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Editor's Remarks
POLITE CULTURE: NICE-NELLYISM SUFFUSES SOCIOLOGY

Plenty of inveterate book-readers worry aloud and regularly about the likely elimination of commercial publishing due to screenal presentations of information, debating more the "when" than the "whether." Since one cannot *easily* search for terms or ideas in a printed book, even one with an excellent index, and, worse still, cutting and pasting materials is much harder working from inked paper than with pixels, anxiety among the shrinking bibliophilic constituency is rational. Younger students upon entering an academic office filled with bound volumes are likely to exclaim, "Wow! So many books!" with the same intonation they use when seeing the splendid fishes at the Baltimore or San Diego or Atlanta aquaria—peering into a world of mystery and colorful exteriors which will forever seem strange to them.

Yet as troubling as this global tendency surely is for publishers and consumers of printed materials, particularly of The Academic Monograph, it remains true that *CS* last year received for review over 1,300 new books, so the end of print is not quite yet with us. A more insidious worm in the bud involves readers' attitudes toward the work they are asked to evaluate, either for publishers prior to publication, or by review-journals after the fact. ("The Courage to Publicize One's Convictions" [*CS*, November 2010] deals with one aspect of this situation.) An intriguing study of an eighteenth century social theorist lately arrived in the journal's office for review consideration, fairly brief, 45 percent endnotes and sources, brought out by a fine university press, expensively priced. It opens with "Acknowledgments" that consume no fewer than four complete pages of earnest thanks, distributed by the author among ten funding agencies and foundations, several think-tanks, scores of intellectual sponsors, scholarly helpers, and, of course, the long-suffering spouse and children; surprisingly, no mention of the family dog. It will be almost impossible to find a reviewer of the book who has not been preemptively eliminated for consideration by virtue of having already participated, even to some small extent, in its production over the decade it was in process.

Profuse, even belabored thanks at the beginning of a monograph have become of late a cliché in academic publishing—especially, it seems, in products of the most highly regarded presses—partly one suspects to legitimate the book prior to being read, partly to defuse anticipated criticisms by reviewers. Chastising such a book, collectively created, means thereby attacking dozens of interested parties rather than only its apparent author. (Additionally, the Culture of Politeness has overtaken scholarly discourse in a way that has not always been the case, about which more below.) When Erving Goffman published *The Presentation of Self in Everyday Life* (first as a dissertation at Edinburgh University in 1956, then as the famous Doubleday Anchor paperback in 1959), his acknowledgements occupy 40 percent of a single small page, wherein he thanks eight people, including his wife and the Ford Foundation for what was surely a very small grant. W. I. Thomas' *The Unadjusted Girl* (1923)—which gave sociology "the four wishes"—bears no acknowledgments. The Lynds in *Middletown* (1929) use part of one page for thanks, half of which goes to their three female "field assistants," in addition to six scholars and one funding source. *Middletown in Transition* (1937) omits the scholars and gives its single acknowledgments page mostly, again, to the five female "field staff" members, plus the unnamed citizenry of

"Middletown." Peter Berger thanks one of his teachers, his wife, and two friends in *Invitation to Sociology* (1963), and C. Wright Mills uses two full pages of thanks in *The Power Elite* (1956) at the end of the book. Yet he consumes 1.5 pages of that defending his methods of composition, leaving only a half-page to acknowledge help from the SSRC and three other institutions, plus five helpers (wife included), and 13 scholars and writers.

Charles H. Page, *ASR* editor (1957-1960), first chair of the newly founded Princeton sociology department (1960), and author of *Class and American Sociology* (1940), begins his single acknowledgment page with the names of his wife and mother, then thanks 17 scholars (including Robert MacIver, Willard Waller, E.A. Ross, Merle Curti, Robert Lynd, and Joseph Dorfman), plus two other helpers. This same, ancient scholar looked at me during a theory seminar in 1973 (his age then close to mine now) and said "The critic's throne is the easiest to occupy, Mr. Sica." He was not pleased with my easy and ignorant dismissal of Emile Durkheim's *oeuvre* as the work of a political conservative, pointing out that I could read *Socialism and Saint Simon* to relieve my blindness to the facts of the case. Similarly, well-bred children still can hear, even outside the Midwest, "if you cannot say something nice, say nothing." And like this motherly incantation first heard when very young, Page's Dutch-uncle response to my short-sightedness has resounded in my head ever since.

I suspect that similar sentiments live on within the "moral compass" of many U.S. scholars after they repeatedly hear hortatory injunctions about kindness, fairness, balance, and reasonableness. Recently CNN ran a story entitled "Stop Sugarcoating the Bible: The Bible is raw and brutal, with vivid descriptions of murder, witchcraft and erotic sex. A Christian author argues that it was written that way on purpose to connect with real people, and that it's too often run through *a modern-day politeness filter"* (published online, February 26, 2012; emphases added). Who invented this "filter," if, that is, it actually functions beyond the social circle of the upper bourgeoisie? A convergence of many social forces, surely.

One enterprising comparative literature professor at Johns Hopkins has systematized his felt need for broad-scale politeness in a best-selling book, *Choosing Civility* (Forni, 2002) and the accompanying "Civility Web Site" of The Johns Hopkins Civility Project. From this volume *hoi polloi* can adopt "The 25 Rules of Considerate Conduct," none of which would have surprised Queen Victoria or Jane Austen. Number Five, though, speaks to our epoch rather than theirs: "Be inclusive." Since most people's circle of friends remains stubbornly circumscribed via similar backgrounds and beliefs, such a rule might be pushing the envelope, unless one happens to live in Queens, New York—the most "diverse" area of U.S. urban geography. Number 6, (Speak Kindly), Number 7 (Don't Speak Ill), and Number 12 (Be Agreeable) all work against scholarly candor even if they surely benefit everyday interaction. And they seem to conflict with No. 17: "Assert yourself." Teaching today's citizens how to behave has brought Professor Forni acclaim, including the 2009 Bravo Award from the Association of Image Consultants International. One wonders how Professor Forni handles the tricky issue of reviewing scholarly publications.

The multiple and regular attacks upon rudeness in our society have borne fretful fruit, at least among younger writers. A steady stream of emails to the journal office beats out the same rhythm of self-restraint and circumspection, even if on differently shaped drums. Two that just arrived are symptomatic of a particular frame of mind, both from talented junior scholars, one of each gender. The male wrote that "Given that I hope it [will] not generate enemies, I'm planning to shop the piece to a few colleagues for feedback this week," suggesting that the reading from trusted advisors would not be so much along substantive grounds as a check for what might be construed as offensive to some imagined readership. "Not generating enemies" can come at a high price for the scholar, so I counseled him not to worry overmuch about niceties, but instead to focus on the accuracy of content.

One of the most elaborate and "sensitive" emails arrived not long ago, also from a bright young scholar with excellent credentials. The invited reviewer wrote to say that the book in

question was indeed well within her range of knowledge and research, but: "I am reluctant to say no, but I suspect I do have a major disagreement with the general orientation of the book, given that its beginning premise sounds opposed to the conclusions of my own recent work. I would be glad to find another person to review it, however, if you do not have others on your list. Please let me know if you'd like me to ask colleagues." I responded: "A legitimate intellectual difference of opinion is not a 'conflict of interests.' If you want to review the book, we'll send it to you, unless you really believe that it would be impossible for you to give it a fair reading. If so, then names of other possible reviewers would be helpful." She came back with "OK, if you would still like me to do it, then I will."

I continued the dialogue, sensing some unfinished business: "If, after getting into the book, you are so bent out of shape that you can't write a useful review, let us know, and we'll start over looking for another reviewer . . . " and at that point, she delivered the defining sentence, the one which Goffman, Mills, the Lynds, and Berger would have highlighted in their own ways: "*I wrote a tough review once that really offended the author, so I am sensitive about not doing that again*!" The phrase "I am sensitive" stood out for me like the immortal scene from the 1960 eponymous film when all the gladiators say seriatim, "*I am Spartacus!*" to the murderous displeasure of their Roman overseers. It became morally impossible for his colleagues not to protect Spartacus by lying about their true identities. "I am insensitive" is no more acceptable today among the literate class than "I am *not* Spartacus" would have been in 71 BCE among the rebellious gladiators.

At this point I thought it was time to move our discussion to another level, so I responded: "I've written dozens of tough reviews that offended everybody. . . it's part of the job. You'll survive. And the discipline will be strengthened because of it." Her answer was as emblematic of her generation, I imagine, as my words were of mine: "Interesting to hear you say that, as *everyone else I've spoken to has told me that writing nice reviews is just a convention that we are supposed to respect*." Who, one must wonder, is "everyone else"? Without this key datum, I could only hypothesize, and not probably with much exactness, but this in essence is how I responded to her apparent belief that "writing nice reviews" has become the coin of the realm:

Well, things do change. The relatively recent influx of "nice people" into the discipline who were schooled to get along in a diverse society and not make "scenes," has created an intellectual environment that is very different from what preceded it by a couple of hundred years. Reviews that are honest in disagreement, elegantly written, informative, and fair-minded, without always being "nice," have been an essential part of intellectual life ever since Samuel Johnson and Voltaire were writing theirs. In fact, Hannah Arendt, Simone de Beauvoir, Isaiah Berlin, Robert K. Merton, Susan Sontag, George Steiner, Diana and Lionel Trilling, Edmund Wilson, and a host of other "serious" intellectuals wrote extraordinary reviews regularly, and very few of them would have been considered "nice" by any standard—for instead they were uniformly smart, informative, even inspiring for readers less learned or less gifted in exposition than the reviewers.

Perhaps the tragedy of 9/11 made everybody in the United States more sentimental and hypersensitive, but that is just a notion. The more important issue is that for lots of reasons, some of them obvious, others obscure, that part of the scholar's duty and right, to analyze other scholars' work honestly, has been buried under an avalanche of Niceness—and also, let's be honest as they say in D.C., because the next grant proposal might be vetted by somebody who can torpedo the whole thing if their last book was blasted in *CS* or elsewhere by the proposal writer. There is considerable log-rolling in some fields: you cite me, I'll cite you, and together we will protect and boost our careers. Nothing intellectually useful comes out of that, any more than does good government in Washington through similar mechanisms. There's also a venerable tradition among the more selective institutions of being careful not to trash one's colleagues because "we're all geniuses here, and who can say otherwise?", but that's another angle entirely, and not probably the most important one.

So ended my email. My guesses for this sea-change in sentiment could be all wrong, yet the fact remains: an increasing number of scholars hesitate to tell the truth in print about other scholars' work, which makes running a book review journal an obstacle course, where *signed* reviews are the norm.

As is my wont, I return to some older sources in order to "win a purchase" on the issue at hand, to get some perspective. Sam Johnson's *Dictionary* (1755) is always useful: "*polite*: glossy, smooth; elegant of manners." His examples include Newton's *Opticks*, with its "polite surfaces" that reflect light well. If we keep things smooth, without bumps, free of potholes, unlumpy, life moves along gracefully, protected from embarrassing disagreements of the kind that mar family gatherings or business deals gone sour. On the other hand, Johnson also provides ammunition for the contrary position: "Criticism is a study by which men grow important and formidable at very small expense" (*The Idler*, No. 60). I hear Charles Page's gentle snarl echoed in this observation, two hundred years after Johnson. And on October 9, 1747, Lord Chesterfield wrote to his son, "Politeness and good breeding are absolutely necessary to adorn any, or all other good qualities or talents. . . The scholar, without good-breeding, is a pedant; the philosopher, a cynic; the soldier, a brute; and every man disagreeable." One assumes that Professor Forni at Hopkins would embrace Chesterfield's advice–until he caught up again with Johnson's remark to Boswell while touring the Hebrides on August 21, 1773: "Politeness is fictitious benevolence."

One of the finest modern British epigrammatists was Bertrand Russell's sometime brother-in-law, Logan Pearsall Smith, who wrote in *Afterthoughts* (1931): "If we treat people too long with that pretended liking called politeness, we shall find it hard not to like them in the end," a truth which surely applies to the printed word as much as to social interaction. When the critical sense, rather than being sharpened by practice and growing skill, is blunted from the outset, so that everything one reads becomes "interesting" (the weakest scholarly compliment) or allegedly "exciting," then so-called "discourse" dies on the vine, and what we have in its place is harmless chatter, insipid backyard complimenting of the neighbor's zoysia grass and new lawn furniture. The main reason people become intellectuals or scholars or researchers is because their minds light up with irresistible chemical explosions when new and genuinely thrilling ideas enter them—like the first time a fundamentalist sophomore reads about the Protestant ethic, and finally understands things about his or her family's dynamics which seemed inscrutable before.

Let us, then, ward off the temptation to join in that ongoing campaign, suitable for grammar school and church functions but wholly alien to "the life of the mind," which *The Oxford Companion to the English Language* (1992) calls "Nice-Nellyism": "Excessive prudishness in speech or behavior. . . a genteelism," e.g., "Mr. Pyles attributes much of the nice-nellyism that blighted polite speech and writing during the nineteenth century to Webster's Puritan prudishness." In a culture which happily accepts and pays for a book called *The F-Word*, assembled by an OED editor and published by no less a house than Random (1995; third edition, Oxford University Press 2009), we do not suffer from prudishness regarding body parts and functions. Our special and newly formed version of Nice-Nellyism is different, in banishing to the outhouse scholarly criticism that might be interpreted by somebody or other as "harsh" or "unfeeling" or "off the wall" or "unsupportable," et cetera. If an entire generation of bright young scholars is schooled to believe that one should only write complimentary commentary about research which falls squarely within one's zone of competence, the future for serious thought and analysis does not look promising; worse, those so socialized will have been cheated of their right and their responsibility as intellectuals: to tell it like it is.

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SYMPOSIUM

Race, Sex, Marriage, and the State

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Historian Peggy Pascoe's book, *What Comes Naturally*, has won five major book awards—two from the American Historical Association, two from the Organization of American Historians, and one from the Law and Society Association; it was also a finalist for another from the American Studies Association. It is unusual for one book to win so many major awards from so many different fields, but Pascoe's brilliant and fascinating study is that kind of book. It is historical in its over one-hundred-year sweep of laws banning interracial marriage in the United States, with sophisticated readings of legal cases in various regions across the country. At the same time, Pascoe's analysis is richly informed by sociological, anthropological, and feminist theories of race-making, the state, law, and the intersections of race, class, and gender: it is an interdisciplinary book that deserves serious attention from many audiences. Although Pascoe was alive to receive awards for *What Comes Naturally*, she died over a year later after a long struggle with ovarian cancer. The paired essays here (one by an historian and legal scholar and the other by a sociologist and scholar in American Studies) were written to highlight the multiple contributions this book makes to history, sociology, legal studies, ethnic studies, and feminist studies, and as a tribute to Pascoe's considerable intellectual legacy.

What Comes Naturally traces the criminalization of miscegenation—laws that banned not only interracial marriage, but interracial sex—from the Reconstruction era to the 1960s. The term was invented by two Democrats during the height of the 1864 Presidential election who hoped to convince Americans to vote against Lincoln's re-election. It first appeared in a parodic pamphlet

What Comes Naturally: Miscegenation Law and the Making of Race in America, by **Peggy Pascoe.** New York, NY: Oxford University Press, 2009. 404pp. $34.95 cloth. ISBN: 9780195094633.

they wrote entitled "Miscegenation: The Theory of the Blending of the Races, Applied to the American White Man and Negro" where they *pretended* to argue that religion, science, and the Republican Party all supported the notion that "the intermarriage of diverse races is indispensable to a progressive humanity." They concluded that "when Lincoln proclaimed Emancipation he proclaimed also the mingling of the races. The one follows the other as surely as noonday follows sunrise" (p. 28). Designed to stoke fears about what Americans at this time understood as the "natural" separation of races, the pamphlet inverted this assumption by insisting that miscegenation would be the new "law of nature."

Though the pamphlet was quickly exposed as fraudulent, Pascoe demonstrates in her sweeping and detailed history, "Americans adopted the term 'miscegenation' with such alacrity that it would frame public debate over race, sex, and marriage for the next century" (p. 28). During and immediately after the Civil War, an unprecedented number of states across the country passed laws banning miscegenation. While many of these laws were enacted in the South, as Pascoe finds, they were also passed throughout the United States—in the West, the North, and the Midwest. In 1865, over thirty states had miscegenation laws in force (p. 42). Furthermore, while bans on interracial marriage are often understood in light of the 1967 *Loving*

v. Virginia Supreme Court decision as a white and black issue, Pascoe's research reveals a history of laws against marriages with Indians, native Hawaiians, Chinese, Japanese, Koreans, and Filipinos.

What miscegenation meant also depended on what race meant. Pascoe's careful attention to the national landscape as well as regional disparities highlights the ways that the meaning of race shifted across time, and how "racial targets" for these laws varied between states in the *same* time period. For example, in the late nineteenth century, miscegenation laws in the South targeted whites who married African Americans. Following the anti-Chinese movement, California and a number of western states expanded their interracial marriage bans to include Asian Americans and Indians. In 1866, the state of Oregon passed a new bill which added "Chinese, Kanaka [native Hawaiian], and Indian" to their existing statute (pp. 77–79). These variations between states meant that savvy interracial couples in one state who had financial resources could go to another state to get married. In one highly publicized California case of the early twentieth century, Helen Emory, an upper-middle-class white woman, and Guingiro Aoki, a Japanese man, were unable to wed. Traveling first to Oregon where they were denied, they were ultimately wed in the state of Washington because its interracial marriage bans had been repealed.

As Pascoe's skillful analysis reveals, miscegenation was not only about race, but about gender, respectability, and private property. In newspaper articles and court cases, the race and gender pairings of white women with non-white men were typically depicted as "lightning rods" that threatened the established racial order of white supremacy. In late nineteenth century California, for example, Chinese men were portrayed as dangerous, sexual predators who preyed on "helpless" white women. At the time, miscegenation laws were not only a means of protecting white womanhood and the "purity" of the "white race," but also a means of protecting private property—property presumed to belong to white men. Nineteenth century court records for disputes over inheritance revealed that when white men died leaving behind a wife of color to assume his property, white relatives quickly moved in to claim their "rightful" inheritance, and most judges concurred.

Of particular interest to sociologists who have long theorized the social construction of race are the many ways that this concept is defined and defended by lawyers in court cases across time and place. Contradictions and inconsistencies abounded as judges attempted to adjudicate between the many meanings of race to determine whether each member of a couple was of a different "race" which in turn determined whether their union (or potential marriage) was valid. In doing so, both judges and lawyers drew upon the arguments of "race scientists" of the day who included "naturalists, physicians, ethnologists, and physical anthropologists and ending, after the turn of the twentieth century, with eugenicists" (p. 117). While sociologists today might describe these "race experts" as biological determinists, Pascoe argues this understanding is misleading. "Physical difference was the indicator race scientists used to refine their classification schemes, but physical difference was not, in their eyes, the essence of race. In their formulations, racial essences stretched seamlessly from physical shape to character, morality, psychology, social organization, even, in the more elaborate schemes, to language" (p. 117). Put another way, these "experts" sometimes invoked race in essentialist terms, and sometimes as a cultural explanation of "difference."

In one exemplary Arizona case, Joe Kirby took his wife, Mayellen to court asking for an annulment after seven years of marriage. He claimed that their union had been invalid from the beginning because 1921 state law prohibited marriage between "persons of Caucasian blood" and "negroes, Mongolians or Indians, and their descendants" (p. 109). Joe claimed to be white, while describing his wife as "a person of negro blood." Drawing from the original trial transcript, Pascoe underscores the myriad ways each lawyer, their witnesses, and the judge understood race. The first witness was Joe's mother who gave her testimony in Spanish with the assistance of an interpreter. In asking about her family background, Mayellen's lawyer attempts to establish that Joe is not white because his mother is Mexican. The

presumption here is that Mexican, unlike the term Spaniard, denotes some Indian ancestry. Joe's mother appears confused by this line of questioning sometimes describing herself as Mexican and at others claiming Spanish heritage, though providing no documentary evidence of that heritage. The mother's depiction of Mayellen as a "negress" is not supported by genealogy, but rather by visual cues such as skin color. When Joe is later asked about his own "race" and his own lawyer objects, the judge insists he answer because it is a matter of "pedigree," suggesting that the judge understands race as a matter of ancestry. When Joe finally answers the question, describing himself as white with an "Irish father," he admits that he does not know anyone from his father's side of the family to buttress this claim. At this point, Mayellen's lawyer argues that Joe's lawyer has failed to prove his case about Joe's whiteness by using his mother's incomplete testimony about the family's racial heritage. Rather than agree, at this point the judge argues that her answers are unimportant because "Mexicans are classed as of the Caucasian Race," and grants the annulment. As he put it, "They [Mexicans] are descendants... of the Spanish conquerors of that country, and unless it can be shown that they are mixed up with some other races, why the presumption is that they are descendants of the Caucasian race" (p. 123). Interestingly, this presumption of ancestry works for Joe, but not his wife, Mayellen, for whom visual cues are sufficient evidence. As Pascoe argues, for judges "who believed that setting racial boundaries was crucial to the maintenance of ordered society, the criteria to determine who fit in which category were more notable for their malleability than their logical consistency" (p. 123). Physical appearance, family background, claims to identity or blood, any one of these criteria would suffice and at the same time be "mixed and matched with (il)logical abandon" (p. 123).

By granting Joe an annulment, the judge not only invalidated their marriage, but excused Joe from any obligation to provide financial support that a divorced woman could reasonably expect under the law. In this case and many others that Pascoe examines, by seeking annulments, white men were able to evade the economic responsibilities they would have been expected to carry out in divorces with white women in legally sanctioned marriages. And thus, as in inheritance legal disputes, property remained in the hands of white men, and their former wives of color were left destitute. Pascoe powerfully argues that miscegenation laws not only served to maintain white supremacy, but the privilege of white men.

Providing evidence for the conception of race as a malleable, social, and historical construction, Pascoe also attends to the many ways that the state was involved in race-making. Legislators, lawyers, judges, and even county clerks were involved in making racial classifications. In one of the book's most fascinating chapters, "Seeing Like a Racial State," Pascoe considers the role of clerks who were given authority to determine the racial status of couples who applied for marriage licenses (see Scott 1998). In the 1920s, for example, clerks in the marriage license bureau in Los Angeles County were required to implement California's miscegenation law. While the bureau's employees were accustomed to turning away whites who planned to marry black, Chinese, and Japanese applicants, they did not know what to do in the case of Filipinos who were more recent immigrants to the state. To do their jobs, clerks had to decide whether Filipinos were white or "Mongolians" (p. 131).

In the 1920s, county clerks issued licenses to whites and Filipinos without question. California nativists, however, were quick to assert their opposition to these marriages. Drawing upon the state's longstanding racist and sexist rhetoric about protecting white womanhood from the dangers of Asian male predators, they argued that Filipinos fell under the generic category of "Mongolians" (p. 153). By the 1930s, when Salvador Roldan went to obtain a marriage license for his intended marriage to Marjorie Rogers, the county clerk put him through the racial gauntlet of questioning. When asked whether he was "white, or yellow, or brown, or red," Roldan told them that he was "Filipino" and when asked about Rogers, he said that she was "an English girl" (p. 153). The clerk denied him a marriage license and an infuriated Roldan decided to find a lawyer and file a lawsuit.

As Pascoe's nuanced legal analysis reveals, scientific knowledge about racial classifications used when California's miscegenation laws first introduced the term ''Mongolian'' played an important role in this case. Roldan's lawyer relied heavily on German naturalist Johannes Blumenbach's division of the ''races of man'' into ''Caucasian, Ethiopian, American, Mongolian, and Malay'' (p. 155). In Blumenbach's racial schema, Japanese and Chinese were classified as ''Mongolians,'' but Filipinos were understood as ''Malay.'' Roldan's lawyer argued that the California state legislators who had inserted the term ''Mongolian'' into their miscegenation law in the 1880s would have been familiar with Blumenbach's classification system and therefore would have used the term ''Mongolian'' to refer to Chinese and Japanese. If they had wanted to include Filipinos, the lawyer argued, they would have used the term ''Malay'' to do so. With both sides of this case citing their own race experts, each with their own systems of race classification, the legal briefs became a debate about which scientist was most influential, when, and, to whom. In the end, the judge decided that Roldan was a ''Malay,'' and not a ''Mongolian,'' and ordered the county clerk to issue Roldan a marriage license. Roldan's victory was short lived, however. After the judge issued his decision in January 1933, a state senator immediately introduced two bills adding ''Malay'' to California's miscegenation law to the state legislature and both bills passed.

For sociologists who study the state, Pascoe's focus on its many race-making practices and its reliance on scientific studies of the time, is illuminating. It underscores not only the power of the state in making racial distinctions, but also the many meanings attached to racial categories in any given historical period. In teaching undergraduates about race as a social construction, I often rely on historical examples to illustrate how the meaning of race changes over time. Pascoe's study powerfully reveals that race can take on many meanings *within the same time period*, meanings that are ultimately adjudicated through law and its interpretations of scientific research of the day. Moreover, Pascoe is a beautiful writer and compelling story teller. Many of the individual cases she writes about read like the best legal thrillers, but significantly, as she demonstrates, the good guys do not always prevail. Importantly too, her sharp analytic eye reveals important theoretical connections between the state, law, race, and gender.

While Pascoe's book uncovers the many arms of the ''racial state'' in defining illicit sex and marriage, miscegenation statutes did not go unchallenged. Civil Rights organizations such as the NAACP, the ACLU, the JACL (Japanese American Citizens League), the LACIC (Los Angeles Catholic Interracial Council), and many others worked with couples who were willing to risk taking their cases to court. For example, in the early twentieth century, the NAACP launched a campaign against miscegenation laws, arguing that it deprived women of color the legal protections of matrimony. Here, they harnessed the very rhetoric used by their opponents for ''the protection of white womanhood'' to make a very different argument—that interracial marriage would ''protect'' black women from ''concubinage and bastardy'' (p. 178). In the bitter aftermath of the *Brown* decision, however, the NAACP feared supporting interracial marriage would produce a backlash against other civil rights campaigns and became silent on the issue. By contrast, other groups such as the JACL and the ACLU continued their work hoping to find a ''suitable'' test case for Supreme Court review, helping interracial couples seeking to marry, and campaigning for state-by-state legislative repeal. For those interested in the study of social movement organizations, Pascoe's consideration of groups such as LACIC and JACL, which have received less attention in sociology than the NAACP, prompt future research about civil rights campaigns that transcend the black-white binary, the logics of legal strategy, and coalition building.

Finally, Pascoe's analysis encourages sociologists to be more attentive to history in drawing conclusions about contemporary practices. For instance, in their recent book, *The Diversity Paradox: Immigration and the Color Line in Twenty-First Century America*, Jennifer Lee and Frank Bean find that most nonblack families, while accepting of their adult children's marriages to Asian Americans and Latinos, object to marriages with African

Americans. Based on interviews and survey data, Lee and Bean argue that the color line has shifted from a black and white divide to one of black and non-black. By contrast, as Pascoe's broader history of miscegenation law demonstrates, the acceptance of interracial marriages between Asian Americans and whites came at the end of WWII. Laws were specifically designed to enable returning service men to marry women they met in Japan and Korea. Civil rights organizations and their lawyers recognized this shift in the racial thinking, and at times, explicitly sought white and Asian American couples as test cases to challenge miscegenation laws because they knew these kinds of interracial couples would be more acceptable to state and federal courts. Within this broader historical view, Pascoe's research highlights not only the raced and gendered logics deployed in legal strategy, but ways the color line had shifted before the twenty-first century. Indeed, *What Comes Naturally* persuasively documents the role of the state and other actors in adjudicating the "shape-shifting" meanings of race, sex, and marriage from Reconstruction to the present—social and political processes that were anything but natural.

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Miscegenation and the Racial State

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Sometimes it makes sense to start at the end, or in the case of history, with the present. In the final section of her pathbreaking monograph, *What Comes Naturally: Miscegenation Law and the Making of Race in America*, Peggy Pascoe traces a set of beliefs and fictions that "seeped into the consciousness of ordinary White Americans" in the wake of the U.S. Supreme Court's decision that laws banning interracial marriage were unconstitutional: "that the collapse of miscegenation law had been inevitable, that opposition to interracial marriage belonged to the distant past, that marriage was a private matter of individual choice, [and] that the American government had always opposed race discrimination" (p. 294). As Pascoe argues "The less Americans remembered about the history of miscegenation law, the easier it was to link the U.S. Supreme Court's decision in *Loving v. Virginia* to a variety of social movements and political causes" (p. 296). She briefly sketches three: the movement to add an interracial category to the 2000 census, the campaign to legalize same-sex marriage, and finally, the conservative challenge to affirmative action. In speaking to this last, Pascoe explains, "As a part of this process, color-blindness was reconstituted from an oppositional weapon in the fight for racial justice to a conservative statement of American values, while opposition to interracial marriage, which had once stood at the symbolic center of the entire system of white supremacy, came to be regarded as a mere ghost of America's troubled racial past" (p. 306).

What Comes Naturally: Miscegenation Law and the Making of Race in America, by **Peggy Pascoe.** New York, NY: Oxford University Press, 2009. 404pp. $34.95 cloth. ISBN: 9780195094633.

This was no ghost. For a century, from 1863 to 1967, "and many would say, beyond," Pascoe persuasively argues, miscegenation laws were the foundation of white supremacy in the United States. Recovering the history of these laws that put the power of the state in

service to the idea that interracial marriage was unnatural is the central task of *What Comes Naturally*. For too long the history of miscegenation has been written in terms of a black/white racial binary, a story of the legacy of slavery in the American South, with the U.S. Supreme Court's decision in *Loving* representing the triumph of liberal individualism. Pascoe reveals a deeper, darker history: a national (not simply regional) story of race-making through law, with marriage, gender, sexuality, and the state at its center, that has as a result, very different meanings for the present. Her account builds on and materially deepens recent historical and theoretical scholarship on the construction of race and on marriage, the state, and citizenship. My hope here is to highlight key contributions of this rich, complex, beautifully crafted history in hopes of encouraging you to read it for yourself.

Pascoe begins by making the case that miscegenation law was new, that it was at the center of the modern (post Civil War) racial state, and that it depended on the widely shared idea that interracial marriage was unnatural, based on the legal authority that states exercised over who could marry, and on constitutional sanction. The Civil War brought an end to slavery, but not to the commitment to white supremacy. This may not sound new, but it is all too easy to see miscegenation laws as simply a holdover from an earlier era; after all, laws prohibiting interracial sex and marriage had been a critical bulwark of slavery from early in the colonial era. But this is just the point: the language of the laws may have been familiar, but the social, legal, and political context had been made anew. Slavery was a thing of the past. African Americans were now legally and constitutionally persons and citizens. The newness of the term "miscegenation" and the political circumstances of its creation—a neologism coined during the 1864 Presidential election by Democrats in an attempt to undermine Republican electoral ambitions by suggesting Republicans believed that intermarriage of whites and blacks was as natural as the attraction between women and men—help Pascoe to make her point.

When we describe miscegenation law as the prohibition of interracial sex and marriage, we overlook the racial project at stake in these laws. Miscegenation laws never banned all interracial marriages. They targeted particular interracial pairings: banning only marriage between whites and blacks, and varying by state, between whites and a range of racialized others (e.g., Chinese, Japanese, Koreans, Filipinos, American Indians, but not, notably, Mexicans). Racialized others were free to intermarry. Pascoe also shows that although gender-neutral on their face, miscegenation laws had particular gender pairings at their heart—aimed most fundamentally to prohibit interracial unions involving white women. Miscegenation law built on deeply ingrained patterns of racial and gender privilege and subordination. Relationships involving white men—in keeping with the gender and sexual privilege they had long enjoyed within and outside of marriage—were the hardest to enforce miscegenation laws against. Relationships involving black men and white women were the special and easiest targets of the law. It is telling that the case that first gave constitutional sanction to miscegenation law—*Pace v. Alabama* (1880)—involved a relationship between a black man and a white woman and the case long celebrated for bringing the edifice of miscegenation to a close—*Loving v. Virginia* (1967)—involved a marriage between a white man and a black woman.

A final brilliant point regarding miscegenation law and marriage that Pascoe makes is that miscegenation law operated in a sort of one-two punch: prohibiting and voiding marriages between whites and particular racial others on the one hand and criminalizing interracial sex, cohabitation, and unlawful marriage on the other. In this way, miscegenation laws transformed all prohibited interracial marriages into illicit sex: criminal, socially stigmatizing, and financially disabling. The social and economic importance of marriage for women meant, in practice, as Pascoe highlights in one powerful example after another, that the burdens of miscegenation law fell with particular force on women. Pairing this with the point above regarding white men's gender and sexual privilege, women of color bore the laws' heaviest social and economic burden.

That race is constructed is often asserted, but rarely shown. *What Comes Naturally* shows readers how race was made in modern America. In three key chapters that make up Part II of the book, Pascoe traces the conviction that race existed and was knowable and definable, along with the absurdities and injustices produced when those convictions were put to the test. States and individuals should have been embarrassed. They were not. Race classification should have crumbled in the face of the obviousness of the absurdities and contradictions. It did not. Too much was at stake. As Pascoe notes, ''the imperative of race classification depended on the illusion of certainty'' (p. 111) and where ancestry, blood quantum, and race science couldn't provide sure answers, judges returned to the common sense of the matter. As a justice on the Alabama Court of Appeals put it in a 1924 case, ''in this jurisdiction certainly every person possessed of any degree of intelligence knows a negro'' (p. 129). A similar logic applied at the marriage license bureau. As the head of the Los Angeles County marriage license bureau informed a reporter, ''she took great pride in recording the 'color or race' of each marriage license applicant, using a 'sixth sense' she had developed for following the letter of the law'' (p. 208).

Decisions of the U.S. Supreme Court frame the history of miscegenation law, tracing in this sense the transformation in Equal Protection and Fourteenth Amendment jurisprudence. One of the many important contributions of *What Comes Naturally* is Pascoe's brilliant decentering of *Loving v. Virginia* (1967) by restoring *Pace v. Alabama* (1880), *McLaughlin v. Florida* (1964), and the state precedents on which they built, to the constitutional history of miscegenation law. As her account highlights, the constitutional edifice of miscegenation law was built in the first instance on cases involving black men and white women—''groups whose claims to the privileges of contract, citizenship, and property were tenuous at best'' (p. 69). And, second, her account highlights that an oppositional strategy based on the distinction between sex and marriage missed the fundamental fact that state laws prohibiting interracial marriage turned those relationships into illicit sex.

But before, in between, and in some sense after the constitutional story, Pascoe reminds us that the action was at the level of the states. Marriage was largely, and indeed remains, the special prerogative of the state; the same applied to the regulation of illicit sex. The financial and manpower resources the state dedicated to this racial project were staggering: state laws, state constitutional provisions, state courts (criminal, civil, and probate), state marriage licensing bureaus, state prisons, and, of course, lawyers, judges, jurors, police, prosecutors, and marriage licensing clerks. Pascoe shows that state enforcement of miscegenation law initially was a haphazard, largely ex post facto affair: criminal prosecutions of couples whose relationships caught the eye of public officials; inheritance and probate cases brought by disgruntled, grasping (largely white) relatives; and, civil suits voiding marriages or granting annulments or divorces when a party (too often a husband) turned to miscegenation laws as a tool to escape a marriage and with it the financial obligations and rights it entailed. But it was with the adoption of marriage licensing laws, promoted by eugenicists and race scientists, that miscegenation laws acquired their real power. Every couple who wished to marry had to get a marriage license. Suddenly, the state had a tool to prevent the formation of prohibited marriages at their inception, and, in the process, to render largely invisible evidence that interracial attraction was not unnatural and the number of interracial unions that indeed existed. In the chapter titled ''Seeing Like a Racial State'' that builds on the work of James Scott, Pascoe traces this history. The power of the racial project was such that even states that did not have miscegenation laws came to require marriage license applicants to include their race on their applications.

There was never a time when every state in the United States had miscegenation laws and yet Pascoe's argument that a commitment to white supremacy was pervasive and fundamental to modern America and the modern state is entirely convincing. Her argument and part of the genius and

originality of her account lies in her explication of miscegenation laws in the American West. Western legislatures began adopting miscegenation laws in the 1860s; these laws were often among their first acts as states. Moreover, the West led in the racialization of Asian Americans, with state miscegenation laws barring intermarriage not only between whites and blacks, but a laundry list of others: ''Mongolians,'' Malays,'' ''Chinese,'' ''Corean.'' The carefully chosen, powerful individual narratives with which Pascoe opens each chapter also reframe the history of miscegenation law. Her narrative begins in the South, but she quickly takes readers to Midwest, West, and Northeast and in so doing explodes the myth that miscegenation laws were only a legacy of slavery, a Southern story. Throughout Pascoe productively uses maps coupled with her narrative to capture in a single image the reach of miscegenation laws at various time periods. The number of states, mostly in the Midwest and Northeast, without miscegenation laws might be read as counterevidence to Pascoe's argument that white supremacy defined the modern American state. But, as she shows, miscegenation laws were introduced in almost every state at some point. The white spaces on the maps (no miscegenation laws) remained white only because of the combined power of limited populations of racial others coupled with the work of civil rights groups in challenging pending legislation.

Pascoe's brilliant organization allows her to explicate one sophisticated piece of this artifice at a time. But in fact, as Pascoe recognizes, and the dates marking each of the first three parts of the book highlight, there was tremendous overlap. The messiness, the overlap of construction, consolidation, and challenges—the fact that throughout the century-plus-long history of miscegenation law men and women formed relationships prohibited by law, serves as an important reminder that however widespread was the support for white supremacy, it required the force of law to sustain it and even then it was never stable, never complete.

And yet Pascoe's account never lets us forget, that miscegenation laws exerted enormous border-setting power, directly impacting the lives of thousands of interracial couples: couples who crossed state lines to marry in hopes that upon returning to their home state the principle of comity might protect their marriage, couples who hoped to fly under the radar with the knowledge that at any point their marriage might be brought to the attention of authorities and declared void, making a commitment of a lifetime reduced to illicit sex, their children illegitimate, their right to inherit in the absence of a will voidable, and so on. And at the same time, miscegenation laws legitimized a belief in the unnaturalness of interracial marriage, became the foundation for a warped understanding of equal protection of the laws, and fostered belief in the reality of race.

One of the fictions that took hold in the decade or so after the U. S. Supreme Court's decision in *Loving* was that the demise of miscegenation law had been inevitable. *What Comes Naturally* exposes the wishful thinking such a view reflects. At the time of *Loving*, nineteen states still had miscegenation laws and they reflected an even more widely, still deeply held belief in the unnaturalness of interracial marriage. Pascoe traces in Part III of her narrative, the resistance of civil rights organizations which was fundamental to the dismantlement of miscegenation law. The ACLU, NAACP, JACL (Japanese American Citizens League), ADL, LACIC (Los Angeles Catholic Interracial Council), and others all played critical parts in challenging miscegenation law. Organizations' institutional priorities fundamentally shaped the timeline of challenges, so that, for example, the NAACP carefully tailored its challenges to miscegenation laws for fear of undermining its education agenda. Broader historical transformations, especially centered around World War II, also opened the way for challenges.

Pascoe tells the story of race-making, state-making, and white supremacy in the United States beginning from the Civil War. But the connection between race and the modern state was not simply an American phenomena, it was fundamental to the modern state. And so I hope that others will pick up where she left off and place the American case in a global context. Beyond the most notable cases of Nazi Germany and South Africa, what other nation-states turned to miscegenation law as a technology of state-making?

Were there other technologies or imperial geographies that did the work miscegenation laws did in the United States?

What Comes Naturally is meticulously researched, and elegantly and powerfully argued. It is a book to be read slowly and remembered, for the art and nuance of its narrative, for the history that it will not allow us to forget, and for the work that history has to do today. As Pascoe herself concludes, "if we should constantly be on guard against the charge that something is 'unnatural' (whether it be interracial marriage in the 1890s or same-sex marriage in the 1990s), we should also be on guard against the belief that if white supremacy is the problem, then colorblindness must be the solution" (313–14).