreover, institutionalized discrimination also can come in the form of policies which violate the rights of a person or group who belong to a particular race. Or another case, this policy is able to allow the authorities to act even though it violates the rights of a person who belongs to a particular race.

3. Method of The Study

The writer conducts the library research method in collecting the data to analyze the racial discrimination shown in the film *Loving* directed by Jeff Nichols. Library research according to Dorsen is “methods of data collection that don’t involve contacts between the researcher and subject” (Dorsten, 2005). Data collection technique applied in this research is identification of discourses from books, papers or articles, literature, journals, websites, or other information related to the title of the research and the researcher analyzed the data so that the researcher to conclude the issues that are being discussed.

The types and sources of data used in this research are primary and secondary data. The primary data are taken from the film of *Loving*. It consists of scenes and dialogues in the film. These data are used to support the discussion in the next chapter. Furthermore, the secondary data are data sources that used to support primary data in this research such as books, documents, articles contained on websites and internet sites, which are related to the research.

4. Discussion

4.1. Legal Discrimination

As it is described in the chapter two that institutionalized discrimination can come in the form of act that is prescribed by the community or it can be in the form of policies. In this sub chapter, the writer discusses the policies that are discriminating the interracial couple. The foundation law that is the roots of the discriminations towards the interracial couple is the anti-miscegenation law. Anti-miscegenation law is a policy that bans the interracial marriage. The policies discussed in this sub chapter are considered as legal discrimination for it violates the inherent rights of people to get married regardless the races or ethnic of intending supposes.

It is depicted in the part of the film when the sheriff arrests the Lovingcouple inside their bedroom and also the dialogue said by the Sheriff. When the Sheriff breaks into their bedroom, Richard Loving shows him the marriage certificate of Richard and Mildred's. However, the Sheriff responds it with "That's no good here." That sentence means that the interracial marriage is not allowed in the area they live in which is the Virginia

Another proof that interracial marriage is illegal in the State of Virginia depicts in the hearing. Being married for interracial couple in Virginia State is a crime since both Richard and Mildred get arrested because of it. The interracial marriage is against the Virginia Law. This arguments is supported by the dialogue said in the court scene where the officer of the court says the accused crimes

which are done by Richard and Mildred where later both Richard and Mildred plead guilty to avoid the jail sentence. The dialogue happens the the minute 00:34:37-00:35:14.

Court Officer : ... the said, Richard Perry Loving, being a white person, and the said Mildred Dolores Jeter, being a colored person, did unlawfully and feloniously, go out of the state of Virginia, for the purpose of being married in the District of Columbia, on June 2nd 1958, and afterwards returned to, and resided in the County of Caroline, State of Virginia, cohabitating as man and wife, against the peace and dignity of the Commonwealth.

Judge Bazile : How do you plead?

Richard : Guilty.

Mildred : Guilty.

(*Loving*,00:34:37-00:35:14)

The sentence "... did unlawfully and feloniously, go out of the state of Virginia, for the purpose of being married in the District of Columbia, and afterwards returned to, and resided in the County of Caroline" means that according to the law in Virginia what they do, which are getting married in the Columbia District and returning to Caroline County, are considered as unlawful felony act.

Another legal discrimination that is in the film is the penalty given by Judge Bazile. The penalty given by Judge Bazile is included in the policy from the court which should be followed by Richard and Mildred. The verdict is that both of Richard and Mildred are guilty for getting married in Washington D.C then come back to the state of Virginia to reside and cohabit as man and wife. They are given the choices whether to serve the said jail sentence or leave the state. Furthermore, the penalty is said in the dialogue said by Judge Bazile in the hearing in minute 00:35:20-00:35:46.

Judge Bazile : The court does accept the plea of guilty, and fixed the punishment of both accused at one year in jail. The court does suspend the said sentence for the period of 25 years, upon the provision that both the accused leave Caroline County and the State of Virginia at once. And do not return together at the same time.

Later on, Richard and Mildred choose to live in Washington D.C. in order to not serve the jail sentence. Washington D.C. is a district which legalize the interracial marriage. Unlike the State of Virginia where the interracial marriage is banned. There is not allowed for any white person marry another person who are not white. One of the reasonS on this different perspective between Washington D.C. policy and Virginia policy is rooted back again in the era of the civil war. Abraham Lincoln and also the people in the North America were against the slavery. They want to abolish the slavery throughout The United States of America. However, people in the south were against that idea. The people in the South want to continue the slavery. Therefore, although the slavery is over, the white supremacist is still going on there in the South.

4.2. Institutionalized Discrimination

In this sub chapter, the discussion is about the institutionalized discrimination in the form of action which is done by the authorities of Virginia State. There are several discriminatory actions which are done by the authorities of Virginia States towards Richard and Mildred Loving as interracial couple. The first discrimination act is done by the sheriff of Caroline County. The sheriff arrests Richard and Mildred Loving inside their bedroom for the crime they do which is being married in the Virginia State.

Then, the second discrimination act happens when Richard is being troubled at the time he tries to bail Mildred out from the jail. After getting arrested, Richard is bailed out and allowed to go out first but however Mildred is still in jail. When Richard is trying to bail Mildred out of the jail, the officer does not allow him. The officer told Richard that he should see the judge on Monday to bail her out. Later on, Richard is speaking to the Sheriff. The sheriff tells Richard that the authority will not let Richard to bail her out. The sheriff says that Richard should send one of family member of Mildred to bail her out. Moreover, Richard is also being threatened by the Sheriff if he tries to bail Mildred out once again. The threat is in the dialogue in minute 00:26:26-00:26:31.

Sheriff : I see you try and bail her out again I'll arrest you.

(*Loving*, 00:26:26-00:26:31)

4.3. The Lovings' Petition

The petition begins when Mildred writes a letter to General Attorney Bobby Kennedy but however, Kennedy is unable to help Mildred with the case. Therefore, the letter is forwarded to American Civil Liberties Union. After that, ACLU refers one of its lawyers, Bernard Cohen, to represent Richard and Mildred in the case. Then the legal battle starts from there.

The goal of this legal action taken by Richard and Mildred along with the ACLU is to bring the case to the Supreme Court appeal. The ACLU thinks that “this case is the potential contender to repeal the anti-miscegenation laws nationwide”. The petition at first is denied by the local judge, Judge Bazile. He states his reason that:

“Almighty God created the races white, black, yellow, malay and red and he placed them in separate continents. And but for the interference with his arrangement there would be no cause for such marriage. The fact that he separated the races shows that he did not intend the races to mix.”

(Loving, 01:24:26-01:24:42)

Therefore, the Lovings with ACLU appeal that decision to the state Virginia Supreme Court. Later on, the Virginia Supreme Court also rules against the Lovings. The last step in this legal battle will be bringing this case to the Supreme Court of United States. However, before the case is brought to the Supreme Court of United States, both of The Lovings' attorneys think that the profile of this case needs to be raised. Therefore, the attorneys think that it is a good idea to put the story of Richard and Mildred in the LIFE magazine for the people in the United States should know.

The goal of this report on LIFE magazine is to bring people attention on this case. Another reason of this action is to raise the awareness that the law that bans the interracial marriage brings misery to those interracial couple in the United States of America. However, not only positive responds that are gained by this report on LIFE magazine. There is also the negative one which is Richard is being terrorized by anonymous person. The first terror is when Richard finds a brick wrapped with the LIFE magazine page about him and Mildred inside his car. the second one is where he is being followed by a car on his way back home. After being terrorized, Richard feels uncomfortable when there are reporters coming to his house to do an interview. However, Mildred is able to convince him that these interviews bring advantage for them. It can be seen through the dialogue below:

Richard : I don't want those people here. I'm done with all these cameras.

Mildred : Well, I think it's important. These people want to help us, Richard.

(Loving, 01:37:00 – 01:37:13)

Then finally, the appeal is brought to the United States Supreme Court. Later on, the United States Supreme Court agrees to hear the case which is Loving versus Virginia.

4.4. The Success of The Petition

Finally, the United States Supreme Court of America grants the appeal of Richard Loving the case Loving v. Virginia. The United States Supreme Court

declares that marriage is included in the civil rights. Moreover, the United States Supreme Court decides that it is illegal to ban a marriage based on the race of the intending spouses. It depicts in the ending of the film *Loving* which there is a text written “Loving v. Virginia made the prohibition of marriage based on race unconstitutional. The Supreme Court stated that marriage is an inherent right” (Nichols, *Loving*, 2016).

5. Conclusion

In conclusion, there is indeed racial discrimination done towards interracial marriage in the film *Loving*. The racial discrimination is categorized in institutionalized discrimination. It comes in both action and also policies that are published by the authorities. The action that is discriminative towards the interracial marriage is that the sheriff arrests the interracial married couple for the crime they do which is being married. The legal discrimination that is done towards the interracial marriage is the court ruling that punished interracial married couple. The local judge decides to give the policy to force Richard and Mildred leave from the Virginia State if they want to be married still.

However, after the legal effort done by Richard and Mildred along with the ACLU, the legal discrimination is now considered unconstitutional according to the United State Supreme Court. For the United States Supreme Court grants the appeal of Richard Loving in the case *Loving v. Virginia*. People of the United States are now allowed to marry their partner regardless what races they are belong to.

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