

The Architecture of Desire: How the Law Shapes Interracial Intimacy and Perpetuates Inequality, Solangel Maldonado [NYU Press, 2024, 240pp, £29.99 (hardback)]

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Desire is messy, elusive, and exciting. What we desire in those whom we form romantic or sexual relationships with, or why we desire them in the first place, remains an emotionally fraught subject. Mainstream popular culture presents our desires as natural or metaphysical, outside the realm of politics. For individuals who feel affirmed by their sexual desires, it can feel discomfiting or even dangerous to put those desires under a critical social microscope. Desires and intimacies, however, are political. Critical feminist, queer, race, disability, and Marxist scholars, too many to name in this brief review, have drawn attention to how desires (sexual, romantic, consumer, platonic) are shaped by political norms and social environments.

In *The Architecture of Desire: How the Law Shapes Interracial Intimacy and Perpetuates Inequality*, Solangel Maldonado details how romantic preferences and possibilities, for those seeking long terms relationships, are conditioned by racist laws. In essence, Maldonado seeks to uncover how “the law limits, on the basis of race, individuals’ prospects for committed relationships, and this, in turn, constrains opportunities for economic and social mobility” (6). Scholarly accounts of desire are well-developed in disciplines like behavioural economics, neuroscience, sociology, cultural studies, and philosophy. Maldonado offers a unique contribution to this interdisciplinary field by seeking to use legal history and doctrinal analysis as tools to understand individual dynamics of racial preferences and how they enable long-term romantic relationships. By analysing racialised forms of intimacy through particular scenes of law (anti-miscegenation statutes, zoning ordinances, educational policies), Maldonado navigates desire through individual, interpersonal, and institutional forms of racism. This allows readers to consider the possibilities of using law to remedy these different forms of racism.

Chapter 1 offers a snapshot into how the “dating market” in the United States is structured by racialised, gendered hierarchies of sexual desirability. Maldonado examines a rich array of social science literature on interracial coupling to detail how cross-racial pairings

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(in both opposite-sex and same-sex relationships) are determined by social meanings associated with skin tone, educational status, familial acceptance, and cultural status. These meanings materialise through racial signifiers that differentiate between White, Black, Latino/a/x, and Asian men and women (non-binary is not explicitly considered). For example, anti-Black racism and misogyny positions African American women as “emasculating, domineering, and angry” and renders them undesirable in the American dating market (32).

In Chapter 2, Maldonado historicises the social meanings of race described in Chapter 1 by detailing the legal regulation of interracial intimacy. Through a close reading of US case law from the 17th century to 20th century, she notes that “law was, and is, at the centre of our intimate preferences” (38). From shifting constructions of “whiteness” in immigration and citizenship law to how marriage law produced racialised differences between White, Black, Mexican, Asian, and Indigenous groups, Maldonado illustrates how different laws inflicted stigmatic harms on racialised groups and also how those racist stigmas functioned spatially to keep racialised groups physically apart.

Chapter 3 then considers the contemporary era and how US constitutional law sets the parameters for remedying racial stigmas. Judicial decisions have struck down bans on interracial marriage and segregation in schools on the basis that such measures violate equality guarantees. States have legislated anti-discrimination measures to sanction racial exclusions in public accommodations like housing and workplaces. However, the dating market remains free from such legal scrutiny. Maldonado notes the clear constitutional interest individuals have in pursuing “intimate associations” free from state regulation (which is why private clubs and homes are removed from the remit of anti-discrimination laws). However, she queries whether that freedom from regulation should extend to dating platforms (Grindr, Tinder, Match.com) that facilitate sexual and romantic relationships, especially where those platforms enable racist sorting through the use of race filters (79-90).

By examining the persisting effects of racist laws, Chapter 4 takes the reader through a selective tour of current zoning practices, housing covenants, and school eligibility criteria to contextualise how racialised groups are spatially separated. While these examples might seem unrelated to matters of romance or marriage, Maldonado argues that this segregation “perpetuate[s] physical and psychological distance between racial groups and limit[s] opportunities for interracial relationships” (99).

Chapter 5 explores the psychological, social, and economic consequences of racial preferences. Racialised people who are deemed sexually undesirable, such as Black women

who are stigmatised as emasculating to heterosexual men or Asian men who are stigmatised as effeminate or asexual to gay men, experience the “psychic injury” of having their racial identity degraded through sexual rejection (119). There are also social and economic harms, as individuals deemed undesirable for relationships, are denied the social recognition and economic benefits that come with marriage (123).

In Chapter 6, Maldonado returns to law to think about possibilities of interracial repair. She emphasises the “limits of law” in shaping desire and acknowledges that any regulation needs to be tailored carefully to minimise the consequences of racial domination (130, 132). Drawing on race discrimination laws that regulate the conduct of real estate (when selling homes) and adoption (when placing children) agencies, Maldonado argues that dating platforms should be subject to similar state regulation. Returning to the structural racism discussed in Chapters 2 and 4, Maldonado posits reform to end segregationist housing policy and school assignments while cultivating more inclusive public infrastructure (public transport, college campuses).

The Architecture of Desire is a provocative and fascinating text. Weaving legal history and doctrinal analysis with social science literature on dating and relationships illuminates how desire has individual, interpersonal, and institutional dimensions. These dimensions are racialised through legal and political architectures. In reading the text, I could feel Maldonado’s scholarly desire to expose and repair the racism present in the most intimate aspects of our lives. This is deftly achieved through the combination of emotional personal vignettes with quantitative social science insights and legal analysis that foregrounds the materiality of racism in the search for love and belonging.

Yet, we should be cautious about embracing law as a political means of ameliorating the harmful consequences of racist desires. As abolitionist scholars remind us, we need to think against (not with) punitive legal processes as we pursue greater accountability. Maldonado makes this concession, but in prioritising the law as a way of understanding racist desires, her argument risks occluding the social and political dimensions of racist desires and the social and political means of repair.

While reading the book, I also felt a slight discomfort at how the pressing harms of racism and intimacy inequalities were indexed primarily through the institution of marriage. Maldonado makes clear that she does not idealise marriage. However, the examination of racial preferences as inhibiting access to marital opportunities and securities eclipses consideration of how racism undermines other kinship opportunities. What might be gained if

we conceived of interracial intimacy outside sex, romance, and reproduction? What if we imagined kinship arrangements that did not revolve around the hetero/homo nuclear couple? How might we use the anti-racist analysis in this book to not only to confront the racism of our individual desires but also to rethink the institutionalised form of marriage and its racist consequences (as they exist in the US and elsewhere)? These questions warrant further scholarly attention.

The Architecture of Desire is an engaging and timely book. Maldonado offers a sharp account of the racist entanglements of desire, dating, and law in the US and how we might confront them.