

RACIAL HIERARCHY AND DESIRE:
LAW'S INFLUENCE ON INTERRACIAL INTIMACIES

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Dear Colleagues,

I am writing a book that explores how race influences our romantic preferences (who we find desirable and deem to be an appropriate intimate partner), how the law has influenced and continues to influence these preferences, and why we as a society should care. In other words, what is the harm of racial preferences in the intimate market and what should we do about it? The Introduction to the book, which frames the project and provides an outline of each chapter, is attached. I have also included the first full chapter which examines surveys and online dating studies and surveys to demonstrate how gender and race intersect to create a gendered racial hierarchy in the dating and marriage market.

The next chapter titled *Residual Effects of Law's Historical Regulation of Interracial Intimacy* (which is in progress and not ready for distribution) traces the law's regulation of intimacy from slavery through the U.S. Supreme Court's decision in *Loving v. Virginia*. It illustrates how three centuries of legal prohibition of interracial intimacy created the racial hierarchy that influences our romantic choices today. It demonstrates how anti-miscegenation laws, legally enforced segregation, and racially discriminatory immigration, naturalization, and citizenship laws stigmatized as inferior the groups that are still the least preferred in the intimate market today. These laws also reinforced cultural norms against intimacy with these groups. The first half of the chapter examines how state anti-miscegenation laws differed in their treatment of different racial groups and the role of gender in the enforcement of these laws. For example, intimacy between White men and Native-American or Mexican-American women was treated very differently than intimacy between White women and African-American men. The law relied on racialized and gendered stereotypes to justify anti-miscegenation laws and segregation in housing, education, and public accommodations. The chapter also examines how racially discriminatory federal immigration laws, in effect, prohibited interracial intimacy between Whites and Asian Americans, especially between Asian men and White women. Military policies did the same.

The second half of the chapter compares *current* racialized and gendered stereotypes about different groups to the *historical* stereotypes about these groups. It shows that many of the assumptions that the law used to justify anti-miscegenation laws and segregation continue to be part of our cultural assumptions today. African-American men are still stereotyped as sexual predators and Asian-American men are still seen as perpetual foreigners. When policymakers talk about "illegals", "welfare queens," and "baby mamas," we all know who they are referring to. This is not surprising. It would be unrealistic to expect that cultural assumptions about different groups—assumptions that the law facilitated and adopted for centuries, would be forgotten once legal restrictions on interracial intimacy were abolished. In a segregated society where most individuals have limited opportunities for meaningful interactions with people of other races, deeply embedded beliefs about minority groups are passed on from generation to generation. In addition, *Loving* did not dismantle the residential and educational segregation that accompanied restrictions on interracial intimacy. The structural barriers that kept the races apart

remain even though the laws themselves have been abolished. As Professor Orlando Patterson has asserted when examining African Americans' low rates of interracial marriage, "[t]his is what "three and a half centuries of slavery, Jim Crow, lynching, racist caricature, minstrelsy, public dishonor, anti-miscegenation laws and sentiments, economic discrimination, and residential segregation have achieved."²

This project has been very challenging but quite rewarding. Thank you for reading the attached chapters. I look forward to your comments.

² Orlando Patterson, *Rituals of Blood: Consequences of Slavery in Two American Centuries* 157-58 (1998).

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Introduction: Intimacy, Law and Choice

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Introduction

Intimacy, Law, and Choice

When Beth Humphrey and Terence McKay asked Louisiana Justice of the Peace Keith Bardwell to officiate their marriage ceremony, he refused. The reason: Beth is White¹ and Terence is African-American.² The date was October 6, 2009.³

Judge Bardwell, who is White, refused to marry Beth and Terence because he believes that interracial marriages are likely to end in divorce and more importantly, that the children of such unions will be rejected by both African-Americans and Whites. Bardwell is not alone in his views. In 2011, a church in Kentucky voted to ban interracial couples from membership.⁴ That same year, a poll revealed that 46% of registered Republicans in Mississippi believed that the law should prohibit interracial marriages.⁵

Beth's and Terence's story has a happy ending. There are no laws prohibiting marriages across racial lines and they soon found another judge to marry them. Just fifty years ago, however, many couples like them would not have been able to marry and would have faced criminal punishment for doing so. For most of our nation's history, the majority of states had laws prohibiting interracial intimacy between Whites and African-Americans. A minority of states also prohibited intimacy between Whites and persons of Asian-American-descent and between Whites and Native Americans/American Indians.⁶ Proponents of laws prohibiting interracial intimacy (known as "anti-miscegenation laws") claimed that these laws were necessary to protect the children of interracial unions who would be stigmatized and rejected by both White and non-White communities. At their root, however, these laws aimed to preserve White racial purity. As the California Supreme Court noted, advocates of these laws believed they were necessary to protect

“the Caucasian race from being contaminated by races whose members are by nature physically and mentally inferior to Caucasians.”⁷

In 1948, the California Supreme Court struck its anti-miscegenation law in *Perez v. Sharp*, a case involving the marriage of an African-American man and a Mexican-American woman (whom the law classified as White).⁸ Over the next fifteen years, many other states repealed their own anti-miscegenation laws. Still, such laws remained in effect in almost one-third of states until 1967. Then, the United States Supreme Court, in a case aptly named *Loving v. Virginia*,⁹ held that anti-miscegenation laws violated the constitutional right to marry and to equal treatment. After more than 300 years of legal prohibitions on interracial intimacy, individuals across the U.S. were finally free to love and marry without regard to race.

The rate of interracial intimacy has increased significantly since the Court’s decision in *Loving*. In 1960, just 2% of marriages in the United States were interracial. Fifty years later, 15% of marriages celebrated in 2010 were between spouses of different races or between Latinos and non-Latinos.¹⁰ Social norms against interracial intimacy have also shifted in the last 50 years. Judge Bardwell and the Mississippi Republicans opposed to interracial marriage aside, we as a society have come a long way toward accepting interracial intimacy. In 1958, only one percent of Southern Whites and five percent of non-Southern Whites supported marriages between African-Americans and Whites.¹¹ By 2009, 83% of Americans reported that they had no objections to African-Americans and Whites dating and 63% agreed that it “would be fine” with them if a family member intermarried.¹²

These shifts in intermarriage rates and social norms do not mean, however, that

we freely engage in interracial relationships. If couples across the United States were randomly matched, with no attention at all to race, 44% of all marriages would be interracial.¹³ The actual intermarriage rate of 15% suggests that despite the absence of legal barriers to interracial intimacy, *de facto* barriers remain.¹⁴

Rates of intermarriage vary depending on race and gender. The majority of Native-Americans and more than one-third of U.S.-born Asian-Americans and Latinos who married in 2010 married someone of a different race or ethnicity.¹⁵ In contrast, only 17% of African-Americans married out. The contrast is starker when one considers gender. Forty-three percent of U.S.-born Asian-American women married out in 2010 but only 9% of African-American women did the same.

Social scientists have long believed that intermarriage is an indicator of the social distance between groups. If that is true, African-Americans might be more isolated than other groups. The question is why. The difference in intermarriage rates may be attributable, in part, to the legacy of slavery and anti-miscegenation laws. African-Americans are the only group that was enslaved because of race and the only group that was prohibited from intermixing with Whites under every state's anti-miscegenation law. Yet, this history does not completely explain why half a century after *Loving*, marriages between African-Americans and Whites lag behind those of other groups.

Structural barriers such as residential segregation and limited access to educational and economic opportunities narrow opportunities for interracial intimacy. Historical and current structural barriers, however, do not fully explain the dissimilar rates of interracial intimacy among different groups. Latinos share many of the same barriers to integration as African-Americans—many reside in segregated communities

and have limited opportunities for educational and professional advancement. In addition, many Latinos are recent immigrants or the children of immigrants from countries with cultural norms and practices that differ from those of Americans. The majority of Asian-Americans are also recent immigrants or the children of immigrants. They, like Latinos, come from countries with different cultural norms and often speak a language other than English at home.¹⁶ Despite these barriers, a significant percentage of Latinos, Asian-Americans, and Native-Americans have intermarried with Whites since the 1980s and have continued to do so even as greater numbers of Latino and Asian-American immigrants entered the United States, expanding the pool of potential partners for in-marriage.

In 1990, I (a Latina woman) was in a romantic relationship with a non-Latino man. His name was Rick. I brought him home to meet my family on Thanksgiving. Rick had been high school valedictorian, played college football, and was going to medical school—my parents' preferred profession for their daughters' future mates. My father, though, disapproved of the relationship immediately, and hardly spoke to Rick all evening. Throughout our three-year relationship, I heard many comments about our cultural differences and what our hypothetical mixed-race children would look like. Some of my relatives shared my father's views, as, I came to realize, did some of my friends. Interestingly, when two of my sisters entered into relationships with non-Latino men a few years later, my father and other family members welcomed them warmly into the family. I wanted to think that my family had grown more understanding, more open to interracial intimacy. But I suspect not. Rick was African-American. My sisters' boyfriends were White.

Dissimilar rates of interracial intimacy and marriage might be explained by individuals' romantic preferences *and* society's acceptance of some interracial relationships but not others. Americans today are more likely than ever before to express romantic interest in persons of a different race or ethnicity. However, a racial hierarchy exists in the dating and partnering market. Most groups are willing to date Whites. In fact, many Asian-American and Latina women express stronger romantic preferences for White men than for their male co-ethnics. Most groups, however, are not willing to date Blacks. This racial hierarchy is gendered. The majority of White men exclude African-American women, but not Asian-American or Latina women, as potential dates. White women, in turn, reject Asian-American men at higher rates than they do Latino or African-American men. A similar hierarchy exists in the gay male dating market.

Parents have similar preferences. Although it would be comforting to assume that my father's rejection of Rick, and his acceptance of my sisters' boyfriends, is unusual, that assumption would be wrong. Studies have repeatedly found that parents' support for or opposition to a child's interracial relationship often depends on the race of the partner.¹⁷ Fewer parents object when a child's love interest is White, regardless of the race of the parents and the adult child. In fact, some Latino and Asian-American parents express approval when they learn that their child's love interest is White.¹⁸ These same parents discourage their children from dating African-Americans.¹⁹

Romantic preferences for individuals of certain races might seem at odds with Americans' commitment to colorblindness and equality. Some individuals would argue that they are not. Many Americans make a distinction between racial preferences in the public realm such as the workplace (where race-based preferences are, and most

Americans believe should be, prohibited) and the intimate sphere of the bedroom where, in their view, individuals should be able to express and exercise their preferences freely. Other individuals say that they do not have any racial preferences when seeking a romantic partner. Yet, their behaviors on online dating sites and speed dating events suggest that they do. While some individuals may not be fully truthful about their race-based choices, others might have *implicit* preferences of which they are not consciously aware. When asked to explain their attraction to, or rejection of, members of particular racial groups, these individuals often deny that race may have influenced their romantic choices. They explain that they are simply not attracted to, or have little in common with, individuals of certain races. Although some studies suggest that race has little or no effect on the likelihood that two people will get along,²⁰ some individuals believe that members of certain racial or ethnic groups are unlikely to possess the traits they seek in a romantic partner. These beliefs are rarely grounded in direct experiences with members of those groups.

The law treats romantic preferences as private, free of legal influence, and outside the realm of law. Indeed, individuals often assume that the law plays no role in matters of the heart and family formation generally. Nothing could be further from the truth. The law encourages certain family forms, such as marriage and marital childbearing, and discourages others such as cohabitation and nonmarital childbearing. The law shapes parenting norms, gender roles in intimate relationships, and even influences whether couples decide to divorce and the type of custodial arrangement they agree to.²¹

The law has a long and sordid history of regulating intimacy based on race. That history did not end with *Loving*. While the law no longer prohibits interracial intimacy, it

continues to influence who we find desirable and appropriate as long-term intimate partners.²² In this book, I argue that the law today shapes racialized romantic preferences, marriage, and marriage-like commitments, and it does so in ways that perpetuate racial hierarchy and inequality in society broadly. The law does so by limiting, on the basis of race, individuals' prospects for committed relationships, which in turn constrain opportunities for economic and social mobility. Through slavery, anti-miscegenation and Jim Crow laws, the law helped create the residential, economic, and social distance between racial and ethnic groups that historically shaped and continues to shape romantic preferences today. The law has continued to influence intimate choices by enabling the creation of public spaces with well-defined racial boundaries. As a result of legally sanctioned residential segregation, many parks, playgrounds, shopping centers, and streets across America have a distinct racial identity as "Black" or "White." For example, police officers freely admit that they would stop "four or five Black guys ... in a white neighborhood" because "they are not supposed to be there."²³ By facilitating the creation of racialized spaces, the law limits opportunities for interracial interaction and intimacy.

The law also reinforces racial divides and racial hierarchy in romantic choices by drawing an artificial line between public and intimate discrimination. From exceptions to housing discrimination laws to the absence of laws restricting the use of racial categories in online dating sites, the law signals that racial preferences are legitimate in spaces of intimacy and family.

The law's explicit role in shaping romantic preferences is extensive and complex. Some states enacted laws banishing or enslaving Whites who married Black slaves as

early as the seventeenth century. The law did not just prohibit interracial marriages; it also prohibited interracial intimacy and could not fathom that Whites could love Blacks. In fact, some White masters who demonstrated affection for their Black slaves and the children of their union were posthumously determined to have been mentally incompetent.²⁴

After the Civil War, many more states enacted or amended their anti-miscegenation laws.²⁵ Federal immigration laws and military policies served to further bar many interracial marriages.²⁶ These laws required courts to decide who was White and who was not. Could a person with one African-American great, great-grandparent and fifteen White great, great-grandparents marry a White person? What if that great, great-grandparent was Native-American? Under Virginia law the answer to question one was “no” but the answer to question two was “yes” as the law distinguished between African-American and Native-American ancestry. While no laws prohibited marriages between Whites and Mexican-Americans (the only Latino group in the U.S. at the time) these marriages were often prohibited by local practices if the Mexican-American partner appeared phenotypically non-white.

These laws were almost always gender neutral as written but gendered in practice. Marriages between White men and Native-American or Mexican-American women were accepted and even encouraged for economic and political reasons. White men engaged in sexual relations with African-American women (oftentimes forcibly) with impunity. In contrast, non-White men who were intimate with White women faced significant consequences, including violence by community members.

In the Jim Crow era, states adopted laws mandating segregation of Whites and non-Whites in public spaces. Federal offices and the U.S. military were also segregated. Courts enforced laws and private covenants and practices that denied racial minorities housing and employment opportunities available to Whites.²⁷ These practices perpetuated social distance between Whites and non-Whites in neighborhoods, schools, and public spaces. Although the law now prohibits discrimination in housing, education, employment, and public spaces, I argue that it tacitly allows and facilitates the same. Enforcement of anti-discrimination laws is weak. More importantly, our current laws have failed to integrate neighborhoods and schools and to adequately remedy the effects of bias in the workplace. The law's failure on these fronts does not merely limit opportunities for meaningful cross-racial contact and understanding—it also implicitly reinforces societal beliefs that some groups are less desirable neighbors, classmates, and romantic partners.

The divide between public (unlawful) and private (lawful) discrimination further shapes romantic preferences. For example, the owner of a family-occupied three-family home can legally reject a potential tenant on the basis of race. Parents seeking a nanny can legally refuse to hire applicants on the basis of race. Dating websites can ask individuals to identify their race thereby enabling other dataseekers to categorically exclude them on the basis of race. By permitting intimate discrimination, the law facilitates societal discrimination against members of racial and ethnic groups that the law itself historically treated as inferior.

The law's influence over individuals' intimate choices perpetuates racial inequality in our society. Whether one marries and *who* one marries are among the most

important decisions an individual will ever make. Social scientists (and the federal government) have identified numerous benefits of marriage, including increased happiness, health, wealth, and better outcomes for children. Romantic preferences, as shaped by law, limit the prospects for marriage and attendant opportunities for economic and social mobility of members of different racial and ethnic groups.

The law's influence over individuals' intimate choices also impacts future generations. The children of White/non-White marriages tend to enjoy greater access to safe neighborhoods, high-quality schools, economic resources, intergenerational transfers of wealth, and the intangible opportunities that result therefrom, than the children of two non-White parents. Racial preferences limit not only the pool of intimate partners available to an individual but the resources she may be able to provide to her children. Given the income and wealth disparities between racial and ethnic groups, a woman who has the option to intermarry, if she so desires, may have greater opportunities to provide her children with a home in a safe neighborhood, a quality education, and financial stability than one who is excluded as a romantic partner because of race.

Racial preferences may also provide some mixed-race children with access to "white privilege" or what sociologist Eduardo Bonilla-Silva has coined "honorary white"²⁸ status. While I hope that individuals do not choose their partners based on the potential privileges their offspring might enjoy, the initial attraction to that partner might be influenced by such prospects, even if unconsciously. For example, some non-White parents encourage their adult children to find a White partner as a mechanism for upward mobility and some adults seek to repudiate stereotypes about their racial or ethnic group through intimate relationships with Whites.²⁹ The racial privileges enjoyed by lighter-

complexioned persons might encourage some non-White parents to identify their mixed-race children as White and align their interests with those of the majority.³⁰

To be clear, I am not suggesting that a group should have access to interracial marriage so they can climb the racial and socioeconomic ladder. No one has a right to “marry up” and, in my view, such considerations pervert the true essence of marriage—love, companionship, and emotional support. My point so far is descriptive—intimacy patterns in the United States reinforce racial hierarchy.

This book shows that our romantic desires and choices of long-term intimate partners are not purely “private” and uninfluenced by law. From signaling that race is a legitimate consideration in dating and marriage to limiting opportunities for interracial interactions, the law influences our attraction and choices. The book also shows why we as a society should be troubled by this influence and, in particular, the current gendered racial hierarchy, the economic, social, and political implications of that hierarchy and our choices within it.

Outline of the Book

Chapter 1 explores who dates and marries out today. What role do race, color, gender, education, income, and native status play in partnering patterns? Why do some groups have higher rates of interracial intimacy than others? Relying on recent studies of online and offline dating preferences, this chapter demonstrates that romantic preferences follow a gendered racial hierarchy—Whites on top; African Americans on the bottom; and Asian-Americans and Latinos in the middle. These preferences are sometimes

explicit and sometimes implicit but they are often the result of stereotypes reflected in social and cultural norms.

Chapter 2 shows how the law regulated interracial intimacy from the mid-seventeenth century until the Supreme Court's decision in *Loving v. Virginia*. It analyzes the effects of slavery, anti-miscegenation laws, and legally sanctioned segregation and discrimination on interracial intimacy today. These practices, abolished a mere half century ago, color how Whites perceive minority groups and how minority groups perceive Whites and members of other minority groups.

Chapter 3 uncovers structural barriers to interracial intimacy. Despite the existence of laws prohibiting discrimination in education, housing, and employment, the law continues to enable racialized romantic preferences by maintaining racial segregation in various sectors of our lives. Racially segregated neighborhoods and schools are ubiquitous. Workplaces may be the most integrated institutions in the country but racial stratification in the workplace is common. These structural inequalities limit opportunities for individuals of different races to interact as equals and reinforce perceptions that some groups are not appropriate or desirable romantic partners. The challenges some interracial couples face—including discrimination in housing and harassment in the workplace—further serve to reinforce preferences for partners of certain races.³¹

This chapter also highlights the relevance of financial status in partnering decisions. While I believe that money should play no role in matters of the heart, in fact studies show that income and wealth, and men's financial success in particular, play a significant role in the dating and marriage market. In the United States, income and

wealth correlate closely with race and ethnicity and, as scholars have shown, the law has played a significant role in creating and maintaining the income and wealth disparities between different groups that create barriers to interracial intimacy.³² The chapter shows that the law's failure to provide some men, especially African-Americans, with access to educational and employment opportunities—and its racialized criminal justice system—has rendered these men less desirable intimate partners.

Chapter 4 challenges the law's distinction between public and private discrimination and the legal primacy of associational freedoms over anti-discrimination norms. The chapter begins by examining racial discrimination in the housing and domestic employment contexts to illustrate the widespread effects of what the law treats as intimate, private, and thus, permissible discrimination. It then turns to online dating sites and argues that allowing these sites to request users' race/ethnicity impermissibly facilitates exclusion of entire groups on the basis of race or ethnic background. It concludes that discrimination in these settings is not "private" but rather creates and reinforces a racial hierarchy that affects millions of individuals. By facilitating discrimination in these settings, the law encourages discrimination in "public" settings and signals that racial discrimination is acceptable, at least sometimes.

In Chapter 5, I draw out what is wrong with these existing laws of attraction. First, I explore the psychic harm inflicted by racial hierarchy in the intimate sphere. Then I turn to the tangible harms caused by the racial hierarchy by looking closely at the benefits of marriage. Marriage carries with it numerous benefits, and racial preferences may significantly limit an individual's opportunity to find a partner and reap these benefits. For example, the pool of marriageable African-American men is smaller than

the number of African-American women seeking to marry a man. While some African-American women may prefer not to marry at all rather than marry out, studies show that others would consider intermarrying.³³ But that is not an option if men of other races exclude them as potential romantic partners. Racial preferences may influence not only who one marries but whether one has the opportunity to marry at all. Again, I am not suggesting that marriage should be used as a mechanism for racial and economic equality. I am merely demonstrating that not everyone has equal access to the benefits of marriage and this lack of access disproportionately impacts certain groups based on race.

In this chapter I also highlight the potential economic, social, and political benefits of intermarriage and explore why some individuals choose to marry out. I also consider the children of intermarriages and the socio-political effects of a growing multi-racial population. Some researchers have argued that Asian-Americans and Latinos will increasingly have the option to identify as White or as honorary whites and benefit from privileges that are not available to African-Americans and darker-skinned individuals.³⁴ This chapter explores whether multi-racial persons and other light-complexioned minorities will take advantage of their honorary white status. Will they advance or hinder efforts for racial justice and equality for all groups?

In Chapter 6, I explore several reforms that lawmakers should adopt to reduce the pernicious effects of the law's influence on interracial intimacy. These reforms include things as simple as undertaking efforts to increase awareness of implicit bias and discouraging intimate discrimination by prohibiting online dating sites from requesting online daters' racial background. To be clear, online daters would still be able to choose or reject intimate partners based on race—they simply would not be able to categorically

filter out an entire group based on race. The law would not prohibit discrimination in the dating market but it would not facilitate it either.

My proposed reforms also include more ambitious and more difficult efforts such as robust housing and employment discrimination laws, enforcement of those laws, a fair criminal justice system, and incentives to integrate neighborhoods, schools, and workplaces.

This book is not just another argument for integration and improving the economic opportunities and status of minority groups. Instead, this book seeks to uncover the barriers to interracial intimacy that limit opportunities to find a partner and reap the benefits of long-term relationships.

When I told a Latina friend that I was writing a book on interracial dating and marriage, her White husband, who was within earshot, commented that, “there is no such thing as interracial marriage. Isn’t it just marriage?” While I was tempted to dismiss his comment, which I assumed was colored by his view that the U.S. is post-racial, I think what he was really asking is why should legal scholars and policymakers care if racial preferences influence our choices of intimate partners. After all, we discriminate on many bases when seeking an intimate partner, including age, religion, height, weight, education, income, class, and gender (most people will only consider as a potential date a person of *either* the same or different sex but not both). One could argue that discrimination of any type is problematic especially when seeking a mate. Shouldn’t individuals connect on a cosmic level in which love transcends gender, race, height, weight, and income? In theory, yes. But “the heart wants what it wants.”³⁵ That is why the law should not attempt to influence romantic preferences *except* when it played a role

in creating those preferences *and* those preferences are harmful to individuals and communities. The law did not explicitly shape preferences for partners of a particular height, weight, education, or income, but it did shape preferences for partners of certain races by prohibiting intimacy between groups and by creating and enabling the creation of structural barriers to such intimacy. Consequently, it bears some responsibility for the continuing inequities deriving from its actions.

As a country, we are committed to racial equality. The law should intervene when groups are disadvantaged by racial preferences it helped create. More importantly, the law should be concerned with racial hierarchy. In a world without racial hierarchy, a preference for light or dark skin might be as meaningless as a preference for blue or green eyes. In the absence of racial hierarchy, racial preferences might not have any social, economic, or political effects. However, in the U.S., racial preferences result in significant, long-term consequences for groups at the bottom of the hierarchy. The law should further be concerned with racial hierarchy in the dating market because, as others have observed, the individuals we prefer in the boardroom might be the same as those we prefer in the bedroom.³⁶ In other words, if we categorically reject members of certain races as intimate partners, we may be more likely to reject them when they apply for employment or a mortgage.

Social scientists have shown that intermarriage—long considered the ultimate indicator of assimilation and acceptance by the dominant group in society—was critical to the integration of European immigrants, such as Italians and Irish, who were once considered nonwhite.³⁷ While racial minorities may not follow the same assimilation

patterns as White ethnic groups, by studying interracial dating and marriage patterns and the factors that drive them, we learn a lot about equality in our society.

Marriage is a primary focus of this book. Given that individuals, especially minorities and low-income individuals, are increasingly postponing or foregoing marriage, this focus on marriage requires an explanation. Despite the decreasing incidence of marriage, marriage confers substantial benefits on families and communities that are currently not available through any other institution in the U.S. Marriage will likely continue to be a prerequisite for a panoply of legal benefits, at least for the foreseeable future. My goal is to show how racial hierarchy limits access to marriage and its benefits even as I question the wisdom of making legal benefits contingent on marriage.

This book is an attempt to start a conversation about the role of our racial preferences, explicit or implicit, in some of the most intimate and important decisions of our lives. It does not seek to encourage or discourage interracial intimacy, as each individual must make that decision for herself. The law as well should not encourage nor discourage interracial intimacies. As the Supreme Court held in *Loving*, “the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.”³⁸ Yet, to ensure that the freedom to choose an intimate partner is not hindered by preferences that the law created or strengthened, the law must help individuals recognize the biases and external barriers that influence intimate choices. Only then will individuals be truly free to make intimate choices. We may not be able to completely eliminate the influence of law in the intimate sphere but the changes I propose

in this book might just help us recognize the law's influence so that we can seek love and intimacy without regard to race, if we so choose.

This book is also an attempt to challenge assumptions that the U.S. is in a post-racial period—that racial bias and discrimination are remnants of the past. The hierarchy in the dating and marriage market demonstrates that racial biases persist. It also reveals that legal efforts to eradicate racial discrimination have not gone far enough. Enforcement of fair housing and employment discrimination laws is weak, the majority of neighborhoods remain racially segregated, and law enforcement continues to target African-Americans as criminals, Latinos as “illegals,” and Asian-Americans as foreigners. The structural design of public spaces further ensures that Whites will rarely cross paths with less advantaged minorities. Laws and the actions of state actors shape social perceptions, behaviors, and norms. The law's work for racial equality is far from complete.

¹ I use the term “White” to mean Caucasian, not of Latino origin.

² I use the term “Black” to mean African-American, not of Latino origin.

³ Mary Foster, “Interracial Couple Denied Marriage License by Louisiana Justice of the Peace,” *Huff Post*, March 10, 2010, updated May 25, 2011. Bardwell was forced to resign shortly thereafter.

⁴ “Interracial Couple Banned from Kentucky Church,” *Huff Post*, November 30, 2011.

⁵ Public Policy Polling, “Mississippi Survey Results,” April 7, 2011

http://www.publicpolicypolling.com/pdf/PPP_Release_MS_0407915.pdf; Jon Terbush, “Nearly Half of Mississippi Republicans Think Interracial Marriage Should Be Illegal,” *Talking Points Memo*, April 7, 2011. Only 40% thought it should be legal and 14% were not sure.

⁶ I use the term Native American or American Indian interchangeably.

⁷ *Perez v. Sharp*, 32 Cal.2d 711 (1948).

⁸ *Perez v. Sharp*, 32 Cal.2d 711 (1948).

⁹ *Loving v. Virginia* 388 U.S. 1 (1967).

¹⁰ Wendy Wang, “The Rise of Intermarriage,” *Pew Research Center*, February 16, 2012. The term “Latino” or “Hispanic” refers to persons of Latino/Hispanic origin regardless of race.

¹¹ Renee Romano, *Race Mixing: African-American-White Marriage in Postwar America* 45 (2003).

¹² Wang, *The Rise of Intermarriage*.

¹³ Raymond Fisman et al., *Racial Preferences in Dating*, 75 *Rev. Econ. Stud.* 117 (2008).

¹⁴ For excellent books analyzing the role of race and gender in the intimate sphere, see Angela Onwuachi-Willig, *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* (2013); Randall Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (2004); Rachel F. Moran, *Interracial Intimacy: The Regulation of Race and Romance* (2001).

¹⁵ Wang, *The Rise of Intermarriage*.

¹⁶ In 2007-2009, 59.9% of Asian Americans were foreign born and 9.9 million above the age of 5 spoke a language other than English at home. US Census Bureau 2010, Language Other than English Spoken at Home 2005-2009 American Community Survey 5 year estimates; US Census Bureau, Selected Characteristics of the Native and Foreign-Born Populations Data Set 2005-2009 American Community Survey 5 year estimates.

¹⁷ George Yancey, *Who Is White?: Latinos, Asians, and the New Black/Non-Black Divide* (2003); Wang, The Rise of Intermarriage; Erica Morales, "Parental Messages Concerning Latino/Black Interracial Dating: An Exploratory Study among Latina/o Young Adults," 10 *Latino Studies* 314 (2012). Eileen O'Brien, *The Racial Middle: Latinos and Asian Americans Living Beyond the Racial Divide* 120 (2008).

¹⁸ Feliciano, Lee, and Robnett, "Racial Boundaries among Latinos: Evidence from Internet Daters' Racial Preferences," 58 *Social Problems* 189 (2011); Kumiko Nemoto, *Racing Romance: Love, Power, and Desire among Asian American/White Couples* (2009).

¹⁹ Morales, Parental Messages. Many countries in Latin America adopted national policies to whiten their populations in the early 20th century. Tanya Hernandez, *Racial Subordination in Latin America: The Role of the State, Customary Law and the New Civil Rights Response* (Cambridge Univ. Press, 2013).

²⁰ Dan Slater, *Love in the Time of Algorithms: What Technology Does to Meeting and Mating* (2013).

²¹ Clare Huntington, "Familial Norms and Normality," 59 *Emory Law Journal* 1103 (2010); Elizabeth Scott, "Social Norms and the Legal Regulation of Marriage," 86 *Virginia Law Review* 1901 (2000); Margaret Brinig & Steven Nock, "I Only Want Trust': Norms, Trust and Autonomy," 32 *Journal of Socio-economics* 471 (2003); Solangel Maldonado, "Beyond Economic Fatherhood: Encouraging Divorced Fathers to Parent," 153 *University of Pennsylvania Law Review* 921 (2005).

²² For excellent work exploring how law shapes our intimate choices, see Elizabeth Emens, "Intimate Discrimination: The State's Role in Accidents of Sex and Love," 122 *Harvard Law Review* 1307 (2009).

²³ Geeta Gandbhir & Perri Peltz, "A Conversation with Police on Race," *New York Times*, November 11, 2015 (Statement of retired police officer Glenn Cunningham)

²⁴ Bernie D. Jones, *Fathers of Conscience: Mixed Race Inheritance in the Antebellum South* (Univ. of Georgia Press 2009).

²⁵ Forty-one states had anti-miscegenation statutes at some point. David Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest 1780-1930*, at 7 (1987)

²⁶ Rose Cuison Villazor, "The Other Loving: Uncovering the Federal Government's Racial Regulation of Marriage," 86 *New York University Law Review* 1361 (2011).

²⁷ Richard Brooks & Carol Rose, *Saving the Neighborhood: Racially Restrictive Covenants, Law, and Social Norms* (2013).

²⁸ Cheryl Harris, "Whiteness as Property," 106 *Harvard Law Review* 1709 (1993); Stephanie M. Wildman & Adrienne D. Davis, "Language and Silence: Making Systems of Privilege Visible," 35 *Santa Clara Law Review* 881, 894 (1995) (defining White privilege as "an invisible package of unearned assets"); Bonilla-Silva, "From Bi-racial to Tri-Racial: Towards a New System of Racial Stratification in the USA," 27 *Ethnic & Racial Studies* 931 (2004); Eduardo Bonilla-Silva & David R. Dietrich, "The Latin Americanization of U.S. Race Relations: A New Pigmentocracy," in *Shades of Difference: Why Skin Color Matters* 40, 59-60 (Evelyn Glenn, ed. 2009).

²⁹ Nemoto, *Racing Romance*.

³⁰ For example, one study found that 46% of adult children of White and Asian-American parents identified "White" as their "main" race. Yancey, *Who Is White?*, p. 131. Professor Yancey argues that "as they gain more benefits from White privilege, the number of Latinos and Asians who support the empowerment of racial minorities will decline—since members in these groups will have a stake in protecting majority group privilege." p. 154.

³¹ Angela Onwuachi-Willig, *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* (2013).

³² For a discussion, see Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth Century America* (2005).

³³ Ralph Richard Banks, *Is Marriage for White People?* (2012).

³⁴ Lee & Bean, America's Changing Color Lines: Immigration, Race/Ethnicity, and Multiracial Identification, 30 *Annual Review of Sociology* 221, 237 (2004). See also Yancey, *Who is White*; Bonilla-Silva, *From Bi-racial to Tri-Racial*.

³⁵ Letter from Emily Dickinson to Mary Bowles, quoted in Richard Sewall, *The Life of Emily Dickinson* (Harvard University Press 1994) p. 493.

³⁶ David Mura, "The Internment of Desire," in *Under Western Eyes: Personal Essays from Asian America* 259, 282 (Garrett Hongo, ed. 1995).

³⁷ Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Harvard University Press, Cambridge, Mass. 1999); Brodtkin, *How Jews Became White Folks: And What that Says About Race in America* (Rutgers University Press 1998); Ignatiev, *How the Irish Became White* (Routledge, New York 1995).

³⁸ *Loving v. Virginia*, 388 U.S. 1 (1967).

Chapter 1

A Gendered Racial Hierarchy in the Dating and Marriage Market

It was Thanksgiving 2015. One of my sisters (I have three) did what I had done exactly twenty-five years earlier. She brought her new boyfriend Oliver, who is African-American, home to meet our parents. This time, however, my parents were much more welcoming. My father made conversation and expressed interest in Oliver's work. Maybe my father has become more accepting. Maybe he just wants his daughters to find partners, regardless of race, who will love and respect them.

If my father has become more open-minded, he is not alone. Americans' acceptance of interracial intimacy has shifted dramatically in just one generation. In 1987, less than 50% of Americans approved of African-Americans and Whites dating. By 2013, 87% of all Americans, and 96% of 18-29 year olds, approved of marriages (not just dating) between African-Americans and Whites.¹

Yet, approval is not action. Most Americans date, cohabit with, and marry individuals of their same race.² Why? One reason might be opportunity. We tend to date people we meet at school, work, or in our neighborhood, but residential and educational segregation and the lower positions many racial and ethnic minorities occupy in most workplaces limit opportunities for members of different groups to interact socially as equals. We will explore the effect of segregation and other structural obstacles to interracial coupling in other chapters.

Racial preferences are another reason why the majority of cohabitating and married couples are of the same race. When seeking an intimate partner, many individuals prefer someone of their same race.³ Just because a person approves of

interracial relationships does not mean that she herself is willing to marry across the color line.⁴ Racial preferences might also explain why intermarriage rates vary depending on race. Individuals who are open to dating a person of a different race often have clear preferences for certain races to the exclusion of others. These preferences reveal a racial hierarchy in which Whites, including certain multiracial individuals who are part White, are deemed most desirable, African Americans significantly less so, and other racial or ethnic minorities (specifically Asians-Americans, Latinos, and Native Americans) somewhere in the middle. This racial hierarchy is gendered with Asian-American men and African American women least preferred in the dating and marriage market.

These racial preferences may be difficult to reconcile with our nation's commitment to anti-discrimination and equality. While a 2012 racial attitudes survey found that over 50% of White Americans and a significant number of minorities hold racial biases against African-Americans and Latinos,⁵ most Americans deny having any racial biases. A wealth of data from surveys and online dating and speed dating studies discussed in this chapter show a gendered racial hierarchy and help explain how notions of beauty, social comfort, and implicit biases influence our romantic preferences. These preferences have been and continue to be shaped by social and legal norms of race, gender, family, and status. While I am primarily concerned with the economic, social, and political effects of a gendered racial hierarchy in *long-term* relationships, recent studies on dating tell us a lot about our preferences. And in the U.S., almost all long-term romantic relationships begin with dating. We begin this chapter by examining who dates and marries out and the traits individuals seek when seeking a potential date. We then explore the reasons for these preferences. But first, let us define the relevant terminology

and note a few caveats.

Some social scientists use the term “interracial” to describe marriages between different racial groups such as African-Americans, Asian-Americans, Native-Americans, and Whites of *non-Hispanic/non-Latino origin*, and “interethnic” to describe marriages between Latinos and non-Latinos. One should of course ask why we track rates of intimacy between Latinos and non-Latinos even though we do not engage in similar inquiries for other ethnic groups⁶ such as Italian-Americans or Irish-Americans. In other words, are Latinos a racial or ethnic group?

Some Latinos are light-complexioned and look phenotypically white or European. Others are dark-complexioned and appear phenotypically black. Some Latinos are of American Indian descent,⁷ and many can trace their ancestry to two or more races, most commonly Caucasian and Black, Caucasian and American Indian, American Indian and Black, or a combination of all three.⁸ Consequently, the U.S. Census defines “Hispanic” or “Latino” as an ethnic rather than a racial category. However, when examining racial preferences in the dating and marriage market, I agree with scholars who juxtapose Latino/Hispanic “with Asian-American, black, and white as a distinct racial group”⁹ for several reasons. First, a significant percentage of Latinos identify their race as Latino/Hispanic and reject the racial categories in the U.S. Census—White/Caucasian, Black/African-American, Asian-American, Pacific Islander, or American Indian.¹⁰ Admittedly, some Latinos reject these categories because they refuse to identify as Black even though based on their ancestry and/or phenotype they are considered Black under U.S. notions of race. In other words, some Latinos reject the U.S. Census categories

because they seek to distance themselves from Blackness. These reasons notwithstanding, many Latinos genuinely believe that their race is Latino.

Second, the Latino population is increasingly compared with different *racial* groups by researchers and policymakers when studying educational, wealth, housing, employment, marriage, health, and fertility patterns, for example.¹¹ This is not the case for other ethnic groups such as Italian-Americans or Irish-Americans. Third, Latinos have been and continue to be racialized as Other and nonwhite.¹² Even though Mexican-Americans, the largest Latino group in the U.S., were *legally* categorized as White, they have never been accepted as *socially* White. During the Jim Crow era, Mexican-Americans were denied access to schools attended by White children and were subjected to racially motivated violence, including lynching.¹³ Even today, Latinos are targets of racial slurs and racially-motivated discrimination and hate crimes.¹⁴

Finally, Latinos and Asian-Americans increasingly occupy the *racial* middle between African-Americans and Whites.¹⁵ For these reasons, when discussing interracial intimacy, this book treats Latinos as a racial group similar to Asian-Americans, African-Americans, Native-Americans, and Whites.

Treating Latinos as a racial group illustrates the illusion of race. There is no such thing as biological race—there are no genetic differences between African-Americans and Caucasians for example. Race is socially and legally constructed.¹⁶ Yet, race, as socially and legally constructed, affects access to educational and employment opportunities, income, wealth, and the quality of medical care we receive. It also influences who we desire as intimate partners and who desires us. The next section shows how.

Who Dates and Marries Out?

Dating and Cohabitation

We do not actually know how many people have dated interracially. What constitutes “dating”? Is one date sufficient? Two, three? Must the couple go out for one month? Three months? College students’ romantic relationships increasingly start out as hookups,¹⁷ not dates. Do hook-ups count? Despite these open questions, about half (48%) of Americans who participated in a Gallup poll in 2005 reported that they had dated a person of a different race or ethnicity.¹⁸ Younger generations and racial and ethnic minorities were even more likely to have dated interracially.¹⁹ Yet, even among 18-29 year-olds we find evidence of social distance and racial hierarchy. For example, studies have found that White college students are more likely to have dated Asian-Americans and Latinos than to have dated African-Americans. They also found that African-American college students are less likely than other racial or ethnic minorities to date or hookup with persons of other races.²⁰

It turns out that not all individuals who are willing to date interracially are willing to marry interracially.²¹ Americans are about twice as likely to cohabit with a person of a different race as we are to marry across race, in part, because interracial couples tend to have less social support.²² For example, adolescents in interracial relationships are less likely to meet each other’s parents or tell their parents or friends about the relationship.²³ They are also more likely than teens in same-race relationships to report experiencing social disapproval in public such as stares and negative comments from strangers.

Marriage

The rate of intermarriage has increased significantly since the Supreme Court declared, in its decision in *Loving v. Virginia*, that laws prohibiting interracial marriage were unconstitutional. In 1960, just 2% of marriages in the United States were interracial. Fifty years later, 15% of marriages celebrated in 2010 were between spouses of different races or between Latinos²⁴ and non-Latinos.²⁵ Yet, race continues to influence our romantic choices. In a society where race did not play a role in intimate relationships, 44%, not just 15%, of recently celebrated marriages would be interracial.²⁶

Race, Gender, and Native Status

Intermarriage patterns vary widely by gender, race, and native status. The majority of American Indians (58%) marry out, primarily with Whites, as did more than one-third of U.S. born Asian-Americans and Latinos, and 17% of African Americans who married in 2010.²⁷ Multiracial individuals who are part White are much more likely than their monoracial co-ethnics to have a White partner but here too marriage patterns vary by racial background.²⁸ The majority of Asian/White and about half of Latino/White multiracial individuals have a White spouse or cohabitating partner.²⁹ In contrast, the majority of African-American/White multiracial individuals partner with African-Americans.

The marriage patterns of some minority groups are also influenced by gender. U.S.-born Asian-American women are almost *five times* more likely to intermarry than African-American women.³⁰ African-American men are more than twice as likely as African-American women to marry out. The opposite is true for Asian-American men

who are half as likely as their female counterparts to intermarry.³¹ Native American men are also less likely than Native American women to marry out.

Intermarriage is considered the ultimate indicator of assimilation.³² Immigrants, especially racial minorities who do not speak English and are not familiar with American culture, are much less likely than their U.S-born co-ethnics to be assimilated into dominant society. They are more likely to reside near their co-ethnics and less likely to have meaningful interactions with other groups. As one would expect, they are a lot less likely than their U.S.-born co-ethnics to intermarry. For example, U.S.-born Latinos are two and a half times as likely as Latino immigrants to marry out.³³

Educational Attainment and Income

Marriage patterns are influenced by education. Minorities who intermarry with Whites are more likely to have a college degree than their counterparts who marry in.³⁴ They are also more likely to have a college-educated spouse. This relationship between educational attainment and intermarriage is strongest among Latinos.³⁵ For example, college-educated second generation (U.S.-born children of immigrants) Latinos/as are almost three times as likely to marry out as their counterparts with only a high school degree (43% v. 16%).³⁶

The majority of recently married couples (interracial or same-race) share similar levels of formal education. But when African-Americans and Latinos marry a White partner whose level of education differs from theirs, the White spouse tends to be the less-educated partner.³⁷ Some research suggests that less-educated Whites trade their higher racial status for minority partners with higher educational and economic status

while high-achieving minorities trade their class status for White spouses with higher racial status.³⁸

Given the higher levels of educational attainment of minorities who intermarry with Whites, it is not surprising that these couples tend to enjoy substantially higher combined incomes. In 2010, for example, the median family income of Latinos who married other Latinos was 40% lower than that of Latinos who married Whites (\$35,578 v. \$57,900).³⁹ Asian-Americans who intermarried with Whites earned higher combined incomes than all other couples—same-race or interracial.⁴⁰ However, there are significant income differences based on the gender of the minority spouse. White men who marry African-American or Latina women tend to have higher combined earnings than White men who marry in.⁴¹ White women who marry Asian-American men also have higher combined earnings than White women who marry in. These patterns suggest that Whites who marry out often partner with minorities with high incomes. However, since African-American and Latino men earn significantly lower incomes than White men, White women who marry African-American or Latino men have lower combined earnings than those who marry in.

Color

Marriage patterns also vary by skin color. Lighter-skinned minorities are more likely than their darker-skinned counterparts to intermarry with Whites. For example, U.S.-born Latinos who identified as racially white on the U.S. Census are significantly more likely than darker Latinos to be married to non-Latino Whites.⁴² Latinos with American Indian ancestry are also more likely than Latinos with Black ancestors to be

married to non-Latino Whites. Skin tone plays a similar role in the intermarriage patterns of U.S.-born Asian-Americans. Intermarriage rates with Whites are lowest for African-Americans, slightly higher for dark-skinned Latinos, higher for lighter-skinned Asian-Americans, and highest for the lightest-skinned Latinos.⁴³ Dark-skinned minorities are more likely than lighter-skinned individuals to marry Whites who are less educated than themselves.⁴⁴ This suggests that many Whites will only marry dark-skinned minorities if they are marrying up—if the minority partner is of a higher class status.

Same-Sex Couples

Same-sex couples are more likely than different-sex couples to be interracial.⁴⁵ Yet, the same racial patterns observed in different-sex relationships are evident in same-sex pairings. Asian-Americans and Latinos in same-sex relationships are significantly more likely than African Americans to have a partner of a different race or ethnicity. For example, 67% of Asian-Americans and Pacific Islanders and 55% of Latinos as compared to 33% of African Americans in same-sex relationships had a White partner.⁴⁶

What Drives Interracial Intimacy Patterns?

Dating and marriage outcomes are the result of both preferences and opportunities. Thus, while rates of interracial intimacy can shed light on race relations and social distance between different racial groups, they cannot accurately measure individuals' racial preferences. After all, a Latina woman may find Asian-American men particularly desirable but if she does not have the opportunity to meet Asian-American men at her school, work, or social circle, she may have to “settle” for a partner of her

non-preferred race. Further, even if she meets an Asian-American man to whom she is attracted, coupling requires mutual attraction. He has to like her back. Dating and marriage outcomes do not explain whether opportunity, racial preferences (and if so, whose preferences), or both, are driving the different rates of interracial coupling. Further, as scholars have noted, “racial preferences may be shaped by the opportunity context.”⁴⁷ When individuals have limited opportunities for contact with members of particular racial groups, their attraction or rejection of members of such groups as intimate partners will likely be shaped by stereotypes and the media’s and policymakers’ portrayal of them.

A number of studies have addressed the limitations of marriage and dating outcomes by directly examining the racial preferences of individuals seeking a romantic partner. Some studies have focused on *stated* preferences—what individuals say they want in a partner.⁴⁸ These studies generally ask individuals to identify the traits they seek in a romantic partner or they examine the traits individuals have identified in a personal ad or online dating profile. Not surprisingly, individuals may not be completely truthful when listing the traits they seek in a partner because they fear they will be judged as shallow, elitist, or racist. We all have a tendency to answer questions in ways that will portray us favorably but even when we are completely honest, our *stated* preferences may not reflect our true preferences. Evolutionary psychologists have found that we are sometimes not attracted to individuals who have the traits we think we want and are sometimes attracted to individuals who lack those traits. In other words, we may not really know what we want in a mate.

To address the limitations of *stated* preferences, some studies have examined the *revealed* preferences of online dataseekers by observing how they respond when contacted by daters with certain traits.⁴⁹ Almost 75% of Internet users who are seeking romantic partners use the Internet to meet potential dates.⁵⁰ Online dating sites allow researchers to observe users' search and response patterns without their knowledge, thereby eliminating concerns that users will alter their behavior to present themselves in a more flattering light to the researchers. Online dating sites might also provide a more accurate measure of actual preferences since dataseekers are not limited by the pool of potential partners in their daily environment. Online dataseekers might reveal preferences for (or biases against) groups with whom they do not usually come into contact in their neighborhoods, schools, or workplaces.

What Makes Two People Click?

Studies in various fields, including economics, sociology, and psychology, demonstrate that couples in committed relationships do not randomly end up together but rather are the result of assortative mating—the tendency of people to date and marry individuals like themselves.⁵¹ We generally partner with people who are similar to us in terms of education, income, socioeconomic status, race, and physical traits such as attractiveness, height, and weight.⁵² (Yes, it's true. Attractive people tend to have attractive partners). Interestingly, people engage in assortative mating even when they are not seeking a long-term relationship. One explanation is that we spend a lot of time in the company of people with similar levels of education at school or at work. Our neighbors and individuals in our social circles also tend to be of the same race and similar

socioeconomic status. However, online dating studies have found that even when the pool of potential mates is not limited by whom we meet at school, work, or the local bar, we nonetheless prefer to date our equals or as one aptly titled article noted, “*In the End, People May Really Just Want to Date Themselves.*”⁵³

There is no formula that can predict whether two people will like each other but there is wide agreement on the traits that are desirable in an intimate partner. One study examined the search behaviors of almost 6,500 heterosexual online daters to determine which traits most people seek.⁵⁴ The dataseekers, who did not know that their behaviors would be observed by researchers, created detailed profiles noting their age, gender, race, education, income, height, weight, marital status,⁵⁵ political and religious affiliations, interest in dating someone of a different ethnic background, and the type of relationship they were seeking—casual or long-term. Many users also provided a photo which the researchers rated for physical attractiveness based on the opinions of objective observers.⁵⁶ Dataseekers browsed other users’ profiles and sent emails to those with whom they wished to connect.

The users’ search behaviors showed that, regardless of their own level of attractiveness, they preferred attractive partners with high incomes.⁵⁷ However, men’s preferences for physically attractive partners were stronger than women’s and women’s preferences for partners with high incomes were stronger than men’s. Although some studies have found that both genders value physical attractiveness above other traits,⁵⁸ this study found that women value income more highly than looks while men value looks more highly than income. Other studies have found similar results.⁵⁹ For example, one speed dating study of graduate and professional students found that women preferred men

who had been raised in affluent neighborhoods while men had no such preferences.⁶⁰ Older studies have similarly found that men value a woman's physical appearance over her intelligence and ambition but women (at least when seeking a partner for a long-term relationship) care more about a man's earning potential, intelligence, and social status.⁶¹

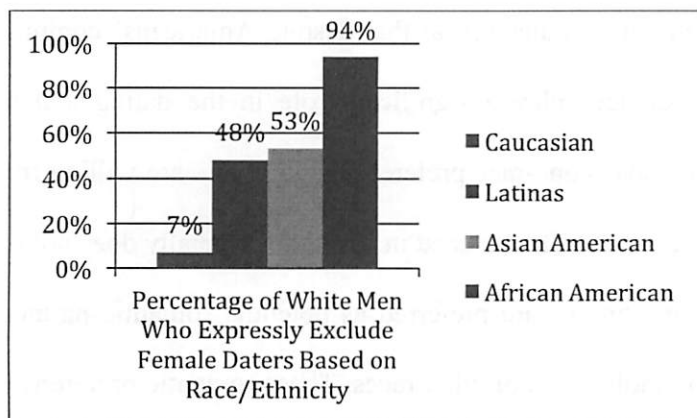
Racial Preferences and Hierarchy

It is no longer socially acceptable to express racial preferences in most contexts⁶² and it is illegal to act upon such preferences in settings such as education, employment, and housing. In fact, 84% of online daters in one study stated that they would not date someone "who has vocalized a strong negative bias toward a certain race of people."⁶³ Yet, as shown below, numerous studies reveal that despite Americans' commitment to racial equality, racial preferences play a significant role in the dating and marriage market. Many Americans have same-race preferences but others are willing (or prefer) to date a partner of a different race. That interest in dating interracially does not extend to all races. Members of some groups are preferred as potential romantic partners while others are often rejected by individuals of other races. These romantic preferences reveal a racialized and gendered hierarchy that in many ways reflects and reproduces the racial disparities apparent in education, employment, income, wealth, and housing in the United States.

Many people have strong racial preferences when seeking a romantic partner. For example, the study of the search behaviors of almost 6,500 online dataseekers discussed above found that although more than half (54%) of the women expressed no racial preferences in their profiles, their *revealed* preferences—who they contacted and who

they responded to when contacted—showed equally strong preferences as the 41% of women who had actually expressed a preference.⁶⁴ In other words, 95% of female online daters in the study had racial preferences.

Online dating studies further reveal a *hierarchy* of preferences. For example, the majority of straight White men in one study expressly stated a racial preference and about one-third of those preferred to date White women only.⁶⁵ Although most of the men were willing to date non-White women, they were quite specific about which groups they were willing to date. About half the men who stated a racial preference expressly excluded Asian-American women and similar numbers excluded Latina women.⁶⁶ However, more than 90% refused to consider African-American women.

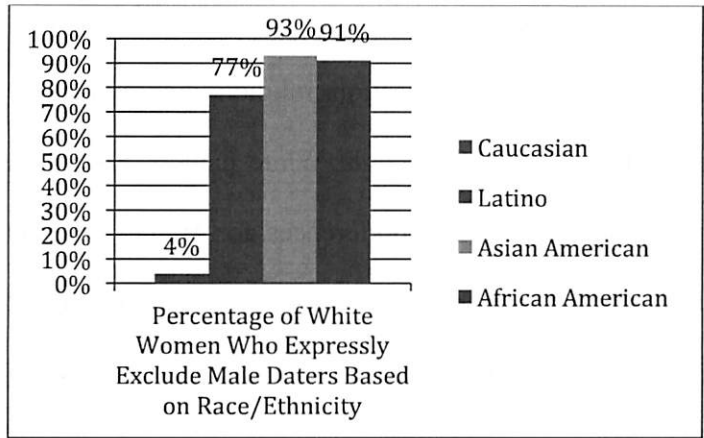


Source: Cynthia Feliciano et al., *Gendered Racial Exclusion among White Internet Daters*, 38 *Social Science Research* 39 (2009)

Other studies have found a similar racial hierarchy in which White men rank African-American women significantly below Asian-American, Latina, or White women.⁶⁷ This hierarchy is also reflected in straight White men's response rates when contacted by female online daters. Studies have found that White men are most likely to respond to messages from White women and from multiracial Asian-American

and Latina women who are part White.⁶⁸ They are less likely to respond to multiracial African-American/White women, and rarely respond to messages from African-American women.

White women’s preferences also reveal a racial hierarchy. Almost 75% of straight White women in one online dating study expressed racial preferences and a majority of those (64%) preferred to date White men only.⁶⁹ Although most White women with stated racial preferences excluded all non-White men, more women were willing to date Latino men than to date African-American or Asian-American men.



Source: Cynthia Feliciano et al., *Gendered Racial Exclusion among White Internet Daters*, 38 *Social Science Research* 39 (2009)

Data from millions of online daters on Match (the most popular dating site in the U.S for approximately 20 years), OkCupid, and Date Hookup confirm this hierarchy. Straight White women on these sites rated Asian-American and African American men as significantly less attractive than the average man.⁷⁰ This hierarchy is also reflected in White women’s response rates when contacted by online daters. Studies have found that White women respond mainly to White men and tend to ignore messages from men of other races with one exception—multiracial men who are part White.⁷¹ One

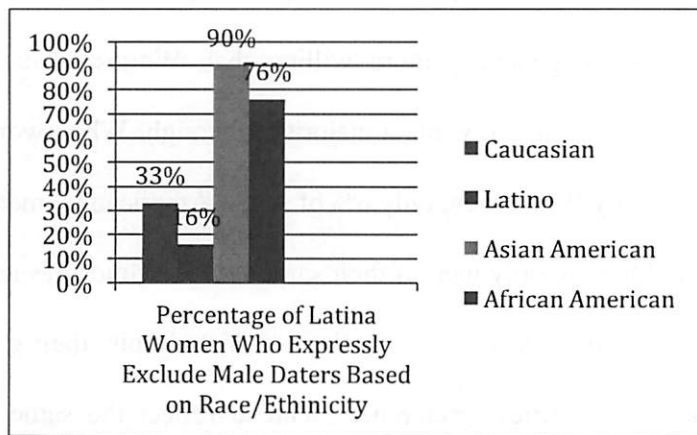
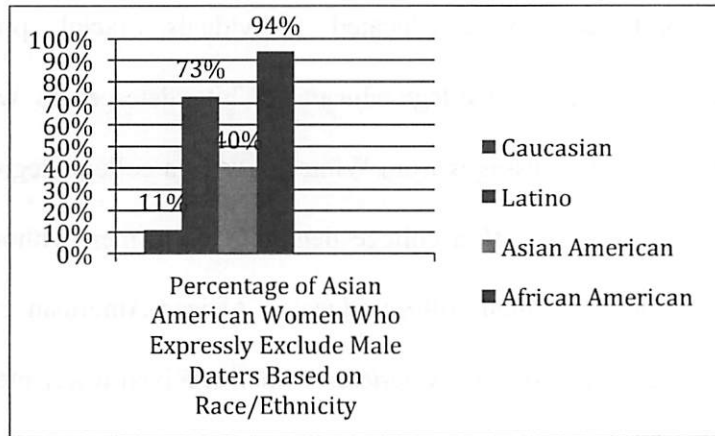
study found that while more than 90% of White women rejected Asian-American men as potential dates, they responded to messages from multiracial Asian-American/White men at similar rates as they did to messages from monoracial White men.⁷² They also responded to Latino/White men and African-American/White men at higher rates than their monoracial counterparts.

Online dataseekers have many preferences, including gender, age, race, body type, height, weight, education, income, and religion. But race ranks particularly high on dataseekers' preferences. For example, while 59% of straight White men in one study stated a racial preference, only 23% expressed a religious preference.⁷³ For these men, a woman's race was more important than her education, religion, employment or marital status, or how much she smoked or drank. Straight White dataseekers on the online dating site OkCupid revealed similarly strong preferences for Whites even when the system's algorithm determined that their best "match," based on their responses to approximately 300 questions about their beliefs, needs, wants, and activities they enjoy, was a person of a different race.⁷⁴

As we saw above, college-educated individuals are more likely than their less-educated counterparts to be married to a person a different race or ethnicity. One might assume that college-educated Americans have weaker racial preferences but studies do not support this conclusion. One online dating study found that the vast majority of White women, regardless of their level of education or income, have strong preferences for White men.⁷⁵ Another study found that college-educated White men and women are *more* likely than Whites with only a high school education to exclude African-Americans as romantic partners.⁷⁶ And yet another study found that while White college-educated

dataseekers preferred college-educated individuals, racial preferences trumped educational preferences.⁷⁷ College-educated White dataseekers were more likely to contact and respond to messages from Whites *without* a college degree than to messages from African-Americans *with* a college degree. White men without a college degree received more messages than college-educated African-American and Asian-American men. College-educated African-American women received fewer messages than women of other races with lower levels of educational attainment.

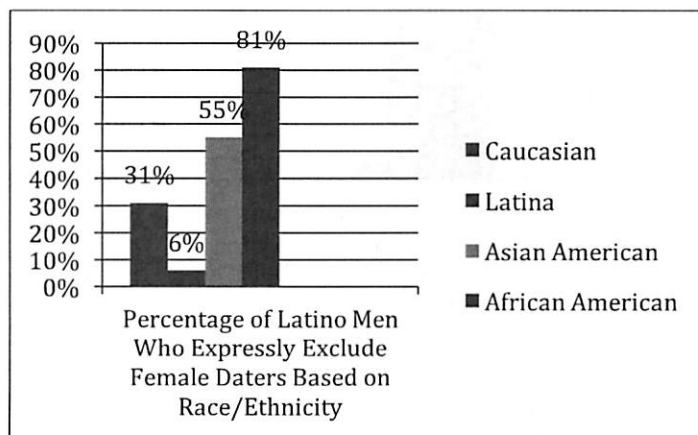
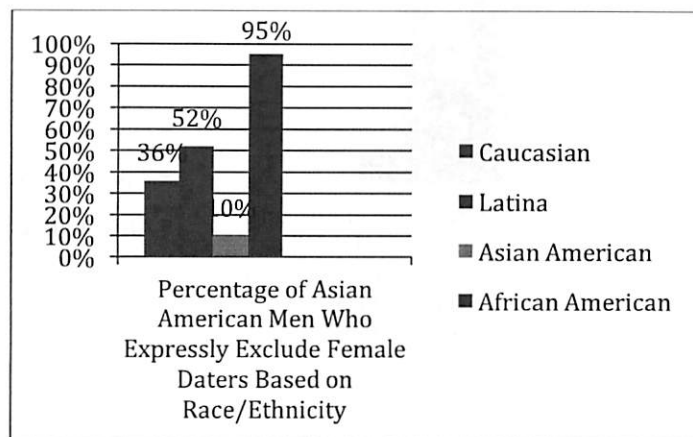
Racial and ethnic minorities also have racial preferences when seeking romantic partners but they are generally more willing than Whites to date interracially. For example, one study found that while a majority of straight White women stated that they preferred to date only White men, only 6% of Asian-American women and 16% of Latina women preferred to date only men of their same race.⁷⁸ Minorities are also more willing to date Whites than Whites are to dating them.⁷⁹ Yet, despite their greater willingness to date interracially, minorities' preferences tend to reflect the same racial hierarchy as Whites' preferences. For example, 70% of straight Asian-American and Latina women in one online dating study expressed a racial preference and overwhelmingly excluded minority men other than their co-ethnics.⁸⁰ The vast majority, however, were willing to date White men. In fact, a number of studies have found that Asian-American women prefer White men above men of other races, and are much more likely to exclude Asian-American men as partners than they are to exclude White men.⁸¹ One study found that 40% of straight Asian-American women refused to date Asian-American men, but only 11% excluded White men. The charts below illustrate the preferences of Asian-American and Latina women.



Source: Belinda Robnett & Cynthia Feliciano, *Patterns of Racial-Ethnic Exclusion by Internet Daters*, 89 Soc. Forces 807 (2011).

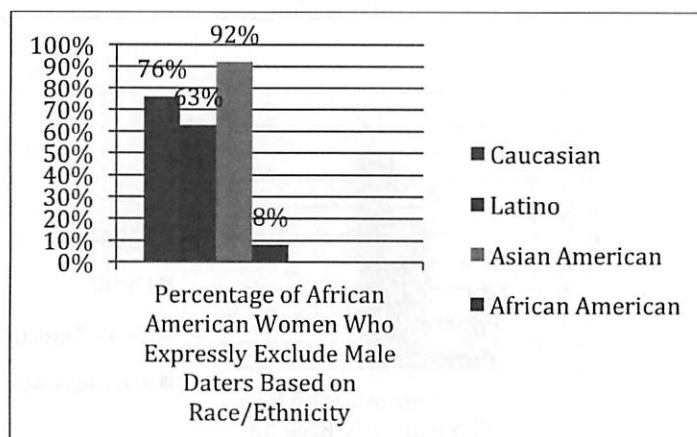
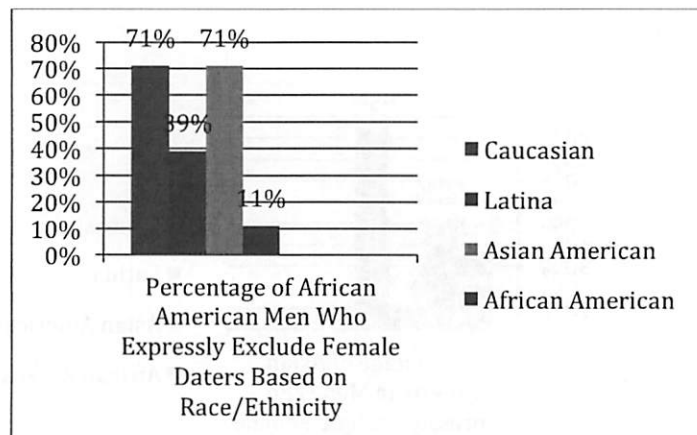
This racial hierarchy is also reflected in Asian-American and Latina women's response rates when contacted by online dataseekers.⁸² They are most likely to respond to emails from White men and their multiracial co-ethnics who are part White (Asian-American/White men and Latino/White men). In other words, Asian-American and Latina women are more responsive to messages from White men and those who are part White than to messages from their monoracial co-ethnics.⁸³ Surveys of college students' dating preferences have also found that many Latinos and Asian-Americans prefer Whites to other groups, including their own co-ethnics.⁸⁴

The preferences of straight Asian-American and Latino men also reflect a racial hierarchy. For example, one online dating study found that over 60% of Asian-American and Latino men who expressed a racial preference stated that they would date White women. ⁸⁵ Approximately 50% of Asian-American men were willing to date Latina women and similar numbers of Latino men were willing to date Asian-American women. However, less than 20% were willing to date African-American women. When dating interracialy, these men ranked White women at the top, Asian-American and Latina women (other than women of their same ethnicity) in the middle, and African-American women at the bottom.



Source: Belinda Robnett & Cynthia Feliciano, *Patterns of Racial-Ethnic Exclusion by Internet Daters*, 89 Soc. Forces 807 (2011).

The *stated* preferences of African-American men and women do not follow the same pattern as other group's preferences. For example, studies have found that African Americans have stronger same-race preferences than Asian-Americans and Latinos and are at least three times as likely as Asian Americans and Latinos to expressly refuse to date individuals of other races.⁸⁶ In addition, while the majority of straight Asian-American, Latino, and White men and women are willing to date Whites, the majority of straight African-American men and women in one online dating study expressly *excluded* Whites.⁸⁷



Source: Belinda Robnett & Cynthia Feliciano, *Patterns of Racial-Ethnic Exclusion by Internet Daters*, 89 Soc. Forces 807 (2011).

However, there are some similarities between African Americans' preferences and those of other groups. For example, like White and Latina women, African-American women exclude Asian-American men at higher rates than men of other races.⁸⁸ In addition, the *revealed* preferences of straight African-American men and women suggest that they may be more willing to date Whites than they say or are aware of. One online dating study found that African-Americans were ten times more likely to contact Whites than Whites were to contact them.⁸⁹ That study and others have also found that African-Americans are *more* likely to respond to messages from Whites and from multiracial African-American/White individuals than messages from African-Americans.⁹⁰

While White, Asian-American, and Latina women receive messages from men of all races, African American women rarely receive messages from non-African American men.⁹¹ They also receive fewer messages overall which might make it easier to respond to most messages.⁹² It is also possible that African-American women replied because it is polite, and not because they were interested in all of the men to whom they replied. However, none of these theories explains why African-American women responded most often to White and multiracial African-American/White men. Is it possible that African-American women are more willing to date White men than they expressly indicate but they exclude White men because they anticipate that White men will exclude them as the studies discussed above suggest?

Preferences of Gay Men and Women

The few studies that have examined the racial preferences of gay men and women have found that gay White men have strong preferences for White partners. For example, one study of male online dataseekers found that gay White men were three times more likely than straight White men to express a racial preference and five times more likely to express a preference for a White partner.⁹³ Another study found that gay White men were most likely to initiate contact with and respond to messages from other White men.⁹⁴ In contrast, gay White women have significantly weaker racial preferences and tend to respond to messages from women of all races at roughly similar rates.⁹⁵

Although gay White men have stronger same-race preferences than either straight White men or gay White women, they are more likely than their heterosexual or lesbian counterparts to cohabit with a partner of a different race.⁹⁶ This inconsistency might be explained by the limited pool of gay White men—there simply are not enough gay White men for all the men (of all races) who prefer White men. Nonetheless, studies show that the racial hierarchy that exists in the heterosexual dating market is reproduced in the gay male dating market. In both the heterosexual and gay male dating market, Asian-American and African-American men are at the bottom of the hierarchy. Gay men of all races prefer Whites and lighter-skinned Latinos and are significantly less willing to date Asian-American or Black men.⁹⁷ For example, one-third of gay Asian-American men in one study stated they would only date Whites and only 8% were willing to date Asian-American men.⁹⁸ Another study found that gay Asian-American men stated preferences for White men over all other races, including Asian-Americans.⁹⁹ Men of all races saw White men as the standard of attractiveness against which they would be compared.¹⁰⁰ Light-skinned Latino gay men attempted to use these racial preferences to their advantage

by highlighting their “white” appearance, such as light skin and eyes, and ability to “pass for White,” in their profiles.¹⁰¹

Asian-American men are stereotyped as submissive and effeminate.¹⁰² African-American men are stereotyped as hypermasculine and potentially dangerous.¹⁰³ Neither characterization leads to many positive responses from potential dates. For example, one online study found that gay men only contacted Asian-American men when their profiles indicated that they would play the sex role of a “bottom,” a role that reflects and reinforces stereotypes about Asian-American men as submissive.¹⁰⁴ That same study found that gay men only contacted African-American men when their profiles indicated they would play the sex role of a “top,” a role that reinforces stereotypes of Black men as hyper-masculinized and hypersexual objects. Other studies found similar results.¹⁰⁵

A Word About the Data

The vast majority of the studies discussed above examined the preferences of online dataseekers. By definition, these studies only examined the preferences of online daters which might not be representative of the general population. Those of us who have not dated since the mid-1990s (when online dating sites were created) are unlikely to have tried online dating and might have different preferences. Americans over the age of 65 and the very poor are less likely to be online so their preferences are less likely to be reflected in these studies.¹⁰⁶

That said, online dating studies have many advantages over other studies. When Pew or Gallup conduct a study, they are only able to poll small percentages of the population. When researchers at academic institutions conduct studies, they often use

college students as subjects. Consequently, the data, conclusions, and bases for recommendations are based on the needs, preferences, and experiences of college students and small percentages of the population. In contrast, the pool of online daters is quite large. For example, the co-founder of OkCupid examined the behaviors of more than a million online daters on three different dating sites—a data set thousands of times larger than a typical data set.¹⁰⁷ Individuals of all different ages, races, sexual orientations, and economic and religious backgrounds date online so online studies may be better able to examine the preferences of a broader demographic. For example, over 75% of individuals in the U.S. between the ages of 18 and 64, including racial minorities and individuals with less than a high school diploma, are online.¹⁰⁸ As noted, 75% of Internet users who are seeking a date use the Internet to meet potential dates.¹⁰⁹ In fact, about half of all single adults in the U.S. (over 50 million people) are registered on one of four dating sites.¹¹⁰

Of course, it is always possible that online daters may not be honest about their preferences. However, it seems more likely that people will *overstate* their willingness to date interracially or will reply to people that they have no intention of dating (because they want to appear open-minded) than that they will exclude daters they would actually consider. To the extent that online dating studies may not accurately reflect daters' racial preferences, these studies are more likely to *underestimate* the strength of daters' preferences than to overestimate them. Moreover, all of the online dating studies found the same pattern of preferences—Whites were always at the top of the hierarchy and African-Americans and Asian-American men were always at the bottom. These patterns

were consistent across daters of different ages, incomes, education, geographic location (including urban v. rural dwellers), and self-identification as liberal or conservative.

Offline studies have found a similar racial hierarchy. For example, speed dating studies and surveys of college students' preferences (discussed below) found the same racial preferences as online studies.¹¹¹ While online dating studies cannot definitively predict how people would behave offline, intermarriage rates mirror the racial preferences revealed online. The two groups that are least preferred by online daters—African-American women and Asian-American men—are also the groups with the lowest rates of intermarriage. The racial preferences we reveal *online* may tell us a lot about our preferences *offline*.

Observations About Racial Preferences: Physical Attraction, Social Discomfort, Status, and Implicit Bias

The studies discussed above show that, with the possible exception of African-Americans, most individuals prefer Whites. Whites prefer Whites above all other groups. Asian-Americans (male, female, straight, and gay) prefer Whites to Latinos and African Americans and many prefer White men to Asian men. In fact, with the exception of Black women, straight women of all races rate White men as significantly more attractive than the average man and online daters reply most often to messages from White men.¹¹² While straight Asian-American and Latina women rate their co-ethnics as more attractive than the average man, they rank White men as even more attractive.¹¹³

Online daters' preferences for multiracial daters might suggest that racial boundaries are weakening. Yet, daters' preferences for individuals who are part White over monoracial minorities illustrates a racial hierarchy that values light skin and

European appearance. Daters' preferences for multiracial Asian-American/White men as they reject monoracial Asian-American men, and the treatment of Latina/White women as equally desirable as White women but monoracial Latinas as less so, suggests that partial Whiteness can erase or blur the traits that make minorities less desirable in the dating and marriage market. As one commentator noted, "adding 'whiteness' always helps your rating."¹¹⁴ These studies also suggest that while partial Whiteness can elevate Asian-Americans and Latina women to White status, it does not have the same power for African-American women. For example, Asian American, Latino, and White men rated online profiles and photographs of multiracial African-American/White women as significantly more attractive than monoracial African American women but as less attractive than women of other races.¹¹⁵

These studies also illustrate how race and gender intersect in the dating and marriage market. As sociologists Michael Omi and Howard Winant have argued, "race is gendered and gender is racialized."¹¹⁶ Although partial Whiteness elevated multiracial Latina/White women to White status in the dating market, it did not do the same for Latino/White men. Latino/White and African-American/White men were more desirable to other groups (and to Latina and African-American women, respectively) than monoracial Latino and African American men, but not as desirable as monoracial Whites.

These studies also reflect a racial hierarchy that does not merely rank some groups above others but one that completely excludes and stigmatizes non-preferred groups on the basis of stereotypes. There is a distinct difference between White men's preferences for White women over Latina women, for example, and their staunch rejection of African-American women, especially when we examine their reasons as we

do below. Similarly, daters' reasons for excluding African-American and Asian-American men do not merely reflect a preference for White men but rather an aversion to Asian and Black men as intimate partners. Online daters' ratings of different profiles along with rejections rates exceeding 90% (as described above) help demonstrate this aversion. For example, straight women rate African-American and Asian-American men (other than their co-ethnics) as significantly less attractive than the average man and straight men (including African-American men) rate African-American women as less attractive than the average woman.¹¹⁷ Why do all groups exclude African-Americans and Asian-American men at disproportionately high rates? What assumptions do daters make about these groups, based on gendered and racialized stereotypes, that render them undesirable romantic partners in their eyes?

A survey of 381 college students at a public university in California helps illustrate that the racial hierarchy in the dating market reflects an aversion to certain groups based on stereotypes. Students completed an anonymous questionnaire that asked them to describe the traits they desire in a romantic partner, whether they were willing to date someone of a different race, and if so, to rank their preferred racial or ethnic groups. Students were asked to explain their reasons for their rankings. All of the non-Black male students who expressed racial preferences ranked African-American women last. White students were significantly less likely than Asian-American, African American, or Latino students to report any racial preferences or to expressly exclude African Americans as dates.¹¹⁸ At first glance, these findings might indicate that the social distance between White and African-American college students is decreasing. However,

students' explanations for their preferences reveal a racialized and gendered hierarchy fueled by stereotypes and family and societal resistance.

Physical Attraction and Personality

Students' most commonly stated reasons for excluding African-Americans or ranking them towards the bottom of their preferred groups included lack of physical attraction, cultural differences, aggressive personality or behavior, and social disapproval.¹¹⁹ Rates of exclusion and prevalence of these reasons varied depending on gender. Heterosexual White male students were more than twice as likely as their female counterparts (67% v. 30%) to exclude African-Americans as potential dates. Asian-American males were also more likely than Asian-American females to exclude African Americans as potential dates. Men were more than twice as likely as women to cite lack of physical attraction such as dark skin tone, hair texture, and body type as reasons for excluding African-Americans as potential dates. For example, non-Black men wrote "Too dark", "I generally don't like curly hair or dark skin," "Because African-American women are usually bigger broader physically type people," "I just don't like to date anyone who has really dark skin...anyone but Black."¹²⁰

When we examined the traits that all individuals seek in a potential mate earlier in the chapter, we noted that we all prefer physically attractive partners. Beauty may be in the eye of the beholder but throughout most of the Western world, a light complexion and phenotypically European features, such as straight hair and a narrow nose, are perceived as most attractive, especially for women.¹²¹ These physical features are deemed desirable not only by Whites but also by African Americans and other minority groups.¹²² One

study found that African Americans (male and female) rated lighter-complexioned African American women, but not men, as more attractive than those with darker complexions.¹²³ As scholars have noted, some African Americans have internalized the majority's preference for light skin.¹²⁴ So have Asian-American and Latina women (in the U.S. and abroad) who spend billions of dollars on skin lightening products each year.¹²⁵ As scholars have asserted light "skin tone is a form of social capital that grants access to marriage to higher status men."¹²⁶ One need only name a few African-American female celebrities considered beautiful by all groups (such as Beyoncé Knowles, Halle Berry, and Alicia Keys) to conclude that women with lighter skin and more Eurocentric features are perceived as most attractive. As the African-American Emmy award winning actress Viola Davis retorted when a New York Times journalist referred to her as "darker-skinned and less classically beautiful" than lighter-skinned Black actresses, this is simply "a fancy term of saying ugly."¹²⁷

These Eurocentric standards of beauty are reflected in the stripping industry. An ethnographic study of erotic clubs revealed that upscale clubs rarely hire dark-skinned women because, as one club manager explained, too many dark-skinned dancers cause the club to lose money.¹²⁸ These clubs generally hire White and Asian-American women because that is what their customers want. Even the clubs with mostly non-White dancers feature White and light-skinned Latinas on their websites to entice potential customers. Black and White customers alike preferred Latinas, multiracial, and lighter-skinned Black dancers over darker-skinned dancers and these preferences were reflected in the larger tips they earned for less work.

Straight women tend to prefer men with masculine traits and straight men tend to

prefer women with feminine traits.¹²⁹ Societal notions of masculinity and femininity depend on race and gender and are reflected in stereotypes and media portrayals of minority groups. Asian-American women are depicted as hyper-feminine, Asian-American men are portrayed as effeminate and asexual, and African-American men are depicted as hyper-masculine.¹³⁰ Although the media is starting to portray African-American women as desirable partners,¹³¹ historically, cultural depictions of Black women have been limited to images of matronly caregivers, sexually immoral, or emasculating, angry women.¹³² These images continue to predominate. For example, as recently as 2014, the New York Times referred to the producer of programs with African-American characters as “an angry Black woman.”¹³³ The association between Whiteness and beauty reflects historical depictions of African-American women as the anti-thesis of White femininity.¹³⁴ The image of the dark, strong Black woman was (and arguably still is) the polar opposite of the traditional feminine ideal of women as pale, weak, and submissive.

Gendered and racialized stereotypes affect how individuals are perceived in the dating market. For example, one online study found that White men who expressed a body type preference were more likely to exclude African-American women as dates, presumably because they associated African-American women with a particular (and undesirable) body type.¹³⁵ Another study found that the more highly a man valued femininity, the higher the likelihood that he would be attracted to Asian-American women and not African-American woman.¹³⁶ Similarly, the more highly a woman valued masculinity, the higher the likelihood she would be attracted to African-American men and not Asian-American men. Several studies have found that Americans perceive

Asian-Americans to be more feminine than other groups and African-Americans to be more masculine.¹³⁷ Individuals are also more likely to associate feminine traits and words with Asian-Americans and masculine traits with African-Americans. They also associate dark skin with masculinity.¹³⁸ For example, when White college students looked at facial photos of African-American women, they sometimes mistook them for male faces.¹³⁹ Given the importance that men place on a partner's physical appearance, and the weight all races place on light skin for women, it is not surprising that lighter-skinned women are higher in the racial hierarchy in the dating market.

Stereotypes of African-American men also affect how they are perceived in the dating market. Although both straight women and gay men reject African-American men at high rates, they are rejected less often than African-American women. While the stereotype of African-American men as hypermasculine and sexually aggressive fuels the perception that they are threatening and dangerous, these are also traits that some straight women and gay men find appealing. For example, a White female college student who participated in the study at a public university in California discussed above commented on African-American men's "attractive skin color and body type."¹⁴⁰ Studies have found that small percentages of White women, specifically women who prefer very tall and masculine men, have strong preferences for African-American men.¹⁴¹ Pornography sites are filled with images of interracial sexual activity between dark-skinned Black men and White women, reinforcing the stereotype of Black men as well-endowed and sexually gifted.¹⁴²

Gender differences in the racial hierarchy are also apparent when one analyzes stereotypes about different groups' personalities and behaviors. Male college students in

the California study were much more likely than female students to list “aggressive personality” as a reason for excluding African-Americans as dates.¹⁴³ For example, 50% of Latino men as compared to 10% of Latina women and 29% of White men as compared to 9% of White women cited aggressive personality and behavior when describing their reasons for excluding African-Americans. Male students wrote that African-American women are “abrasive” and have “attitude problems” and “large chips on their shoulders.”¹⁴⁴ These remarks are similar to those reported in an earlier study of White college students’ perceptions of African American women.¹⁴⁵

Most non-Black students who excluded African-American women as potential dates relied on stereotypes about African-American women’s personalities that date back centuries. Their perceptions reflect cultural assumptions about African American women as emasculating, domineering, and angry.¹⁴⁶ Stereotypes about African-American and Asian-American men’s personalities also affect racial preferences. Some female students reported that they would not date African-American men because they have aggressive personalities. One woman cited African-American men’s “gangster style” and another wrote that some African-American men “tend to be violent.”¹⁴⁷ These statements reflect cultural assumptions about African American men as dangerous “thugs” and thus, less desirable intimate partners.¹⁴⁸ As we saw above, stereotypes about Asian-American men as submissive and effeminate lead both gay men and straight women to reject them as romantic partners.

Perceptions of Cultural Differences and Social Disapproval

Many college students in the California public university study who excluded African Americans as dates expressed concerns about cultural differences and social disapproval. These concerns might seem surprising given that the study was conducted in 2008-2009 when support for interracial marriage exceeded 95% among 18-29 year olds. Nonetheless, approximately 35% of non-Black students cited cultural differences and fear of societal disapproval (including family disapproval) as reasons for excluding African-Americans as romantic partners.¹⁴⁹ One Asian-American student wrote that African-Americans “are very different from my ethnic group and often prioritize differently.” A White male student wrote that they have “Dif. culture, mannerisms dif, would feel excluded from parts of their lives.” A Latino male student wrote that African-American “culture is very opposite of mine. They are more expressive of themselves as opposed to ours where we are more reserved.”¹⁵⁰

Students also expressed concerns that family members and society in general would not approve if they dated African Americans. Interestingly, Asian Americans and Latinos were much more likely than Whites to cite social disapproval as a reason to exclude African Americans as romantic partners. Fifty-five percent of Asian-Americans, 39% of Latinos, but only 10% of White students with expressed racial preferences listed social disapproval as a reason for excluding African Americans. The frequency of these concerns varied by gender. Asian-American and Latina students were significantly more likely than their male counterparts to list societal disapproval as a concern.¹⁵¹ They feared that parents, friends, and strangers would disapprove and that they might be subjected to discrimination if they dated African-Americans.¹⁵² Studies of White college

students' racial attitudes have similarly found that they fear their families' and society's disapproval if they marry a person of a different race.¹⁵³

These concerns are not unfounded. Individuals in interracial relationships are more likely than those in same-race relationships to face opposition or disapproval from family members and society more generally. Family members express concern that the interracial couple will face societal disapproval and that neighbors, teachers, and strangers will treat them and their offspring differently.¹⁵⁴ They also express concern about the racial identity and psychological well-being of mixed-race children.¹⁵⁵

Racial Privilege and Status

As we saw in the previous chapter, parents' objections to children's interracial relationships reflect a racial hierarchy.¹⁵⁶ Asian-American, Latino, and White parents all expressed greater objections to their children intermarrying with African-Americans as compared to other groups.¹⁵⁷ Parents' objections to their children's interracial relationships are not based solely on concerns that their children and future grandchildren will experience discrimination. Parents are also concerned about their own potential loss of status. One study found that Latino parents express disapproval of intimacy with African-Americans even before their children start dating because they fear jeopardizing the family's status in the racial hierarchy.¹⁵⁸ Some Latino adults refuse to date African-Americans for the same reasons.¹⁵⁹ Latinos, including immigrants with African ancestry, are aware of African-Americans' stigmatized status¹⁶⁰ in the U.S. and their own place in the racial hierarchy. They fear that a child's relationship with an African-American partner will jeopardize the higher racial status that Latinos enjoy (or think they enjoy) and

presume they must distance themselves from African-Americans to achieve social mobility.¹⁶¹ Other studies have found that some White parents are similarly concerned about the loss of status for the family, especially when the child marries an African American partner.¹⁶²

Parents' objections to children's interracial relationships reflect not only a racialized hierarchy but also a gendered one. Their reactions to the relationship depend not only on the race of the child's partner but also the gender. Studies have found that families are much more likely to express strong disapproval when daughters as compared to sons date or marry out.¹⁶³ For example, White women in interracial relationships experience greater disapproval than White men dating minority women or minority men dating White women.¹⁶⁴ Latino parents are similarly more likely to express opposition when daughters as compared to sons date African-Americans.¹⁶⁵

Societal disapproval of interracial relationships also depends on the race and gender of the minority spouse. Numerous commentators have noted greater objections from both African-Americans and Whites to relationships between African-American men and White women as compared to relationships between African-American women and White men. In fact, a 2005 Gallup poll found that while 72% of Whites approve of a White man dating an African-American woman, only 65% approve of an African-American man dating a White woman.¹⁶⁶ White women married to Asian-American men also experience greater objections from both the White and Asian-American communities than Asian-American women married to White men. Indeed, one ethnographic study found that White men married to Asian women could not recall any instances of public discrimination against them because of their relationship. In contrast, White women

married to Asian-American men reported negative comments from friends and neighbors about their choice of mate.¹⁶⁷

Implicit Biases

Many White Americans believe that the U.S. is a post-racial society in which individuals are judged by their talents and achievements and any disparities between racial groups are the result of class inequalities and individual choices, not race.¹⁶⁸ Yet, it is undeniable that we consider race when making some of the most important decisions of our lives—with whom we share our bedroom, our home, and our lives. Individuals may have non-discriminatory reasons for not wanting to date someone of a different race. However, when individuals who are willing to (or want to) date interracially exclude a particular group, one wonders whether their preferences are motivated by racial biases. How do we reconcile a commitment to racial equality with racial preferences? For some people, there is nothing to reconcile because they make a distinction between racial preferences in the public sphere (such as the workplace)—where they believe race should be irrelevant—and our intimate lives where they believe preferences of all kinds should be respected as a matter of personal taste. Other individuals do not believe that race should be a consideration when seeking an intimate partner and they say that they do not have any racial preferences. Yet, their actions show that they prefer partners of certain races and exclude others. Are they lying about their commitment to colorblindness when seeking a romantic partner? Not necessarily.

Most Americans subscribe to an antidiscrimination norm and report having no racial preferences or biases. However, cognitive bias tests repeatedly show that most of

us (regardless of our race) have implicit preferences for Whites.¹⁶⁹ Even liberal Whites who are committed to racial equality hold more positive attitudes about Whites as compared to African Americans.¹⁷⁰ These tests also show that most Americans have unconscious biases against minority groups, even when we honestly believe otherwise.¹⁷¹ To illustrate, although individuals may honestly report having no biases against African Americans or gay men, implicit bias tests often reveal unconscious negative attitudes toward those groups. Studies show that implicit biases may influence employment decisions, disciplinary actions in grammar schools, police behavior, medical treatment decisions, and even the perception of an individual's behavior as threatening.¹⁷² Notably, it is not only Whites who harbor unconscious negative attitudes toward certain groups—minorities themselves hold negative attitudes against other minority groups and against members of their own group. For example, many Latinos have strong implicit biases against African Americans, and racial and ethnic minorities often unconsciously favor Whites over members of their own group.¹⁷³

Individuals' dating preferences, and the reactions of their families, friends, and society in general to interracial relationships have been shaped by stereotypes and notions of racial status that reinforce a racialized and gendered hierarchy. As the study exploring college students' reasons for excluding African-American daters illustrates, stereotypes hinder our abilities to treat members of stereotyped groups as individuals. Stereotypes about other minority groups are no less stigmatizing and influence how teachers, employers, and neighbors perceive them. They also influence their status and desirability on the dating market. Asian-American men, for example, are stereotyped as submissive and effeminate.¹⁷⁴ Is it any surprise that both straight women and gay men of all races

perceive Asian-American men as less desirable intimate partners?¹⁷⁵

So far, I have been discussing racial preferences as shaped by society—individual preferences influenced by stereotypes, social norms, notions of status, and implicit bias, but uninfluenced by law. This portrayal is incomplete. For three centuries, the law expressly prohibited interracial intimacy. Through anti-miscegenation statutes, laws that constructed racial categories (and specifically, who was White and therefore an appropriate romantic partner), legally enforced segregation, racial restrictions on who could legally enter the U.S., and inheritance and property laws that denied racial minorities access to wealth, the law helped to create and strengthen cultural norms against interracial intimacy that remain today. The U.S. Supreme Court’s decision in *Loving v. Virginia*, striking anti-miscegenation laws, did not extinguish these norms. As a gay White man pointed out 40 years after the *Loving* decision, there was still something taboo about sex with an African-American man.¹⁷⁶

The law’s influence on our romantic preferences is not limited to the lingering effects of its formal regulation of interracial intimacy. Even today, the law continues to facilitate residential and educational segregation that maintains both physical and psychological distance between groups. It also signals that racial discrimination in the intimate sphere is acceptable despite the psychic, economic, and social harms it inflicts on groups at the bottom of the racial hierarchy. In the following chapters, I will show how law has shaped and continues to influence our intimate choices, why the resulting hierarchy is problematic, and what we should do about it.

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- ¹ Jeffrey Passel, Wendy Wang & Paul Taylor, "Marrying Out: One-in-Seven New Marriages is Interracial or Interethnic," *Pew Research Center*, June 4, 2010; Frank Newport, "In U.S., 87% Approve of Black-White Marriage, vs. 4% in 1958," *Gallup*, July 25, 2013.
- ² Debra Blackwell & Daniel Lichter, "Homogamy Among Dating, Cohabiting and Married Couples," 45 *The Sociological Quarterly* 719, 732 (2004).
- ³ Herman & Campbell, "I Wouldn't But You Can: Attitudes Toward Interracial Relationships," 41 *Social Science Research* 343, 356 (2012).
- ⁴ Herman & Campbell, *I Wouldn't But You Can*.
- ⁵ Associated Press, "Racial Attitudes Survey," October 29, 2012.
- ⁶ Merriam Webster's dictionary defines an ethnic group as "of or relating to large groups of people classed according to common racial, national, tribal, religious, linguistic, or cultural origin or background."
- ⁷ By American Indian, I mean the indigenous people of the Americas including North, Central and South America.
- ⁸ One-third of Latinos identify as mixed race, generally mestizo (white and indigenous) or mulatto (white European and black African roots). However only 13% of Latinos who identify as mulatto or mestizo selected mixed race (2 or more races) in the 2010 U.S. Census. Forty percent of Latinos who identify as mestizo/mulatto say their race is white and 20% say their race is Hispanic. Another 10% identify as Black and 4% as American Indian. Ana Gonzalez Barrera, "Mestizo and "Mulatto: Mixed Race Identities Among U.S. Hispanics," *Pew Research Center*, July 10, 2015.
- ⁹ Lundquist & Lin, "Is Love (Color) Blind: The Economy of Race among Gay and Straight Daters," 93 *Social Forces* 1423, n.14 (2015).
- ¹⁰ Thirty-seven percent of Latinos in the 2010 U.S. Census stated their race as "some other race" and wrote in "Mexican", "Hispanic", or "Latin American" as their race. A Pew Research Survey found that 67% of Latinos describe Latino/Hispanic as at least part of their racial background. Ana Gonzalez-Barrera & Mark Hugo Lopez, "Is Being Hispanic a Matter of Race, Ethnicity, or Both?," *Pew Research Center*, June 15, 2015; Kim Parker et al., "Multiracial in America: Proud, Diverse and Growing in Numbers," *Pew Research Center*, June 11, 2015.
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- ¹⁹ Joyner & Kao, "Interracial Relationships and the Transition to Adulthood," 70 *American Sociological Review* 563 (2005). Sixty percent of 18-29 year olds who participated in the Gallup poll reported that they had dated interracially as did 53% of individuals ages 30-49, 46% of individuals ages 50-64, and 28% of individuals 65 and older. Sixty-nine percent of Latinos, 52% of African-Americans, and 45% of Whites reported the same. Jones, *Most Americans Approve*.

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- ³³ Wang, The Rise of Intermarriage. U.S.-born Asians are one and a half times as likely their foreign-born counterparts to marry out. Latinos' and Asians' rate of intermarriage with Whites has decreased since the 1990s but that decrease is largely attributable to the decrease in the intermarriage rate of immigrants. The rate of intermarriage of U.S.-born Asian-Americans and Latinos has remained virtually unchanged since the 1980s. In fact, the difference between the intermarriage rate of U.S. born Asian American and Latinos and that of their immigrant counterparts was even higher for Latinos and Asian-Americans who married out in 2008—39% v. 12% and 46% v. 26%, respectively. See Passel, Wang & Taylor, "One-in-Seven New U.S. Marriages is Interracial or Interethnic," *Pew Research Center* (June 4, 2010). There is no significant difference between the intermarriage rate of U.S.-born and foreign-born Blacks. See Qian & Lichter, Changing Patterns.
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