

“Intermarriage”

Why we study Intermarriage

Family systems reproduce race by insisting upon endogamy, or marriage within the group. Racial intermarriage, the opposite of endogamy, tends to undermine racial barriers. In any society in which race is important, racial intermarriage will be a focus of legal, social and political interest. As the United States has been a society deeply divided by race from its very beginning as a nation in which slavery was practiced, the issue of intermarriage has always been important in the United States.

The Racial Caste System and the 19th Century: Intermarriage as the Implicit Threat

Before the civil war, the vast majority of blacks in the United States were slaves. Although there had always been some sexual relationships between white (male) slave owners and black (female) slaves, white society worked diligently to make these relationships invisible. White American society adopted what they called the “one-drop rule,” which meant that anyone with as much as “one drop” of nonwhite blood could not be considered white. By legal definition, if a white slave master made a black slave pregnant, her child was black (due to the “one-drop rule”) and a slave as well. Formal marriage was generally not possible among slaves (because slaves had no legal standing), and therefore formal marriage between free whites and slaves was also impossible.

One irony of the one-drop rule was that it was created to clarify racial distinctions but the rule left white racial status always vulnerable. The discovery of some previously unknown brown or dark ancestor (or even an ancestor who was remembered by someone as dark), would rob all descendants of their whiteness, and therefore of their property and their rights.

With the emancipation of the slaves at the end of the Civil War, white society was suddenly confronted with blacks as legal equals, at least in theory. White elites professed a horror at the possibility of social mixing on an equal footing with blacks, and the deepest horror was preserved for the most intimate type of mixing, intermarriage. In the 1864 presidential election, while the Civil War was still raging, proslavery newspaper editors in New York promulgated a hoax which implied that Abraham Lincoln and the abolitionists in the North were secretly hoping to marry blacks to whites on a mass scale. The proslavery hoax coined the term ‘miscegenation’ for racial intermixing and intermarriage, and such was the fear of intermarriage that white voters in the North had largely abandoned Lincoln’s reelection campaign until battlefield victories ensured his reelection.

Racial intermarriage was feared by whites for several reasons. First, a white person who married a black person was throwing their lot in with black society in more than just a symbolic way. Such a gesture was sure to be a blow to the social standing of the white person’s family (raising questions about whether they were really white after all), so families worked diligently to ensure that their children understood that interracial marriage was taboo. Second, interracial marriage created the possibility that black descendants could inherit property from white families. Third, 19th century intellectual justifications for racial differences emphasized the theory that blacks and whites were

different biological species, a theory which implied that an interracial couple could not reproduce, or that the offspring of a black-white union would necessarily be weak of mind and body. Although there was plenty of evidence that blacks and whites had reproduced successfully, the informality of liaisons during slavery allowed that evidence to be overlooked. Interracial marriages were such a threat to the racial order that in the aftermath of the Civil War many states hurried to pass laws making interracial marriage illegal, and these laws were commonly referred to as antimiscegenation laws. The state laws against interracial marriage varied as to which groups were prohibited from marrying which other groups, but every such law prohibited blacks from marrying whites.

Intermarriage in the Law in the 20th Century

The 20th century brought several changes which made intermarriage more acceptable and common, and which undermined the racial caste system of the US. The first great black migration North, around the time of World War I, brought several million blacks into Northern states which had never had laws against racial intermarriage, in part because these Northern states had never had very many black residents. Residential segregation grew in the North as black neighborhoods and ghettos grew, and as whites found ways to limit their social exposure to blacks.

Racial intermarriage between blacks and whites did not begin to increase in the US until after World War II, and with the fastest rise coming after 1960. During World War II, the United States mobilized its entire society to fight fascism. The atrocities of Nazi Germany served to discredit ideas of white biological superiority, which had been used to justify anti-intermarriage laws and other discriminatory legislation.

In the aftermath of World War II, citizens challenged the anti-intermarriage laws in state courts. In 1948, in *Perez v. Sharpe*, the California Supreme Court was the first court to strike down its state anti-intermarriage law as unconstitutional. A dozen states followed California's lead and retired their laws against racial intermarriage, but several other states, mostly the states of the old Confederacy, strengthened their anti-intermarriage laws as a way of demonstrating their fealty to the old racial caste system, and their discomfort with black demands for civil rights. In 1967, in *Loving v. Virginia*, the United States Supreme Court unanimously declared that all the remaining state laws and state constitutional provisions which prohibited intermarriage by race were unconstitutional, and therefore unenforceable. The anti-intermarriage laws remained on the books, unenforced, for decades until the last of the laws was finally rescinded by a popular referendum in Alabama in 2000. The narrowness of the referendum (with a substantial proportion of whites casting ballots in favor of allowing the unconstitutional and unenforceable anti-intermarriage law to remain on the books), demonstrated that even decades after *Loving*, white discomfort with racial intermarriage remained strong in some parts of the United States.

Classic Literature about Intermarriage in the United States

Ruby Jo Reeves Kennedy was the first researcher in the United States to make a careful study of historical data on intermarriage trends. Kennedy used marriage license data from New Haven to support an argument that the United States was not a single

melting pot, into which all ethnic groups were poured and mixed, but rather a triple melting pot with strong religious divisions between Catholics, Protestants, and Jews. Kennedy's vision of a religiously divided society has been influential even though her own data tables belied her conclusions. Of Kennedy's original sample of more than 9,000 marriage records from New Haven for 1870-1940, there were hundreds of religious intermarriages, but only five marriages between whites and blacks. Racial intermarriage had never been illegal in Connecticut, but Kennedy's data showed (and subsequent analyses of census data have reconfirmed) that racial intermarriage was vanishingly rare in the past even where it was legal. The small number of racial intermarriages precluded analysis, so Kennedy ignored the issue of race and focused on religious intermarriage. Because the United States Census and other official federal surveys have generally not included questions on religion, meaning that newer data is not easily available, Kennedy's work on religious intermarriage and the triple melting pot continues to be influential (the March, 1957 Current Population Survey did include several questions on religion, but the individual level data were never released to the public).

Milton Gordon's extended essay on *Assimilation in American Life* is another pioneering and often cited work about intermarriage. Gordon argued that widespread intermarriage between an immigrant group (and their descendants) and the dominant native group was both a powerful force for greater assimilation and a sure sign that the final stages of assimilation had already taken place. Gordon was impressed with how the early twentieth century immigrants, chiefly southern and eastern European immigrants, had managed to assimilate into American society, and specifically into white American society. The Poles, Italians and Greeks (among others) had faced a great deal of discrimination in the United States when they first arrived, but somehow over the course of three generations they managed to become integral parts of the dominant white ethnic group. Gordon reasoned that frequent intermarriage between the early 20th century immigrant groups (such as Italians, Poles, and Greeks) and the already established white ethnic groups (English, Germans, Irish) was a clear sign that southern and eastern European national groups had assimilated into white America.

Hannah Arendt's essay "Reflections on Little Rock" is a final and rather controversial statement about the important place of intermarriage rights within the pantheon of civil rights. Arendt's essay was written in the aftermath of the forced integration of public schools in Little Rock, Arkansas, in 1957. Arendt argued that the civil rights establishment was wrong to force the issue of integration (and its inevitable backlash) upon children, who were in no way responsible for racial segregation in the first place. In Arendt's view, the right to marry the person of one's choice was a more fundamental human right than the right to attend a racially integrated school. The civil rights movement in the 1950s and the 1960s saw school integration and economic issues such as the elimination of workplace discrimination as much more important issues to tackle than anti-intermarriage laws. The reasoning of civil rights leaders was that all children attend school, and nearly all adults work at some point, but the number of individuals who were affected by bans on racial intermarriage was thought to be so small as to make the issue of anti-intermarriage laws one of secondary importance. In addition, white hostility towards intermarriage was thought to be so virulent that civil rights leaders feared that a white backlash against intermarriage could possibly overwhelm civil rights gains in other areas such as workplace and school integration.

Arendt's position, and the debate over the place of intermarriage rights among all human rights, are both increasingly relevant in the early 21st century as the United States grapples with the politically charged issue of same-sex marriage. In the legal debates over same-sex marriage, interracial marriage and specifically the *Loving* decision are the key precedents. While the legality of racial intermarriage was conclusively decided in 1967 in the *Loving* case, the meaning of marriage rights and the openness or exclusiveness of state-defined marriage rights remain an important issue.

-Michael J. Rosenfeld

See also Civil Rights Movement, *Loving v. Virginia*, Miscegenation Laws, One-Drop Rule.

Further Readings:

Arendt, Hannah. 1959. "Reflections on Little Rock." *Dissent* 6:45-56.

Davis, F. James. 1991. *Who is Black? One Nation's Definition*. University Park, PA: Pennsylvania State University Press.

Gould, Stephen Jay. 1996. *The Mismeasure of Man*. New York: W.W. Norton.

Gordon, Milton. 1964. *Assimilation in American Life: The Role of Race, Religion, and National Origin*. New York: Oxford University Press.

Heer, David. 1980. "Intermarriage." Pp. 513-521 in *Harvard Encyclopedia of American Ethnic Groups*, edited by Stephan Thernstrom, Ann Orlov, and Oscar Handlin. Cambridge, Mass.: Belknap Press.

Kaplan, Sidney. 1949. "The Miscegenation Issue in the Election of 1864." *Journal of Negro History* 34:274-343.

Kalmijn, Matthijs. 1998. "Intermarriage and Homogamy: Causes, Patterns, Trends." *Annual Review of Sociology* 24:395-421.

Kennedy, Ruby Jo Reeves. 1944. "Single or Triple Melting Pot? Intermarriage Trends in New Haven, 1870-1940." *American Journal of Sociology* 49:331-339.

Moran, Rachel. 2001. *Interracial Intimacy: The Regulation of Race and Romance*. Chicago: University of Chicago Press.

Romano, Renee C. 2003. *Race Mixing: Black-White Marriage in Postwar America*. Cambridge, Mass.: Harvard University Press.

Rosenfeld, Michael J. 2007. *The Age of Independence: Interracial Unions, Same-Sex Unions, and the Changing American Family*. Cambridge, Mass.: Harvard University Press.

Spickard, Paul. 1989. *Mixed Blood: Intermarriage and Ethnic Identity in Twentieth-Century America*. Madison: University of Wisconsin Press.

Wallenstein, Peter. 2002. *Tell the Court I Love My Wife: Race, Marriage and Law- An American History*. New York: Palgrave Macmillan.