

# THE HISTORICAL DEFINITION OF RACE LAW

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Virginia R. Dominguez. *White by Definition: Social Classification in Creole Louisiana*. (New Brunswick, NJ: Rutgers University Press, 1986). xviii + 325 pp. Figures, notes, appendices, bibliography, index. \$28.00

Joel Williamson. *A Rage for Order: Black-White Relations in the American South Since Emancipation*. (Oxford: Oxford University Press, 1986). x + 316 pp. Bibliography, index. \$24.95, \$9.95 (paper).

Since at least the latter part of the seventeenth century, American law has both reflected and helped to shape a consensus that the racial designations found in this country mirror meaningful biological realities instead of convenient social constructs (Higginbotham, 1978: 38–40). Law helped to parcel out social standing according to race. For more than the first two hundred years of American history, an individual was by law presumed slave or free depending on where he was placed on America's black-white divide. For at least a century after slavery's abolition, legislatures, courts, and administrative agencies continued to accord status and privilege according to an individual's racial affiliation despite constitutional guarantees of equal protection under the law. And the law did more: It defined race. Systematic discrimination required seemingly precise definitions of racial group membership. Legislation in many states helped by including in the Negro group persons with any traceable African ancestry, including those with no phenotypical trace of such heritage (Diamond and Cottrol, 1983: 259). Such legislation made legal discrimination possible. It also helped reinforce and exacerbate individual prejudices among white Americans, contributing to a lingering caste system that has survived the legal culture that once helped nurture it.

Two recent books, *A Rage for Order* by Joel Williamson and *White by Definition* by Virginia R. Dominguez, explore the legal and social legacies left by over three centuries of black-white contact in the American South. Their studies differ both thematically and methodologically. Williamson's concern is with the intellectual history of Southern race relations since the Civil War. Dominguez offers an ethnohistorical perspective on the Creole iden-

tity claimed, often exclusively, by both blacks and whites in Louisiana. Together these two studies complement each other. One focuses largely on elite perspectives on race, the other is more concerned with folk perceptions. As Williamson is covering the whole South, he records an Anglo-American view of race and race relations. Dominguez's examination of Louisiana, on the other hand, properly causes her to contrast the differences between Latin and Anglo-American perceptions of race.

Williamson's study, an abridgement of his larger work, *The Crucible of Race* (1984), covers ground generally familiar to students of the history of American race relations. In seven chapters he takes his readers from the 1830s to the second reconstruction of the 1960s and 1970s and what he sees as the second redemption of the eighties. Williamson argues that the modern Southern racial odyssey began with Reconstruction, which both shocked and angered the white South, particularly former slaveholders who saw their antebellum vision of a pyramidal organic society swept aside. This shock, and the desire of the freedmen to assert their independence and equality, led to a radical separation of the two Souths. Williamson insists that Reconstruction was a time of turmoil for the white South, a period every bit as disquieting as the era of Jim Crow would be for the black South early in the twentieth century. The experience of Reconstruction led white Southerners to jettison the antebellum stereotype of the black as a childlike dependent in favor of a harsher view of blacks as beasts ultimately doomed to extinction in competition with whites but nevertheless dangerous and requiring rigorous control. Out of the frustrations of the Reconstruction era was thus born a Southern radicalism that triumphed over liberal and conservative alternatives in racial politics.\*

Williamson reviews the careers of such elite Southern radicals as Rebecca Felton, Thomas Dixon, and Benjamin Tillman, providing an important reminder of how rabid Negrophobia penetrated even the upper reaches of Southern society. His explanations for upper class radicalism—frustration over loss of status and wealth during Reconstruction and psychosexual anxiety later in the nineteenth century—convincingly capture an important element in Southern cultural history. Still his illuminating discussion of upper class radical sentiment and his realization that that sentiment

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\* Williamson uses the term "radical" to indicate those who advocated the strict segregation, disfranchisement, and subordination of blacks. It is interesting to note that Woodward's (1974: 60–65) research shows that many radicals were initially inclined to make a class-based alliance between the poor whites they represented and blacks. Woodward indicates that many radical populists adopted the extreme racist position only after their efforts to gain black political support had failed or when the alliance became too difficult to manage.

in many cases fulfilled genuine psychological need cause Williamson to ignore or downplay the very real cynicism of many elites who used racial radicalism to advance their own political fortunes.

Equally problematic is Williamson's view that the South had a distinct radical phase starting in the 1890s and ending in 1915. Certainly radicalism in that period had its most dramatic influence on Southern law and society. Radical politics at the turn of the century eliminated *de jure* racial equality in the South, replacing it with a stringently enforced apartheid. Yet this radicalism had deep roots in Southern culture, a history that long antedated the postbellum realities that Williamson sees as crucial to its formation. The image of the Negro as threatening beast was never far from the mind of the white South, despite genuine paternalistic sentiment and the comforting Sambo myth. It underlay, for example, the white South's strong fear of slave rebellion (Blassingame, 1972: 130–131, 141–144). Even the view of postbellum radicals that blacks were ultimately doomed to extinction echoed similar antebellum views concerning the degraded conditions of free Negroes. (Fredrickson, 1972: 50–51).

Nor can it be said, as Williamson argues, that radicalism dissipated in the early twentieth century and was replaced by a conservatism content to allow the two groups to develop in their separate spheres. Because Jim Crow logic demanded constant and vivid reaffirmation of the Southern social order, radicalism was never far from the surface of Southern society for much of the twentieth century. It was present in violence against blacks, which took the form of lynchings whenever a perceived threat to the racial equilibrium emerged and less drastic actions at other times. Radicalism also infected Southern politics for much of the century, as race baiting became an almost universal staple in the politics of many southern states.

Williamson has provided a valuable examination of the development of two separate societies in the American South, a separation that he rightly argues has not been breached by the successes of the civil rights movement. It is a separation that has persisted despite the often strong cultural similarities shared by black and white southerners.

This paradox of separate communities sharing similar cultures is at the heart of Dominguez's study, which is in part an exploration of shifting racial identities that illustrates the differences between Latin and Anglo-American perceptions of race. In those parts of Latin America where significant portions of the population are of African descent, strong distinctions are made between blacks and mulattoes. In such areas many people known to be of partial African heritage are also recognized as white (Degler, 1971: 102–111). This stands in sharp contrast to prevailing patterns in the United States, where generally any traceable amount of African ancestry has been sufficient to place an individual in the Negro

category and where few formal distinctions, particularly legal ones, have been made between blacks and mulattoes.

Dominguez traces the French-derived Creole culture of Louisiana from its eighteenth-century origins to the present. Eighteenth-century Louisiana, colonized alternately by France and Spain, spawned a Creole culture that, among other things, made sharp distinctions between free people of color, usually mulattoes, and black slaves. These distinctions came under increasing challenge before the Civil War, as Anglo-American settlers sought to impose their two-category racial classification system in the more fluid Louisiana context. The conflict produced mixed results. Anglo-Americans were successful in having the law reflect their view that free francophonic mulattoes were Negroes, not entitled to the rights and privileges enjoyed by whites. But despite this, francophonic whites and mulattoes recognized their common heritages and interests. They continued close association and to some extent identification with each other, seeking a degree of mutual support in a society increasingly dominated by Anglo-Americans.

Ironically, the emancipation and liberalization that occurred in postbellum Louisiana divided the two communities. The francophonic free mulatto community sought a leadership role in the emerging world of black politics; white Creoles, like other whites, feared developing black political power. They thus sought greater solidarity with Anglo-American whites and clearer boundaries between themselves and the mulatto Creoles with whom they were often identified. As the nineteenth century neared its end and the egalitarianism of the immediate post-Civil War era was replaced with the strict segregation of Jim Crow, white Creoles became strong supporters of measures that would obliterate any suggestion of their commonality with mulatto Creoles. In the late nineteenth century, Louisiana enacted stringent racial classification legislation that helped consign people to their respective castes in the new Jim Crow order. Such legislation also helped keep sharp the distinctions between the white and mulatto Creole communities. The Anglo-American definition of race triumphed with a vengeance.

Dominguez provides a valuable interdisciplinary examination of the processes of racial definition in Louisiana's history. Her study combines the anthropologist's sensitivity to language and self definition within a community with a skillful exploitation of historical sources. *White by Definition* also makes good use of legal sources, particularly decisions of Louisiana courts on family law and inheritance. Dominguez's suggestion that the history of dual racial classification systems in the state holds a present and future relevance for the United States as its racially mixed Hispanic population increases.

Both studies illustrate the role that legal discrimination has played in creating separate black and white societies in the United States. They have a special significance in showing how the legal

and political order fostered social realities that can persist long after formal change. Although the era of formal discrimination that both studies document has largely ended, the divisions that period created remain this nation's most vexing problem.

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