

What Comes Naturally: Miscegenation Law and the Making of Race in America. By Peggy Pascoe. New York: Oxford University Press, 2009. 404 pp. \$34.95 cloth.

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In this important book, historian Peggy Pascoe invites readers to look more closely at how miscegenation laws facilitated the construction and reinforcement of racial categories in the United States following the Civil War, when the term “miscegenation” was coined, through the mid-twentieth century. The result is a complex historical narrative that links together race, sexuality, and gender in a way that should appeal to a broad multidisciplinary audience. Laws banning interracial marriages were the last visible symbols of America’s Jim Crow era, surviving more than a decade after *Brown v. Board of Education* (1954) signaled the end of legalized racial segregation.

Since many Americans bought into the false notion that interracial unions were “unnatural,” periodically Pascoe reminds readers that some early interracial unions were permitted when their existence facilitated the property interests of white men.

When these economic interests had been served, many states prohibited all interracial unions. Ultimately, Pascoe argues, miscegenation laws became a “foundation for post-Civil War white supremacy,” manipulated to meet changing political agendas (p. 3).

Hers is a cautionary tale about the social and legal history of these laws and the legal institutions at all levels of government that enforced them. Because the mere existence of miscegenation laws was insufficient to maintain white dominance, it fell to courts and state legislatures to define and thereby “produce” race. Once the legal status of these laws seemed secure, mechanisms were needed to assure their enforcement. County clerks, law enforcement officials, and keepers of vital statistics became “race definers” and “race police.”

Pascoe’s exploration of miscegenation laws is expansive, incorporating and interweaving the application of these laws to marriages and sexual liaisons between whites, blacks, Asians, American Indians, Mexicans, and Hawaiians. She interlaces this narrative with stories about the personal lives of interracial couples caught in laws that had a chillingly widespread impact on their lives. She writes, “The mere possibility that miscegenation law might become an issue in any given case, and in such a wide variety of situations, gave interracial couples reason to fear even the most routine appearance in court” (p. 137).

The first half of the book explores the evolution of miscegenation laws from 1863 to 1948. Each chapter tells a story complete enough to stand alone. The narrative is full of details and connections that even some readers familiar with the literature on miscegenation laws may not know. Pascoe’s thoroughness in these early chapters, however, often results in repetition of detailed

information fully discussed in earlier chapters. Her fluid narrative style is more apparent in the second half of the book, which focuses on the fight to invalidate these laws.

The chapters comparing and contrasting the ambivalence of black civil rights organizations like the NAACP with the activism of the ACLU and the Japanese American Citizens League (JACL) in fighting these laws are significant contributions to the literature. Too often the story of miscegenation is told only in terms of black and white. Fearful that involvement in early efforts by the ACLU and JACL challenging restrictions on interracial marriage would undercut its campaign to eliminate segregated schools, the NAACP refused to participate. However, when the NAACP was ready to challenge these laws in the 1960s, the JACL declined to join because the initial challenge was to a law that prohibited interracial sex, not marriage. The JACL's efforts had avoided the question of "illicit sex" by focusing on the "respectable" institution of marriage.

Pascoe ends her book with a very short chapter on the legacy of *Loving v. Virginia* (1967), the Supreme Court decision that declared miscegenation laws unconstitutional. Loving's legacy, according to Pascoe, is somewhat mixed. A growing multiracial movement celebrates the decision, and proponents of same-sex marriage invoke the decision, analogizing restrictions on interracial marriages with restrictions on same-sex marriage. But she warns that political descendants of miscegenation proponents also invoke *Loving* to challenge the remedial use of racial categories. Her point about the reconstituting of color blindness by racial conservatives is made fleetingly, unlike the more developed preceding chapters. This is an important but minor point for a book that is looking backward, so her brief treatment seems appropriate.

What Comes Naturally is an insightful and satisfying book. Pascoe's conclusion, recounting the fight to repeal miscegenation provisions in the constitutions of Alabama and South Carolina at the end of the twentieth century, speaks volumes about the persistence of miscegenation's hold on this country in the postracial era. While public acceptance of interracial marriage has increased significantly, these unions still constitute only 5.4 percent of all marriages in the United States today (p. 295). Old misconceptions and biases die hard.

Cases Cited

Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).
Loving v. Virginia, 388 U.S. 1 (1967).