

REFLECTIONS ON THE *LOVING* CONFERENCE: RACE, IDENTITY, COMMUNITY, AND CONFLICT

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The *Loving* story is the American story. At heart it is about what we most value, how we view the American community, and how tolerant we are of our differences. This was the challenge that faced our nation when the Constitution was created and it is still at the core of our most enduring conflicts. As well, the decision in *Loving v. Virginia*¹ marks a watershed in our understanding of the essential nature of the struggle for racial justice.

These themes were prevalent throughout the *Loving* Symposium. Participants raised questions about *Loving* and identity, *Loving* and the struggle for civil rights, *Loving* and our often conflicting views of community, and *Loving* and our tolerance for our differences. In this reflective essay, written immediately after the symposium, I focus on *Loving*, identity, community, and enduring conflict—themes that were interwoven throughout the discussions at the conference.

I. LOVING AND IDENTITY

When the *Loving* decision came out in 1967, I was an active participant in the civil rights movement. At the time, it seemed to me that the concept of race was fairly straightforward and that the nature of the struggle for justice was about finding justice for people of all races. Of course, there were competing ideas about how to accomplish this. The mainstream civil rights organizations fought for the right for full participation in all institutions of American society and saw integration and an end to discriminatory laws and policies as the key to achieving this goal.² The Nation of Islam, most powerfully through the voice of Malcolm X,³ took a separatist approach arguing that African Americans should focus on self-empowerment.

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1. 388 U.S. 1 (1967).

2. TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63* (1998).

3. ALEX HALEY & MALCOLM X, *THE AUTOBIOGRAPHY OF MALCOLM X* (1964); MICHAEL ERIC DYSON, *MAKING MALCOLM: THE MYTH AND MEANING OF MALCOLM X* (1995).

Our view of racial identity at the time was simplistic (essentially, one was Black, White, Hispanic, Asian, or Native American). Loving itself did not change this much—what it did do was to forbid laws that prevented people from marrying across these seemingly clear boundaries. Of course, we knew then that many, perhaps most, Americans descended from ancestors belonging to different racial groups. But the struggle for justice was, and for the most part still is, based on a concept of race in which the boundaries seem pretty clear. Someone who was partially descended from a less dominant or powerful racial group was most often viewed as a full member of that group and excluded from “membership” in the dominant (i.e., white) group. This “reading in” of a less powerful racial identity⁴ where there was any ambiguity was ensconced in social norms and legal restrictions.

Shortly after the *Loving* decision, the framing of the struggle for racial justice changed significantly. The rallying cry became “Black Power!” rather than “Black and White Together.” Kwame Ture (known then as Stokely Carmichael), at the time the Chair of the Student Non-Violent Coordinating Committee, raised this slogan, and it was most powerfully embodied in late 1960’s and early 1970’s by the Black Panthers. While not a new concept, in the years after *Loving* it came to dominate and redefine the movement. At the time, with the growing strength of movements emphasizing Black power and Black identity, *Loving* may have seemed to be the last gasp of a struggle focused on integration. But in retrospect, *Loving* seems to represent a bridge between an interest and identity based approach to civil rights.⁵

Roughly speaking, prior to 1967, the focus of the movement was on how to protect and expand the rights of African Americans and on how to secure better education, housing, employment, and more access to the political and legal process. After 1967, the focus shifted to embracing identity, asserting it, and demanding power. The underlying goals did not entirely change—better education, housing, health care, employment, and access to justice continued to be critical concerns as they are to this day, but the focus on identity completely reframed the issue, the dialogue, and the political discourse. *Loving* challenged the discrimination that went with the simplistic racial categorizations of the day, and asserted the right to choose one’s own identity in a partic-

4. Sometimes referred to as “hypodescent” or the “one drop rule”—if one had one drop of “black blood,” one was considered black. See Carolyn A. Liebler & C. Matthew Snipp, The End of the “One-drop” Rule?: Hypodescent in the Early 21st century (unpublished presentation in Rethinking Racial Distinctions: Mixed Race Populations, Identity, and Measurement), <http://paa2012.princeton.edu/papers/121933>.

5. BERNARD MAYER, THE DYNAMICS OF CONFLICT: A GUIDE TO ENGAGEMENT AND INTERVENTION 24-25 (2d ed. 2012).

ularly powerful way—by insisting on the right of individuals to chose whom they love. *Loving* bridged and brought together the struggle to allow people of different races to interact in a free and unconstrained way and the importance of identity as an organizing principle for the struggle for social justice. Our most powerful current movements for justice—Black Lives Matter, Third Wave Feminism, and Lesbian, Gay, Bisexual, Transgender, and Queer (“LGBTQ”), to name a few, take place in the space created by *Loving*.

Loving opened the door for a much broader and more nuanced concept of race and identity. Legalizing and institutionalizing multi-racial parenting set the stage for breaking through the norms that established rigid racial categorizations. Our racial and other identities are increasingly seen as a matrix of affiliations and connections, some more predominant than others.⁶ At the *Loving* Symposium, speakers discussed the way in which this matrix of identities played out for them. They related the pressures they often experienced to choose one dominant racial identity and how this often conflicted with a more authentic understanding of themselves as multiracial. For many this posed an uncomfortable choice between being true to their sense of who they are and being loyal to the aspect of their identity that aligns them with an oppressed racial category.

But while identity may be complex and non-linear, racial oppression is much less so. Dominant groups oppress less dominant groups, and to do so, they demand simplistic definitions of who belongs to these groups and who does not. This is true of gender, sexuality, race, and religion. We resist recognizing Queer identities as a society in part because the increasing complexity of gender identities makes gender-based discrimination more complicated. And if the concept of race becomes too complex, then racial domination becomes more difficult. Some have argued that complicating the concept of race also makes the struggle for racial justice more challenging.⁷

6. JAY ROTHMAN, *RESOLVING IDENTITY BASED CONFLICT IN NATIONS, ORGANIZATIONS, AND COMMUNITIES* 6 (1997); BERNARD MAYER, *THE DYNAMICS OF CONFLICT: A GUIDE TO ENGAGEMENT AND INTERVENTIONS* 25 (2d ed. 2012).

7. G. Reginald Daniel, *Betwixed and Between: A Personal Odyssey Through the Twilight Zone* (unpublished presentation in *Shape Shifters: Journeys Across Terrains of Race and Identity*), <http://www.history.ucsb.edu/shapeshifters/wp-content/uploads/sites/3/ShapeShiftersProgram-3-10-web-version.pdf>. Daniel tells of the anger directed at him by Black activists for asserting his multiracial identity.

II. LOVING AND COMMUNITY

The search for identity occurs at the intersection of the pulls toward autonomy and community.⁸ These are prevalent forces for us as individuals but also for the communities to which we belong.⁹ The struggle between Malcolm X and Dr. Martin Luther King's beliefs about the path to justice can be viewed from this perspective. Each offered a fundamentally different view of community. King's vision emphasized affiliation. The African American community could flourish best by breaking down the boundaries that kept it marginalized within the larger American community. Malcolm X advocated separation. Only by taking a militantly autonomous path would the African American community overcome the oppression it has endured. The tension between these visions continues to this day. Similar struggles exist in almost all movements for social change.

Much of our discussion at the *Loving* Symposium explored the different communities to which multiracial people belong, and the ways in which their paths were defined by their various affiliations and separations. Several participants in one form or another asserted that while they are "fully African-American" (or Latino, or Vietnamese), they also understand themselves as multiracial. Not only, they told us, is there no intrinsic contradiction between these identities, but they could not be fully one without being fully the other. Yet they did not always arrive at this integrated identity easily. Many reported pressure to identify unambiguously and totally with one community at the risk of being labeled a turncoat or of trying to "pass."

The acceptance of multiracial identity has grown incrementally in the fifty years since the *Loving* decision, reflected by the growing number of organizations for people who identify as multiracial, by changes in how the United States Census categorizes people¹⁰ (a change in which participant G. Reginald Daniel played a major role¹¹), and by the increasing acceptance by social justice activists of the validity of a multiracial identity. *Loving* helped set this in motion, but it has been a long and arduous process. Daniel described the belonging he felt when he first attended a meeting of people who identified themselves as multiracial. For him and others at the conference, accepting this affiliation allowed a fuller sense of personal autonomy

8. MURRAY BOWEN & MICHAEL E. KERR, FAMILY EVALUATION 4 (1988); Sean Sayers, *Identity and Community*, 30 J. SOC. PHIL. 147 (1999).

9. BERNARD MAYER, THE CONFLICT PARADOX: SEVEN DILEMMAS AT THE CORE OF DISPUTES (2015).

10. *Chapter 1: Race and Multiracial Americans in the US Census*, PEW RES. CTR. (June 11, 2015), <http://www.pewsocialtrends.org/2015/06/11/chapter-1-race-and-multiracial-americans-in-the-u-s-census>.

11. See *supra* note 7.

but also allowed for a more authentic connection to the racial community in which they grew up or have been assigned to by social norms and policies.

III. LOVING AND ENDURING CONFLICT

*Loving v. Virginia*¹² has been the law of the land for fifty years, and for some, at the time, it seemed to be a final nail in the coffin of the legal framework of discrimination. Surely, the decline of institutional and cultural racism would inevitably follow. From today's perspective that seems very naive. Changing the law will not in itself change our consciousness or the social forces that flow from and reinforce this consciousness. Race is the iconic enduring conflict¹³ in American history. It has been there from the beginning and it will continue to define our national consciousness and social evolution. *Loving* was an important way station along the way. That is, it gave evidence to and encouraged a maturation of the issue, a transition from one phase of the conflict to a new one, from one narrative to a profoundly altered story of struggle and oppression, and it also marked a shift in the power dynamics surrounding racial conflict. From a struggle for rights it became a movement for power, from a conflict about separation versus integration, it became a story of multi-faceted identity, and from an effort to participate in an existing power structure, it became a challenge to the structure of power.

While *Loving* represented success in the arena of legal rights and access to social institutions (i.e., marriage), the demand for change in the way resources are allocated and power distributed among Americans of different races has in many ways stalled. Fifty years on, institutionalized racism is still an incredibly powerful force and there are no signs of significant change being made in the fundamentally disadvantaged position of most racial minorities.

The discussions and exchanges at the *Loving* Symposium illuminated the complexity of both individual identity and community, and the ways in which the relationship between these continues to evolve and take many different shapes. The question the conference leaves unanswered is whether our increasingly nuanced understanding of racial identity and community attacks the roots of our enduring conflict over race in America—in our institutions, in our culture, in our patterns of power, and in our individual and collective consciousness.

12. 388 U.S. 1 (1967).

13. BERNARD MAYER, *STAYING WITH CONFLICT: A STRATEGIC APPROACH TO ONGOING DISPUTES* 114-15 (2009).