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In 1931 George Samuel Schuyler (1895-1977) published the first successful satirical novel in African American literature. Entitled *Black No More*, the novel centers around Dr. Junius Crookman, an African American doctor who invents an electronic treatment that will “change Black to White in three days,” and promises, in Crookman’s view, to cure the race problem in America. A former numbers racketeer, Hank Johnson, helps the doctor promote his invention. Together they establish a chain of extremely successful “Black-No-More” clinics throughout the United States. As the African American population begins to vanish, entrepreneurs of both races face potential economic ruin because slums cease to be profitable business investments. It is no longer necessary to enforce the Black Codes, and poor white southerners awoken to the sudden reality that they are at the bottom of the social hierarchy.

As the months and years pass and the African American population becomes almost extinct, black children are born to ostensibly white couples with greater and greater frequency. Although these offspring can themselves be transformed into whites through Dr. Crookman’s treatment, their black infancy is a source of embarrassment to many of their parents. The rapid disappearance of African Americans causes social, political, and economic upheavals that lead to panic and paranoia across the nation. Meanwhile rabid racists go insane trying to determine who is a former black. Eventually the Black-No-More organization is pressured into shutting down.

The climax of Schuyler’s satire comes when Dr. Crookman, appointed Surgeon General by a Republican administration, publishes the results of his study comparing “original” whites with “converted” whites. To Dr. Crookman’s amazement his findings indicate that it **is** still possible to distinguish between the two types of whites: The “converted” whites are “two to three shades lighter” than the “original” whites. Schuyler comments on the irony of the situation and offers a rationale for the demise of the Black-No-More organization:

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To a society that had been taught to venerate whiteness for over three hundred years, this announcement was rather staggering. What was the world coming to, if the blacks were whiter than the whites? Many people in the upper class began to look askance at their very pale complexions. If it were true that extreme whiteness was evidence of the possession of Negro blood, of having once been a member of a pariah class, then surely it were well not to be so white! . . .

A Dr. Cutten Prodd wrote a book proving that all enduring gifts to society came from those races whose skin color was not exceedingly pale, pointing out that the Norwegians and other Nordic peoples had been in savagery when Egypt and Crete were at the height of their development. Prof. Handen Moutthe, the eminent anthropologist (who was well known for his popular work on *The Sex Life of Left-Handed Morons among the Ainus*) announced that as a result of his long research among the palest citizens, he was convinced they were mentally inferior and that their children should be segregated from the others in school. Professor Moutthe's findings were considered authoritative because he had spent three entire weeks of hard work assembling his data. Four state legislatures immediately began to consider bills calling for separate schools for pale children. Those of the upper class began to look around for ways to get darker. It became the fashion for them to spend hours at the seashore basking naked in the sunshine and then to dash back, heavily bronzed, to their homes, and, preening themselves in their dusky skins, lord it over their paler, and thus less fortunate, associates. Beauty shops began to sell face powders named Poudre Negre, Poudre le Egyptienne and L'Afrique.²

Now the roles in the racial hierarchy are reversed; the "converted" whites have become pariahs and the social apparatus created to deal with the "Negro Problem" has to be reconstructed to deal with the "white problem." Schuyler wryly suggests that the solution is quite simple: African Americans must not only adopt European American culture but must literally disappear as a distinct racial group. Unfortunately, because American culture depends on racial hierarchy for its very identity, it is necessary to create a new racial hierarchy in order to maintain the nation's social, political, and economic equilibrium.

The Eurocentric sensibility that Schuyler satirizes emerged with Europe's rise to global dominion in the fifteenth century and has dominated Western thought and behavior ever since. Part I of this book, "White over Black," examines the relationship between modernity, colonialism, and the emergence of the Eurocentric paradigm, which is based on European scientific and technological domination on an unprecedented scale. Beginning in the fifteenth century, Europe became the center of a global civilization through its imperialist program of exploration and exploitation of non-Western "Others." The ideology underlying this program of expansion and domination presumes the superiority of European values and customs, and rationalizes their imposition on "the Other" as a beneficial "civilizing" process.

Chapter 1 explores the relationship between modernity and the Eurocentric paradigm and emphasizes the implications of white racism and white supremacy for

the non-Western “Other,” particularly people of African descent. Chapter 2 discusses the impact of white supremacy on racial formation in the United States, where European Americans, in order to preserve both their cultural and racial “purity” and their dominant status, enforced the one-drop rule. This social mechanism relegated multiracial individuals to the subordinate group by designating as “black” all those with any African ancestry. The one-drop rule perpetuated a binary racial system in which people are defined as either/or, black or white. The impact of the one-drop rule reached a draconian extreme with the institutionalization of Jim Crow segregation in the late-nineteenth-century American South.

Historically, the one-drop rule has created unique identity issues for people of both European American and African American traceable descent. Most of them, having been designated “black” by the social and cultural norms of white society, have identified themselves as black, although a significant minority has resisted this designation. European American control over the boundaries between black and white, between dominant and subordinate, has therefore been relative. I examine this “resistance” and provide the first in-depth study of multiracial identity as part of the ongoing sociohistorical process of racial formation, as outlined by sociologists Omi and Winant’s *Racial Formation in the United States from the 1960s to the 1990s* (1994). Drawing on this racial formation theory, I propose multiracial identity as a racial “project” that is simultaneously a cultural and political initiative directed at challenging institutions, policies, conditions, and rules directly and indirectly based on the one-drop rule.

The formation of a multiracial identity can be characterized broadly according to two basic strategies of resistance, both of which challenge the dichotomization of blackness and whiteness that originates in Eurocentric thinking. Both of these strategies also resist institutional policies and structures and challenge social attitudes that uphold the one-drop rule and the binary racial project. However, one strategy uses Eurocentric dynamics to its own advantage by maintaining the hierarchical valuation of whiteness over blackness. The other strategy reflects a “new multiracial identity,” which deconstructs the Eurocentric dichotomy as well as the hierarchical valuation of blackness and whiteness as mutually exclusive and unequal. Given the longstanding tension in black-white relations, this new multiracial identity may be viewed as a positive development as the United States enters the new millennium.

Part II, “Black No More,” analyzes resistance tactics that have maintained the hierarchical valuation of whiteness over blackness. The “Black-No-More” strategy was motivated by the legal system of segregation that sought to control the potential threat to white dominance posed by individuals of African descent. Generated by racist pressure that has rewarded whiteness and punished blackness, this strategy therefore has been a means of avoiding racial social stigma and a reaction to the denial of white racial privilege that comes with European ancestry. I argue, nonetheless, that

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this strategy brings into sharp focus the illogic of the one-drop rule, which deemed as inferior individuals who were culturally, and in many cases phenotypically, different from whites in name only.

Chapter 3 examines strategies of resistance such as “passing.” This is a radical form of integration whereby individuals with a European phenotype and cultural orientation turn their backs on their African heritage, temporarily or permanently, in order to enjoy the privileges of “whiteness.” Compared to overt battles against racial inequality, passing may appear to be a form of opportunism, or selling out. When viewed on a spectrum of tactics, however, it is clear that passing is an underground tactic, a “conspiracy of silence” that seeks to beat racial discrimination at its own game. This chapter also explores such forms of resistance as the formation of blue-vein societies, which were pluralistic elites within the African American community. Membership in these societies was determined by individuals’ phenotypical and cultural resemblance with European Americans. By re-creating the dominant European American image within the subordinate group, these societies sought to distance themselves from common stereotypes of blacks. At best these societies created the illusion of having escaped the taint of subordinate group status; they never actually achieved equality with whites. Yet both the formation of blue-vein societies and the strategy of passing contested the black-white dichotomy and thus subverted the one-drop rule, even if neither actually overturned it.

Chapter 4 looks at other strategies of resistance, including the formation of enclaves on the periphery of both the African American and European American communities, such as “triracial isolates” and Louisiana Creoles of color. The term “triracial isolates” refers to some two hundred rural communities scattered throughout the eastern United States, particularly the South, inhabited by people who are a blend of European, African, and Native American ancestry. Like the blue-vein societies, they are pluralistic in nature. But while the blue-vein societies formed an urban elite within the African American community, triracial isolates live apart from both blacks and whites in communities on the fringes of villages and towns, or in isolated rural enclaves. What these triracial communities have in common are less actual cultural bonds than their refusal to accept the one-drop rule. Most of them affirm only two components—Native American and European American—if they acknowledge their multiracial ancestry at all. In this sense, their self-definition appears to be more reactionary than revolutionary.

During the colonial period, the experience of multiracial individuals in the lower South (“Latin” North America), particularly Louisiana, differed from that in the North and upper South (Anglo-North America). This region, which was settled by the French and Spanish, was more tolerant of miscegenation. Although there were legal barriers to interracial marriages, rape, temporary extramarital relations, and extended concubinage and common-law unions between white men and women of color were approved, if not encouraged, by prevailing, unwritten mores. In addi-

tion, Europeans in the region granted multiracial individuals (commonly referred to as Louisiana Creoles of color) an intermediate status and privileges inferior to those of whites but superior to those of blacks. These comparatively more favorable circumstances changed when Louisiana was annexed by the United States in 1803. The U.S. occupation of Louisiana, and the implementation of the one-drop rule in that region, reversed the intermediate status Creoles of color had maintained under the French and Spanish regimes. With Anglo-North Americanization, Creoles of color began the long quest to preserve their intermediate status, as they watched Louisiana's racial order become polarized into black and white.

Ultimately multiracial individuals in Louisiana were relegated to the subordinate status of blacks, deprived of citizenship, politically disenfranchised, and eventually segregated from European Americans. It is no accident that the implications of blackness in U.S. jurisprudence played themselves out in Louisiana in the landmark 1896 Supreme Court decision involving a Creole of one-eighth African American descent, Hommere Plessy. In *Plessy v. Ferguson* the Court conceded that the legal definition of blackness varied from state to state and was thus beyond its jurisdiction. It nevertheless took brief "judicial notice" of what was assumed to be racial common sense: An African American was anyone with any amount of African American traceable descent. *Plessy* set a judicial precedent for future rulings on legal definitions of blackness. It also established Jim Crow segregation in public railway transportation and, shortly thereafter, in public facilities and schools.

The Louisiana Creoles of color and triracial isolates challenged the social inequities associated with being designated African American, as did the blue-vein societies. But they often sought to achieve this goal through the formation of communities "outside" the social and cultural parameters of the African American community. The blue-vein societies used their racial and cultural whiteness to challenge the legal liabilities that came with being designated black. But these elites did see themselves, however tenuously, as part of the larger African American community. They sought to maximize legal rights for African Americans without at the same time necessarily seeking to overturn official definitions of race. Their goal, though this was not always made explicit, was to redistribute resources and social goods (e.g., educational, political, and economic benefits) along racial lines. In their pursuit of this goal individuals contested the construction of blackness and whiteness but supported the racial hierarchy in order to maintain their own racial privilege. In addition, the triracial isolates and Louisiana Creoles of color created alternative third identities (or ternary racial projects) that actually destabilized the American binary racial project. Although these communities did not in fact dismantle the one-drop rule they were successful, to varying degrees, in breaking it.

The purpose of the one-drop rule was to draw boundaries between black and white, assert the superiority of whiteness, and deny equality to African Americans. It also had the unintended consequence of encouraging group identity among those

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designated as black, which enabled blacks to organize and eventually culminated in the civil rights movement of the 1950s and 1960s. The civil rights movement dismantled Jim Crow segregation and achieved the passage of historic legislation that dissolved legal (if not de facto) racial discrimination and inequality, including the last laws against interracial intermarriage in 1967 (in *Loving v. Virginia*). The *Loving* decision and the comparatively more fluid social relations that followed it led to growth not only in the number of interracial marriages but also to the birth of “first-generation” (or biracial) offspring. Eventually many interracial couples began challenging the one-drop rule by instilling pride in their children about their multiracial identity.

The carriers of this new identity are primarily these “first-generation” individuals, but they also include a smaller number of “multigenerational” persons. “First-generation” individuals have one parent who is both socially and self-designated as black and one who is socially and self-designated as white, regardless of these parents’ actual racial genealogy. “Multigenerational” individuals have parents, or even generations of ancestors, who have been viewed as black by society although their backgrounds include African American, European American, and other ancestries (particularly Native American); these individuals, and/or their parents and ancestors, have resisted identifying solely with the African American community. By the 1990s, the growing population of black-white interracial couples, as well as “first-generation” and “multigenerational” individuals of African American and European American descent—along with other intermarried couples and multiracial-identified individuals from various racial backgrounds—began lobbying for changes in official racial designations that would make possible a “multiracial” identification.

Part III, “More Than Black,” describes the configuration of this new multiracial identity. In Chapters 5 and 6 I argue that the motivation behind this identity differs significantly from previous strategies of resistance. In previous racial projects individuals subverted or broke the one-drop rule by embracing their European American ancestry as a means of gaining social advantage. The “more-than-black” strategy reflected in the formation of a new multiracial identity seeks to dismantle the one-drop rule altogether. This identity thus deconstructs the dichotomization of blackness and whiteness, as well as the hierarchical relationship between these two categories of experience. Its goal is to rescue racial identities from distortion and erasure by incorporating both African American and European American backgrounds. Individuals who display this identity recognize the commonalities between blacks and whites (integration), but at the same time appreciate the differences (pluralism). The new multiracial identity, as one of the fruits of the civil right movement of the 1950s and 1960s, thus builds on the egalitarian, pluralist tenets of the racial movements of the 1960s, which sought to achieve the equality of difference. It also resuscitates the integrationist goals of the 1950s—which were rejected because

of their assimilationist implications—by simultaneously seeking to replace this hierarchical integration with a more egalitarian dynamic.

Chapter 7 analyzes the debate that emerged between 1988 and 1998 surrounding multiracial identity, generally speaking, and, more specifically, the collection and reporting of data on multiracial-identified individuals on the decennial census. Some of the most important information relating to that discussion is presented for the first time in this book in the form of data collected through observation of the public behavior of students at the University of California at Los Angeles, Santa Barbara, and Santa Cruz, and that of individuals in attendance at support group meetings and conferences on the subject of multiracial identity. It also includes data obtained through observation as a member of the advisory board of the Association of MultiEthnic Americans (AMEA) and former advisory board member of Project RACE (Reclassify All Children Equally, 1992-1997). These two organizations have sought to revise the collection of official racial and ethnic data to make possible a multiracial identification. My analysis also draws on secondary literature, along with data obtained from academic journals, the popular print media—news-papers, magazines, and the internet—television and radio, U.S. Congressional hearings on racial census categories, *Federal Register* reports, and 1990 census data tabulations (available through the Statistical Information Office, Bureau of the Census).

In particular, my analysis of the census debate takes up the question of African American opposition to multiracial identity. Many African Americans have argued that the one-drop rule, although originally oppressive, has been a means of mobilizing African Americans in the struggle against white racial privilege. These people also view the rule as a means of preventing erosion in the number of individuals who under the current system are counted as black. These numbers, they argue, are needed to enforce and support civil rights legislation and claims aimed at tracking historical and contemporary patterns of discrimination, and in arriving at goals for achieving social and economic equity. African American concerns about multiracial identity are not limited to the potential impact it may have on the collection of data needed to support civil rights legislation and other claims aimed at tracking patterns of racial discrimination. They also fear that many individuals will designate themselves as “multiracial” rather than as black in order to escape the social stigma associated with blackness. This would undermine the integrity and solidarity of African-descent Americans just as “passing,” blue-vein societies, Louisiana Creoles of color, and triracial isolate communities have done.

Those multiracial identity projects, the thinking goes, were not only products of the Eurocentrism in the larger society but were also responsible for a divisive and pernicious “colorism” that grew up between multiracial individuals and blacks. By granting the preferential treatment of the former over the latter, the phenomenon of colorism has historically created a divide between the less privileged black masses and the privileged few. Some critics maintain that multiracial individuals—particularly

those who physically approximate European Americans—would be co-opted into the mainstream of society as provisional whites (as has been the case in Brazil). Others assert that multiracial individuals would be granted a structurally intermediate status separate from and subordinate to dominant whites, but also separate from and superior to that of African Americans (as has been the case in South Africa).

Part IV, “Black No More or More Than Black?” considers the new multiracial identity as it relates to these larger social concerns. In Chapter 8 I address some of these questions by examining larger contemporary trends in black-white relations and race relations generally. I argue that the new multiracial identity as a racial project is not synonymous with the psychosocial pathology of colorism. I point out, however, that this identity is not inherently immune to the lingering effects of insidious toxins in the racial ecology. The desire to embrace a European ancestral/cultural background as a way to affirm a more egalitarian identity could be subverted by larger social forces. Multiracial individuals could be granted the status of new “insiders” who are rewarded with greater opportunities to achieve wealth, power, privilege, and prestige. The “outsiders,” the black masses, would be pushed further onto the periphery of society. This new politics of racial inclusion could undermine the very gains in civil rights that now make the recognition of multiracial identity a possibility. Racial status would remain essentially unchanged, although the relationship between race and opportunity would be modified. There would be an illusion of power sharing without any power sharing in fact.

The fact is that racial integration has allowed only a select few African-descent Americans to gain access to wealth, power, privilege, and prestige—and even in many of those cases the gains are circumscribed and may be easily eroded. Furthermore, the privileged few tend to be disproportionately of more “visible” European ancestry and share social and cultural values with affluent whites because of class identity. The black masses, along with darker-skinned individuals in other communities of color, remain disproportionately in blue-collar jobs and among the ranks of the underemployed and unemployed. The one-drop rule has ceased to be the primary factor determining the social location of African-descent Americans, but the politics and ideology behind it have not gone away. Phenotype—particularly skin color—is still a form of racial capital, in combination with the increasing significance of culture and class.

Contemporary black-white relations have thus shifted away from the racial apartheid of the past. Although this transition has been uneven, formal exclusion and coercion have been replaced with more informal dynamics. At the same time, we have witnessed another trend toward white hegemony in the form of egalitarian integration, or assimilation. This half-hearted attack on white racial privilege merely weakens the black-white dichotomy while leaving the hierarchical structure intact. Assimilation, moreover, reflects the conservative political, social, and cultural agendas that have undermined the integrity of the African American community since the 1980s.

The shift from white domination to white hegemony indicates, however, that the criteria for racial whiteness may be expanding in the United States, as we see in the assimilation of select African-descent Americans who approximate the European American ideal. Theoretically, this process could increase the number of individuals with “insider” status and maintain the United States as an ostensibly “white” nation. A politics of racial inclusion would also be of strategic value given that the “white” or European American population in the United States will lose its numerical majority status in this century. If European Americans appear to have become more willing to bend the one-drop rule, African Americans, paradoxically yet understandably, hold on to this device ever more tenaciously, for the reasons noted above.

The use of the one-drop rule for cultural and political mobilization is most obvious in currents of Afrocentric discourse and in other racial projects that rely on the notion of a primordial African “race” and nation. Accordingly, some proponents of Afrocentric thought—particularly its more radical variants—have argued that multiracial identity is inimical to their goal of uniting African Americans as a cohesive force. Chapter 3 offers an examination of the deeper meaning of Afrocentric thought and its compatibility with the new multiracial identity. I argue that radical Afrocentrists ignore the potential that a multiracial identification may hold for challenging the imposition of what Victor Anderson calls a myopic and constricting “ontological blackness.”³ This is not to suggest that we should dismiss Afrocentric concerns about identity politics. Given the pervasiveness of white racism and supremacy, which have sought to prevent a radical African diasporic subjectivity, the strengths of Afrocentric discourse are undeniable: the fostering of group pride, solidarity, and self-respect among African-descent individuals; the challenging of the assimilationist strategy; and the perpetuation of differences in the manner of egalitarian pluralism (apartheid).⁴ But radical Afrocentrism also has its contradictions and weaknesses—notably, that its exponents often criticize the validity of the concept of “race” on the one hand while reinscribing essentialist notions of black identity on the other.⁵

One factor that divides Afrocentrism from the new multiracial identity is that “Afrocentrism” means different things to different people, and this has obscured its deeper significance. Although Afrocentrism is significantly related to African history and originated in Black Nationalist thought, it is more appropriately described as a paradigm that places African-descent individuals at the center of their analyses. In addition, Afrocentrism rejects the Eurocentric paradigm that has perpetuated the hierarchical ranking of racial difference. Moreover, Afrocentrism acknowledges a common cultural inheritance that all humans share as descendants of the first diaspora out of Africa. Yet many radical Afrocentrists’ inclusive application of the term “black” to anyone and anything of African ancestry, no matter how remote in space or time, ignores the complex ancestral, genetic, and cultural diversity and blending that has taken place over the eons. One could argue, therefore, that some strains of

radical Afrocentrism reaffirm the same oppressive mechanism inherent in the one-drop rule. If Afrocentric discourse is to dismantle Eurocentrism it must also deconstruct the “either/or” paradigm. More moderate variants of Afrocentrism are compatible with the new multiracial identity, as both are engaged in a critique of the pathologies of Eurocentrism and modernity but also challenge rigid essentialist notions of identity.⁶ They point to more inclusive constructions of self and community that are absent from more radical Afrocentric discourse and could provide the basis for new forms of integration. The various types of African-derived subjectivity would be accommodated without at the same time negating a larger African-derived plurality or maintaining that plurality as a complete antithesis of whiteness. Part of the struggle for a radical African American collective subjectivity that furthers black liberation must necessarily be grounded in a process of decolonization. It must continually challenge and go beyond racial essentialism and the reinscription of notions of authentic identity.⁷ This process should include ways of constructing self and community that oppose the either/or representation of blackness and whiteness created by the one-drop rule.

Chapter 3 also provides an analysis of the new multiracial identity within the general theoretical frameworks of “hybridity” and multiple identities. In particular, I draw on analyses of the relationship between Eurocentrism and modernity, and of racial identity politics discussed in postcolonial and postmodernist studies. I argue that the new multiracial identity has the same impetus that lies behind the linking of the Afro-Asian world with the formation of Western Europe in postcolonial (and Afrocentric) discourse. What are generally considered the “borders” between the West and the larger non-Western world are actually porous “frontiers.” They have been more blurred and permeable than Eurocentric rhetoric and imagery have acknowledged. In addition, Western European domination of others through apartheid and assimilation is only one, albeit important, side of the historical narrative.⁸ The other side of the coin is the hybridization that originated in the European absorption and adaptation of “others” in the form of egalitarian cultural and, frequently, racial integration. To a significant degree, what we refer to as European civilization “is actually a universal human heritage that for historical, political, and geographical reasons” has been bequeathed to the modern world “in the guise of a European or Western synthesis.” It is significant that the synthesis and stamp are uniquely European, but the fact that the sources are plural and intercontinental is equally meaningful.⁹ This is particularly so when we consider that the racial and cultural narcissism that buttressed Eurocentrism and European imperialism has deliberately obscured these connections.

As part of the general assault on Eurocentrism, postcolonial discourse not only challenges notions of racial purity but also questions the notion that race is an objective reality absolutely fixed in biological data. Because modern science has been unable to produce empirical data to confirm clearly delineated biophysical racial

boundaries, many “deconstructive” postcolonial thinkers recommend that the concept of race be dispensed with altogether. They tend to present race as a problem, a legacy of the past, and a misconception that should be consigned to the dustbin of history. Many also argue that any kind of racial identification—multiracial or otherwise—is fraught with irreconcilable contradictions. I note, however, that this opposition to a multiracial identity does not originate simply in the conviction that race is a false concept but in the misinterpretation of the discourse on multiracial identity as grounded in biological rather than ancestral notions of race. Biological notions of race and those based on ancestry may overlap but are not synonymous. The former are based on one’s genetic inheritance irrespective of ancestral background. The latter are grounded in the backgrounds in one’s lineage or genealogy, irrespective of genetic concerns, and are the basis of the new multiracial identity. Exposure to these backgrounds enhances and helps to concretize a feeling of kinship.

Such critics also dismiss claims that the new multiracial identity is “new” at all because everyone is in fact “multiracial.” This “deconstructive” postcolonial perspective seeks to “transcend race” altogether in pursuit of a universal humanism. Individuals who support this position believe that all categories and identities—racial and otherwise—are largely sociocultural constructs (or mere “fictions”) that have no basis in “reality.” Any notion of transcending race by reifying it through a multiracial identification is thus hopelessly naive, if not politically regressive. The proponents of the “constructive” postcolonial perspective, however, posit a multiracial identity as a form of “racial transcendence” that acknowledges a more inclusive identity based on a multiplicity of ancestral backgrounds. While it is true that a multiracial lineage or background is normative among humans, this perspective argues nevertheless that most individuals display single-racial (or monoracial) identities despite the many backgrounds that may make up their genealogy. The new multiracial identity is embraced by individuals who seek to ground their sense of “we-ness” in more than one community and feel a sense of kinship with several communities. Moreover, this identity challenges the legitimacy of racial hierarchy in determining the distribution of social wealth, power, privilege, and prestige. I contend that the new multiracial identity is part of a broader postcolonial social transformation and consciousness, although it does not in and of itself dismiss the concept of race. It does, however, challenge essentialist and reductionist notions of race and de-centers racial categories that originate in the dominant Eurocentric paradigm by pointing to the ambiguity and multiplicity of identities.

Today’s more iconoclastic attitudes toward racial identity—particularly the new multiracial identity—seem themselves to reflect an even more fundamental shift in consciousness, frequently referred to as postmodernism. The goal is to move beyond the either/or paradigm of dichotomous hierarchical ranking of differences and instead incorporate concepts of “partly,” “mostly,” or “both/neither.” This thinking has made itself felt not only in new models of multiracial identity but in a variety

of disparate, yet ultimately related, phenomena. Included among these are the environmental, feminist, and holistic health movements, interdisciplinary thinking in universities, and Gestalt therapy in the field of psychoanalysis, to mention only a few examples.

Chapter 9 examines the new multiracial identity as part of this more fundamental postmodern shift. Much like postcolonial thinkers, postmodernists frequently seek to deconstruct dichotomous and hierarchical thinking by exhibiting “marginal” or “hybrid” phenomena that are indecipherable with reference to the dichotomy and hierarchy. This demonstrates the difficulties of defining one category of experience without including elements of the other. Rather than reverse the dichotomy, however, this strategy questions the hierarchical grounds on which the dichotomy is erected. Accordingly, phenomena are seen as relative and complementary rather than as hierarchical and exclusive categories of experiences. In addition, postmodern thinkers interrogate the conception of a linear connection of subjects to an objective world. This has led them to dismiss the notion that the “truth” can be found in any absolutely impartial sense. They have been instrumental in pointing out that all concepts and categories, racial and otherwise, are largely sociocultural constructs grounded in cultural and historical circumstance.

In the Epilogue I posit that the new multiracial identity, as part of this postmodern (and postcolonial) turn, is a compelling development as the United States enters the new millennium. It remains to be seen how many individuals imbued with this new identity will actually live out its full implications by helping to transform the United States into a more racially democratic order. Yet individuals are active agents in constructing, maintaining, reconstructing, and deconstructing their own identities. And identities are capable of reconstructing circumstances via the actions they set in motion. Sociologists Fenstermaker and West point out that race is much more than an individual characteristic or some vaguely defined set of role expectations. Rather, it is an ongoing phenomenon that is accomplished in interaction with others and must be situated in social situations. The accomplishment of racial identity normalizes and naturalizes the social dynamics based on race, that is, it legitimizes ways of organizing social life. This in turn reaffirms institutional practice, the racial order, and the respective power relations associated with them. The accountability of individuals to race categories is the key to understanding the maintenance of these dynamics. It is a mechanism whereby situated social action reproduces racialized social systems whose entrenched ideas, practices, explicit decisions, and procedures construct dichotomous racial hierarchies that exclude, control, and constrain human agency.¹⁰

Because the racial order in the United States, along with its dichotomous racial categories, boundaries, and hierarchies, is continually constructed in everyday life, it follows that under certain conditions, individuals acting as singular agents or as collective subjectivities resist pressures to conform to these social forces. The asser-

tion of the new multiracial identity represents just such a form of resistance to the U.S. racial order—particularly to commonsense notions of a black identity based on the one-drop rule—that precludes the simultaneous affirmation of a white, or any other racial, identity. Although it should not be viewed as a solution in and of itself to racial inequality, the new multiracial identity’s radical potential should not be underestimated. It signifies the formation of a cluster of new possibilities or a new archetype in the nation’s collective racial consciousness. Its goal is to transform traditional American racial categories and boundaries, as well as to challenge racial hierarchies, by expanding definitions of blackness—and whiteness—to include more multidimensional configurations.

An examination of multiracial identity can increase our understanding not only of trends in black-white relations but of similar trends in other groups as well. Indeed, rules of hypodescent have been applied to the first-generation offspring of interracial unions between the dominant European Americans and other subordinate groups of color (e.g., Native Americans, Asian Americans, Pacific Islander Americans, Latino Americans). Racial group membership has historically been assigned to these first-generation offspring based exclusively on the subordinate “background of color.” Generally speaking, however, successive generations of individuals whose blended lineage has included a particular background of color, along with European American ancestry, have not invariably been designated exclusively, or even partially, as members of that group of color if the background is less than one-fourth of their lineage. Instead these individuals have been given a white racial identity and the privileges that accompany whiteness. When such people identify themselves as people of color, this is their choice, not something imposed on them from outside. This has been the case with celebrities like Kevin Kostner, Kim Basinger, Cher, and others who have acknowledged their Native American ancestry. For all intents and purposes these individuals are considered white—or at least not people of color—even if their personal identification is at odds with a white racial designation.¹¹

This flexibility has not been extended to the offspring of interracial relationships between African Americans and European Americans. To the contrary, these individuals have been the targets of the longest-standing and most restrictive rule of hypodescent, which has not only denied them the power to choose how to describe their racial identity but has ensured that their African American ancestry is passed down in perpetuity. All future offspring are thus socially designated as black and subjected to attitudes and policies that deny them equal status with European Americans and other racial groups as well.

The Anglo-North American annexation and colonization of “Latin” North America, including the Southwest, Louisiana, and the Gulf Coast, is an excellent case study. The social position that the Mexican population would occupy in the American Southwest was largely unscripted. Although most Mexicans were dark-complexioned mestizos who were phenotypically more Native American than Spanish,

African ancestry was widely dispersed among all social classes, including the elite. Yet in colonial Mexican society, multiracial individuals could purchase certificates of “whiteness” that erased their Native American or African origins. This certification not only gave them legal status as *Españoles* and greater opportunity for vertical social mobility; it also enhanced the comparatively more fluid racial demarcations between “pure” Spaniards (or whites), light mestizos, and mulattoes. Consequently the memory of African forbears eventually was lost and forgotten, if not deliberately and successfully concealed, by the many light-skinned, Spanish-identified descendants of the Southwest’s first families.

This tendency makes it difficult to determine whether and to what extent the African ancestry of the Mexican population was known by the Anglo-North American colonizers and European-descent immigrants after annexation; or whether and to what extent knowledge of that ancestry simply had little or no impact on attitudes toward Mexicans because their African ancestry was not significantly distinguishable phenotypically from the Native American ancestry (the largest subordinate population in the region was Native American rather than African). What seems clear is that Mexicans were widely considered to be mestizos of predominantly European and Native American descent irrespective of any African ancestry or phenotypical traits they might have had.

After the conquest, annexation, and subsequent colonization of the Southwest during the U.S.-Mexican War of 1846, Mexicans—who are largely multiracial individuals of predominantly Native American and European American descent (mestizos)—were legally guaranteed their rights to citizenship and suffrage by the Treaty of Guadalupe Hidalgo of 1848 and the U.S. Constitution. Thus Mexican Americans were extended an official white racial identity, despite the fact that they were not “white” in the Anglo-Saxon or Northern European sense.¹² It is true that the Mexican Americans’ legal status as whites, like their rights to U.S. citizenship, was frequently disregarded in practice. And the extension of white privilege was not necessarily intended to include the entire Mexican American population. Rather, the prime beneficiaries of that privilege, and those deemed most worthy of integration into the new racial order, were members of the light-skinned *Tejano*, *Hispano*, and *Californio* ranchero (and merchant) elite in Texas, New Mexico (and Arizona), and California, respectively. Those individuals not only boasted of their “pure” Castilian ancestry—and thus identified themselves as *Españoles* (Spaniards)—but also were considered white under the racial policies that had prevailed during Mexican rule. A “white” designation was logical given the limitations of the U.S. racial order, which necessarily made definitions of Native American or African American comparatively less applicable. (Of course, if the rule of hypodescent had been applicable to indigenous ancestry in the same way it was to African American ancestry, the entire Mexican population could have been designated as Native American.) Ultimately, multiracial individuals in the Southwest came to be designated more in

terms of their national ethno-cultural origins as Mexican Americans than in terms of their ethno-racial origins as mestizos.

Despite their contradictions and inconsistencies, these attitudes and policies contrasted sharply with those displayed toward multiracial individuals of African American and European American descent (mulattoes) in the lower southeast after France and Spain ceded to the United States their territory in Louisiana and the Gulf ports through the Louisiana Purchase Treaty of 1803 and the Adams-Onís Treaty of 1813, respectively. Under the French and Spanish regimes in that region—much as in other areas of the Americas settled by the French, Spanish, and Portuguese—multiracial individuals maintained an intermediate racial identity and were accorded a racial status inferior to that of whites but somewhat superior to that of blacks. In Louisiana, however, multiracial individuals were not typically extended a white racial identity, as was frequently the case with very light-skinned mulattoes in other parts of Latin America. With Anglo-North Americanization of Louisiana and the Gulf region, multiracial individuals—who formed the largest percentage of the population referred to as Creoles of color—lost their intermediate status and privileges when the racial order began to polarize into either black or white. However, many Creoles of color felt that the Louisiana Purchase Treaty with France assured them equal citizenship in the United States. When they petitioned for equal citizenship and civil rights, U.S. authorities not only denied their appeals but also, slowly but systematically, began to erode the few privileges they had maintained under French and Spanish rule. More important, Anglo-North Americans showed no desire to extend to even the wealthiest and lightest-skinned of the multiracial elite a legal white racial identity or any of the privileges associated with that status.¹³

Unlike the Louisiana Purchase Treaty, the Adams-Onís Treaty between Spain and the United States was meant to protect the entire population that Spain left behind in Mobile, Alabama, and Pensacola, Florida. Creoles of color in that region who by treaty became citizens of the United States were, therefore, initially exempted from restrictions later enacted by the United States against free people of color. During the 1840s and 1850s, the legislatures of Alabama and Florida reversed their earlier actions and began enacting restrictive laws aimed at free people of color that did not specifically exclude Creoles of color.¹⁴ Multiracial individuals in Louisiana and the Gulf ports thus came to be viewed less in terms of their national ethno-cultural origins as French or Franco-Hispanic Americans, and more in terms of their ethno-racial origins as African-descent Americans. Consequently, they were not only redefined as black but also denied rights to citizenship and suffrage until the passage of the Reconstruction amendments between 1865 and 1868 after the U.S. Civil War. Ultimately, even these legal rights were circumvented in practice and rendered practically null and void by the rise of Jim Crow segregation at the turn of the twentieth century. They were not fully regained legally until the civil rights acts of 1964 and 1965.

The uniqueness of the one-drop rule becomes more apparent when one considers the attitudes European Americans have displayed toward multiracial individuals of European and African descent who immigrate to the continental United States from Latin America (e.g., Puerto Rico, Cuba, and the Dominican Republic). Racial dynamics in that region have been characterized by pervasive miscegenation and the validation of this blending by a ternary racial project that differentiates the population into whites, multiracial individuals, and blacks. “Multiracial” has thus been both an official designation and a personal identification since the colonial period. Blackness and whiteness are relative, representing merely the polar extremes—negative and positive, respectively—on a continuum in which physical appearance, in conjunction with class and culture rather than ancestry, has come to determine one’s racial identity and status in the social hierarchy. Admittedly, in the continental United States, designators indicating the national-cultural origins of these populations as Latinos (or “Hispanics”) to some extent gain in importance over those specifying their racial background. Nevertheless, the experience of groups such as Puerto Ricans, Dominicans, and Cubans (who for the most part are predominantly of Spanish and African descent, with some degree of Native American ancestry), indicates that U.S. attitudes and policies toward multiracial individuals from Latin America have been inconsistent and differ somewhat from those displayed toward multiracial individuals of African American and European American ancestry. At times multiracial individuals from Latin America who combine African with European ancestry have been extended, however begrudgingly and selectively, an official white racial identity, as well as some of the privileges accompanying that designation.¹⁵

Attitudes toward the offspring of unions between African Americans and other groups of color have varied, although these individuals, more often than not, have been subject to the one-drop rule, as we see in the public and media response to golfer Tiger Woods, whose father is black, Chinese, and Native American and whose mother is of Thai, Chinese, and Dutch descent. After winning the Masters Golf Tournament in 1997, Woods responded to the media comments that he was the first African American to win the tournament, “My mother is from Thailand. My father is part black, Chinese, American Indian. So I’m all of those. It’s an injustice to all my heritages to single me out as black.” This response set off a firestorm of controversy among African Americans. Later, on *The Oprah Winfrey Show*, Woods stated that as a youngster he invented the term “Cablinasian” in order to embrace a racial identity that captured respectively his European, African, Indian, and Asian backgrounds. Nevertheless, Woods is most frequently referred to in the media as an African American golfer.¹⁶

Some of the inconsistency in attitudes displayed toward offspring of blended ancestry is due to the fact that the positioning of these other groups of color in the racial hierarchy has been more ambiguous than that of African Americans. In addition, membership in other groups—except in the case of Native Americans—has been less clearly defined in U.S. jurisprudence. Intragroup experiences among sub-

ordinate groups of color have varied, and their experiences of subordination by European Americans, while similarly oppressive, have not been exactly the same. Nevertheless, groups of color in the United States share a common history of racial subordination to European Americans and therefore to some extent have experienced the rule of hypodescent.

The Black-Chinese in Mississippi are an excellent case study that not only highlights this issue but also provides a broader basis for understanding the unique implications of the social construction of blackness (and whiteness) as it relates to the rule of hypodescent. Chinese were recruited to replace African American labor in Mississippi after the Civil War and the abolition of slavery, but the binary racial order in the South necessitated that they be classified as either black or white. Although the Mississippi Chinese had no African ancestry, southern whites originally defined them as closer to blackness than to whiteness by virtue of the similarity between their social position and that of African Americans and the fact that they were not of European descent. (Had there been more Native Americans in that region, European Americans might have classified them as “American Indian,” as they initially did with Chinese immigrants in California.)

The Mississippi Chinese succeeded locally in moving their racial positioning out of a social space near blackness to one that was near whiteness, thus achieving a sort of situational, if not actual, racial whiteness. This came about as a result of various changes that elevated the socioeconomic status of the Mississippi Chinese, as compared to that of African Americans, as well as changes in their social relations with African Americans. As part of this process the Chinese community disowned Chinese-black interracial couples, as well as biracial Chinese-black offspring.¹⁷

Among the first social scientists to discuss the uniqueness of the one-drop rule and its consequences are Edward Byron Reuter (*The Mulatto in the United States*, 1918; *Race Mixture*, 1931), Robert Park (“Human Migration and the Marginal Man,” 1928), Everett Stonequist (*The Marginal Man*, 1937), E. Franklin Frazier (*The Free Negro Family*, 1932; *The Negro Family in the United States*, 1933), and Gunnar Myrdal (*An American Dilemma*, 1944). By the 1950s and 1960s, however, the question of racial definition was eclipsed by the civil rights and black consciousness movements. A notable exception to this trend was the work of Brewton Berry (*Almost White*, 1963), which examined racially blended communities of African, European, and Native American descent scattered throughout the eastern part of the United States referred to above as triracial isolates. Gist and Dworkin (*The Blending of Races*, 1971) provided a comparative global study of multiracial populations but devoted little attention to the impact of the one-drop rule on race relations in the United States. It was not until the late 1970s that this topic reemerged as an area of study in the works of literary historian Judith Berzon (*Neither White nor Black*, 1978), historians John Mencke (*Mulattoes and Race Mixture*, 1973), Joel Williamson (*Nau People*, 1984), and in works on Louisiana Creoles of color by anthropologist Virginia Domínguez

(*White By Definition*, 1986), and historians James Haskins (*The Creoles of Color of New Orleans*, 1976) and Gary Mills (*The Forgotten People*, 1977).

Although work on the one-drop rule had been done before, it is only in the past decade that we have seen the emergence of groundbreaking research on the subject of multiracial identity generally, and on its implications for multiracial identification (e.g., Spickard's *Mixed Blood*, 1989; Root's *Racially Mixed People in America*, 1992, *The Multiracial Experience*, 1996; Zack's *Race and Mixed-Race*, 1990, *American Mixed Race*, 1995; Funderburg's *Black, White, Other*, 1994; J. M. Spencer's *The New Colored People*, 1997; R. Spencer's *Spurious Issues*, 1999; Azoulay's, *Black, Jewish, and Interracial*, 1997; Korgen's *From Black to Biracial*, 1998; Kilson's, *Claiming Place*, 2000; Brown's *The Interracial Experience*, 2000; Krebs's *Edgewalkers*, 2000; Wallace's, *Relative/Outsider*, 2001).

The surge of interest in this subject can be largely attributed to increased interracial marriage and the growth in the number of multiracial offspring since the overturning of the last antimiscegenation laws in June 1967. These more recent studies have not only explored the implications of the one-drop rule; many also examine the positive benefits of being multiracial (e.g., increased appreciation of differences, a wider worldview and range of sympathies). They have challenged the conclusions of previous research—particularly misinterpretations of Robert Park's theories of marginality—that characterized multiracial individuals as psychologically dysfunctional and unstable, due to the “mutually exclusive” natures of their black and white backgrounds. However, with the exception of Spickard's comparative and historical study, much of this research has been confined to psychological and social psychological analyses.

Contemporary sociologists in particular have tended to overlook the continuing significance of the one-drop rule. They have paid even less attention to its impact on multiracial-identified individuals of European American and African American descent. Order theories foresee the eventual integration of African-descent Americans into the secondary (political, economic, educational), and primary (residential, associational, interpersonal) spheres. These theories also envision the cultural (beliefs, ideals, meanings, values, customs, artifacts), and racial (geno-phenotypical/ancestral) absorption of African-descent Americans into the larger society, following the same pattern of European origin immigrant groups. This pattern has also been displayed by successive generations of individuals whose blended lineage has included a particular background of color, along with European American ancestry.¹⁸

It is apparent that the physical and ancestral criteria for integration into Anglo-Protestant culture—and the accomplishment of a white racial identity—has expanded dramatically over the course of U.S. history. Although white racial identity—and the privileges that go with it—and European ancestry have historically been intertwined, they are not synonymous. Irish, Italian, and Jewish immigrants from Eastern Europe were not initially extended the full benefits of white racial iden-

tity and white racial privilege, even though they, like Protestant Anglo-Americans, were European in origin and thus white. They succeeded in accomplishing that designation and achieving those privileges only after a protracted struggle, which was aided in no small part by varying degrees of cultural integration and socioeconomic mobility that distanced them from their original status as pariahs.

But order theories have not taken into consideration the fact that no matter how well African Americans are integrated into the primary structural sphere through racial intermarriage, the one-drop rule guarantees that African ancestry is passed on in perpetuity as a means of racially designating all future multiracial offspring as black. As long as this device remains intact, whether formally or informally, it precludes a multiracial identification. This mechanism also reproduces an African American plurality that is distinct from, even if on equal terms with, European Americans in the larger society. This, in turn, precludes the racial absorption of African Americans in the manner of European immigrants and their descendents, as well as the multiracial descendents of European Americans and various other groups of color.¹⁹

The thesis of African American exceptionalism espoused by power-conflict theories challenges the conclusions reached by order theorists. The focus is on the historical and contemporary structural disadvantages that keep African Americans disproportionately at the bottom of society occupationally, educationally, and politically. Accordingly, the experience of African Americans (and people of color generally speaking) is significantly different from that of European-descent Americans.²⁰ Power-conflict theories also call into question whether African Americans actually desire the racial and cultural integration extended to European immigrants and their descendents even if this type of integration were available to them. Nevertheless, these theories have ignored the oppressive effects of the one-drop rule on multiracial-identified individuals of African American and European American descent. In addition, they have focused little attention on the role this social device has played in forming a separate African American community. The formation of a distinctive African American culture and institutions hinders the structural inclusion, and ultimately the cultural and racial absorption, of African Americans along the lines followed by European immigrants and their descendents.

A notable exception to the neglected study of these topics is F. James Davis (*Who Is Black? One Nation's Definition*, 1991), who has provided the most recent and by far the most thorough and insightful sociological analysis of the one-drop rule. Davis points out that the one-drop rule has become such an accepted part of the U.S. fabric that most individuals—except perhaps African Americans—are unaware of its oppressive origins.²¹ In recent years U.S. institutions have generally repudiated the notions of racial “purity” that previously supported the ideology of white supremacy. As a result, the legal definition of blackness based on rules of hypodescent has been removed from the statutes of all fifty states.²² Many European Americans nevertheless reinforce notions of white racial exclusivity and superiority that were codified

in the one-drop rule. Black and white racial identities in the United States have been so well crafted that they reveal little evidence of their construction. They are embraced and often celebrated by those who carry them—and by the society at large—as if they were objective facts of existence rather than socially constructed ideas.

The continuing significance of the one-drop rule was underscored in a 1983 Louisiana court case filed as *Jane Doe v. State of Louisiana*. Until 1970 a Louisiana statute had defined as African American anyone with a “trace of black ancestry.” Then, in response to a 1970 lawsuit brought on behalf of a child whose ancestry was allegedly only $1/256$ African American, the legislature redefined as black anyone whose ancestry was more than $1/32$ African American. Jane Doe (Mrs. Susie Phipps) had been denied a passport because she had checked “white” on her application even though her birth certificate designated her race as “colored.” She was, in fact, the great-great-great-great granddaughter of a French planter named Jean Gregoire Guillory who in 1770 took his wife’s African American slave, Margarita, as his mistress. Apparently, the “colored” designation on Mrs. Phipps’s birth records was based on information supplied by a midwife, who presumably relied on the parents’ or family’s status in the community. Mrs. Phipps and all of her siblings were phenotypically indistinguishable from European Americans.²³

In 1982-83, Susie Phipps sued the Louisiana Bureau of Vital Records to change her racial designation from “colored” to “white.” The lawyers for the state claimed to have proof that Mrs. Phipps was $3/32$ African American. That was enough ancestral blackness for the district court, in May 1983, to declare her parents, and thus Mrs. Phipps and her siblings, to be legally African American. Assistant Attorney General Ron Davis thus upheld the law designating Susie Phipps as African American.²⁴ Phipps’s attorney argued, however, that the assignment of racial designators on birth certificates was unconstitutional. He also disputed the accuracy of the $1/32$ designation and called on the expertise of anthropologist Munro Edmonson to testify on Mrs. Phipps’s behalf. According to the *Tribune*, Edmonson stated that there was no way of determining Mrs. Phipps’s slave ancestor’s exact percentage of African American ancestry, and consequently no way of determining hers. Also, while acknowledging the “impressive” genealogy compiled by the bureau to support its case, Edmonson was quoted in *People Magazine* as saying that none of these data said anything at all about Mrs. Phipps’s “race.” Since genes are distributed randomly before birth, it was at least theoretically possible for children to inherit all of their genes from just two grandparents. In addition, Edmonson is reported to have testified that modern genetic studies indicate that in terms of gene frequencies, African Americans on average inherit 25 percent of their genes from European American ancestors while European Americans on average inherit 5 percent of their genes from African American ancestors. More importantly, the article stated that according to the $1/32$ ancestral rule defining legal blackness, statistically speaking the entire native-born population of Louisiana would be African American.²⁵

Although Phipps lost her case in the lower courts, in June 1983 the legislature unexpectedly abolished its statute defining as black anyone with $\frac{1}{32}$ African American ancestry. It implemented instead a new ruling that gave parents the right to designate the race of newborns, and even to change classifications on birth certificates if they could prove the child was white by a “preponderance of the evidence.”²⁶ The new 1983 statute, along with the 1970 ruling, marked a shift from the previous Louisiana standard of racial definition based specifically on the one-drop rule. This change in policy supposedly grew out of an attempt to reflect a “more reasonable” or “modern” standard in keeping with the “liberalization” of the racial ecology in the post-civil rights era.²⁷

Yet each time the Phipps decision was appealed to higher courts in 1985 and 1986, the state’s Fourth Circuit Court of Appeals upheld the district court’s decision. They argued that no one could change the racial designation of his or her parents or anyone else (479 So. 2d 369). Said the majority of the court in its opinion: “That appellants might today describe themselves as white does not prove error in a document which designates their parents as colored” (473 So. 2d 371).²⁸ Of course, if the parents’ designation as “colored” could not be changed, it follows that their descendants would necessarily be defined as black by the “traceable amount rule.” In addition, the appellate court concluded that the preponderance of evidence clearly indicated the Guillory parents were “colored.” The court also affirmed the necessity of designating race on birth certificates for public health and other important public programs. It also held that equal protection of the law had not been denied as long as the designation was treated as confidential.²⁹ The Phipps case was appealed to the Louisiana Supreme Court in 1986, but the court declined to review the decision and gave no explanation other than it concurred in the denial for the reasons assigned by the court of appeals on rehearing (485 So. 2d 60). Similarly, in December 1986, the U.S. Supreme Court refused to review the decision: “The appeal is dismissed for want of a substantial federal question” (107 Sup. Ct. Reporter, interim ed. 638). Thus both the final court of appeals in Louisiana and the highest court of the United States upheld the application of the rule of hypodescent, if not the one-drop rule itself?

Anthropologist Virginia Dominguez points out, however, that the issue in this case was not racial designations per se but rather the role of law, as interpreted and arbitrated by agents of the state. The question was whether the 1970 statute infringed on the Equal Protection Clause of the U.S. Constitution and, if so, whether one of those rights was the freedom to choose what one is. Here, however, the state played two seemingly contradictory roles as both counsel and prosecution. On the one hand, it became the institution restricting Susie Phipps’s right to choose her racial identity. On the other hand, it provided the only avenue through which she could appeal for the right to exercise that choice. The plaintiff was thus simultaneously pitted against the state as the agent of society at large, and forced to seek redress through the very legal system that was the original perpetrator of the “injustice.”³¹