

Charles F. Robinson, II. *Dangerous Liaisons: Sex and Love in the Segregated South*. Fayetteville: University of Arkansas Press, 2003. xv + 196 pp. \$29.95 (cloth), ISBN 978-1-55728-755-7.

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An Intimacy Color Line in the Jim Crow South

In 1944, sociologist Gunnar Myrdal ranked interracial marriage as the most important concern that white southerners had about their relationships with black southerners. According to Myrdal, prevention of intermarriage was the basis for all southern laws establishing segregation.[1] In *Dangerous Liaisons: Sex and Love in the Segregated South*, Charles F. Robinson II suggests that the South's enforcement of its anti-miscegenation laws was more nuanced than Myrdal had recognized.

Dangerous Liaisons makes clear that southern legislatures and courts selectively enforced their anti-miscegenation statutes, focusing on interracial relationships as opposed to interracial sex. Public, domestic unions between blacks and whites, particularly unions between black men and white women, threatened the political, social, and cultural structure of white supremacy and suggested the possibility of racial equality. Robinson persuasively argues that southern whites enforced an "intimacy color line rather than a sexual color line" (p. xiii). Previous works on miscegenation, such as Martha Hodes's *Sex, Love, Race: Crossing Boundaries in North American History* (1999) and Peter Wallenstein's *"Tell the Court I Love My Wife": Race, Marriage, and Law—An American History* (2004), do not consider the selective enforcement of anti-miscegenation laws that Robinson has teased out of his sources.

Robinson bases his conclusions on an exploration of anti-miscegenation laws, court decisions, newspaper commentaries, private correspondence, and personal memoirs from across the South. This impres-

sively researched work traces the development of anti-miscegenation laws from Virginia's first statute in 1662 to the U.S. Supreme Court's 1967 decision declaring Virginia's anti-miscegenation law unconstitutional in *Loving v. Virginia*. *Dangerous Liaisons* also demonstrates how southern courts and legislatures implemented anti-miscegenation laws and the cultural fears that underlay their enforcement. Robinson maintains that although white Americans have consistently spoken out against interracial sex, their public pronouncements have never reflected their private activity.

During the colonial period, Virginia's first anti-miscegenation law upheld slavery by making the children of interracial unions take the condition of their mother. Virginia's law allowed white men to cross racial lines with impunity, but the sexual activity of white women came under special scrutiny when their unfettered sexuality threatened patriarchal control. Robinson notes that the colonial anti-miscegenation laws achieved two goals—supporting the institution of slavery and upholding white male control of white women.

In the antebellum period, twenty-one of thirty-four states had, by 1860, adopted statutes proscribing or punishing interracial sex. A great diversity, however, existed among the states regarding the definition of interracial sex, who should be punished for the act, and what that punishment should be. Florida and Georgia punished white men only, while Indiana and Illinois punished both black and white offenders. States also differed over how to define African heritage.

Enforcement in the years before the Civil War, Robinson contends, continued to be applied most often to public, domestic relationships between white women and black men. As long as white men kept their relationships with black women informal and hidden, they did not fear prosecution. If, however, a white man lived openly with a black woman, and the couple demonstrated an affectionate and stable union, they could also face state action.

During Reconstruction, Congressmen from northern and southern states questioned whether the new civil rights laws, including the Fourteenth Amendment, might void anti-miscegenation statutes. Such arguments persuaded the state supreme courts of Texas and Alabama to declare their laws against interracial sex unconstitutional. In response, the Republican Congress agreed that the civil rights legislation would not prevent states from legislating against interracial marriage, and only Louisiana actually repealed its anti-miscegenation statute.

By 1890, every southern state except Louisiana had an anti-miscegenation law on its books, and Louisiana re-enacted its statute in 1894. The post-Reconstruction laws demonstrated greater uniformity than the antebellum statutes had. All banned interracial marriage, some banned interracial cohabitation, but no state banned interracial sex. Like their antebellum precedents, the statutes were selectively enforced, targeting public, formal relationships between interracial couples, especially black males and white females. As prior to the war, the appearance of intimacy within a domestic interracial relationship threatened racial assumptions and drew public condemnation.

At the beginning of the twentieth century, white Progressive politicians, ministers, doctors, and ordinary citizens continued to denounce interracial unions. As the academics announced “scientific” evidence for black inferiority, state legislatures reduced the percentage of African heritage necessary for a designation of “mulatto.” Robinson demonstrates that the early twentieth century saw an increased use of anti-miscegenation laws in civil cases, especially in questions of inheritance and divorce. But despite their inflammatory rhetoric, the Progressives’ enforcement of the statutes continued to focus

on public, formal relationships; sex was less important than affection.

While white policy makers used the anti-miscegenation laws to support a race-based caste system and a patriarchal social structure that restricted the sexual freedom of white women, African Americans saw the issue of interracial relationships in more complex terms. Robinson notes that both before and after the Civil War, black leaders worked to repeal the anti-miscegenation laws, which they believed represented society’s refusal to accept black social equality and white males’ determination to continue their sexual access to black women. Such statutes, African Americans claimed, were devices to promote illegitimacy because they prevented white men from taking responsibility for biracial children.

Although they sought the repeal of the anti-miscegenation laws, African Americans also opposed interracial marriage as an “abandonment or betrayal of racial loyalties” (p. 115). Robinson explains that black leaders worried that African Americans would define “beauty” in white terms and create a color hierarchy based on skin tone. Desiring to promote racial pride and solidarity, black leaders feared that “the privileges associated with whiteness could easily tempt a person of color with a white appearance to surreptitiously crawl over the color line” (p. 127).

Anti-miscegenation laws gradually disappeared after the 1967 *Loving* decision by the Supreme Court. But the existence of interracial relationships remains an emotionally charged issue for most blacks and whites. As *Dangerous Liaisons* describes, the social attitudes of both groups today toward interracial unions reflect the heritage of their mutual past. Charles Robinson’s comprehensive survey of anti-miscegenation laws and their enforcement gives his readers an understanding of the complexity of southern race relations and demonstrates that “Jim Crow had limits”—intimate relationships existed despite the laws against them (p. xv).

Note

[1]. Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper and Brothers Publishers, 1944), pp. 586-587.

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