A Room with Many Views: A Response to Essays on *According to Our Hearts:* Rhinelander v. Rhinelander *and the Multiracial Family*

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I. INTRODUCTION

At the outset, I should note that I am very grateful to all contributors in this issue—Professors Kerry Abrams, Jacquelyn Bridgeman, Jennifer Chacón, Robin Lenhardt, and Laura Rosenbury for their insightful, powerful, and stirring reactions to my book *According to Our Hearts:* Rhinelander v. Rhinelander *and the Law of the Multiracial Family,*[1] and to Professor Melissa Murray for her elegant Foreword to this issue. Reading the responses of these scholars whom I admire and respect has been exhilarating and affirming. Indeed, seeing the many ways in which just a small group of these reviewers have examined, interpreted, and even "felt" my scholarship has been invigorating. I also have found the insights from those reviewers whose visions reached beyond my intended goals for *According to Our Hearts* to be a positive signal of the book's ability to trigger additional debate as well as earn a special place within the literature

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1. ANGELA ONWUACHI-WILLIG, ACCORDING TO OUR HEARTS: *RHINELANDER V. RHINELANDER* AND THE LAW OF THE MULTIRACIAL FAMILY (forthcoming June 2013) (manuscript) (on file with author).

on family, history, society, and love. Ultimately, if *According to Our Hearts* causes any of its readers to think more deeply about issues of race, family, and intimacy—much like it did for the scholars noted above—then the book will have achieved a significant part of what I hoped for the project.

In this Response Essay, I recount a few of the lessons that I learned from Professors Abrams, Bridgeman, Chacón, Lenhardt, and Rosenbury, as well as offer my responses to their critiques, observations, and praise of my book. In Part II of this Essay, I begin by addressing two contributors' critiques of the second part of *According to Our Hearts* by focusing on two factors that are central to understanding the project as a whole: (1) my primary goal in writing Part II of *According to Our Hearts*, and (2) my intended audience and strategies for reaching that audience. Specifically, in Part II of this Essay, I focus on Professor Chacón's *Opening Our Hearts: A Response to Angela Onwuachi-Willig's* According to Our Hearts, and Professor Rosenbury's *Marital Status and Privilege*. In those essays, Professors Chacón and Rosenbury both question why I do not challenge marriage as an institution in *According to Our Hearts* and also raise questions about my proposal to add "interraciality" as a covered protected class in antidiscrimination statutes. Thereafter, in Part III of this Essay, I move on to discuss the remaining three authors' observations and analyses regarding various points in *According to Our Hearts*. In so doing, I highlight what these readers managed to teach me about my own project and its potential impact on how we imagine and reimagine ourselves and our families. In Part III, I primarily address the following essays: Professor Abrams's *The End of Annulment*, Professor Bridgeman's *On Shifting Hearts and Minds: Interraciality, Equal Value, and Equality*, and Professor Lenhardt's According to Our Hearts *and Location: Toward a Structuralist Approach to the Study of Interracial Families*. Specifically, I highlight important points that Professor Abrams makes about marriage as the ultimate form of self-expression, that Professor Bridgeman emphasizes about the intensity of our sense of fixed racial categories as well as the ways in which being a part of a multiracial family allows individuals to begin to challenge those rigid lines, and that Professor Lenhardt underscores about the need for more scholarship that explores the links between structural elements and what I refer to as the "placelessness" of multiracial families in *According to Our Hearts*.

II. EXAMINING ALTERNATIVE VIEWS

In their essays about *According to Our Hearts*, Professors Jennifer Chacón and Laura Rosenbury inquire whether I have gone far enough in challenging the normative ideal of family, and they raise a number of questions and concerns about Part II of the book. In Section A of this Part, I first address the specific inquiries that Professors Chacón and Rosenbury make about my decision to focus my book on families formed by intimate

couples. In Section B, I then address their feedback regarding my proposal at the end of Part II of *According to Our Hearts* to add the term "interraciality" to anti-discrimination statutes.

A. *Your View Ain't Like Mine—At Least with Respect to the Focus of* According to Our Hearts[2]

In examining *According to Our Hearts*, Professors Chacón and Rosenbury ask a number of important questions regarding marital status and privilege. First, Professor Rosenbury wonders why I do not "go beyond . . . legal marriage itself" given its role in perpetuating the normative ideal of family.[3] She contends that I implicitly reinforce the marital ideal of family by primarily focusing on "the monoracial aspect of 'same-race couple privilege.'"[4] Professor Rosenbury explains that legal marriage was "originally recognized . . . in order to provide incentives for white men to privatize the dependency of white women and their children," and highlights how that "construct of marriage did not change" when the right of marriage was extended to Blacks.[5] Speaking again of the many privileges that come with marital status, she asserts, "[j]ust as one of the privileges of whiteness is not having to think about race, a privilege of marriage is not having to think of the ways that society is structured around marriage."[6] Ultimately, on this point, Professor Rosenbury declares that "even as [I] embrace[] a nuanced conception of privilege, [I] similarly assume[] that privilege should

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2. This subtitle is a play off of the title of Bebe Moore Campbell's book, YOUR BLUES AIN'T LIKE MINE (1995).

3. Laura A. Rosenbury, *Marital Status and Privilege*, J. GENDER RACE & JUST. 769, 779 (2013) [hereinafter Rosenbury, *Marital Status and Privilege*].

4. *Id.* at 780.

5. *Id.* at 778–79. Throughout this Essay, I capitalize the words "Black" and "White" when I use them as nouns to describe a racialized group. I do not capitalize these terms when I use them as adjectives. Additionally, I find that "[i]t is more convenient to invoke the terminological differentiation between black and white than say, between *African-American* and *Northern European-American*, which would be necessary to maintain semantic symmetry between the two typologies." Alex M. Johnson, Jr., *Defending the Use of Quotas in Affirmative Action: Attacking Racism in the Nineties*, 1992 U. ILL. L. REV. 1043, 1044 n.4. Professor Kimberlé Crenshaw, one of the founders of Critical Race Theory, has explained that "Black" deserves capitalization because "Blacks, like Asians [and] Latinos, . . . constitute a specific cultural group and, as such, require denotation as a proper noun." Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1332 n.2 (1988) (emphasis omitted). Also, I generally prefer to use the term "Blacks" to the term "African Americans" because the term "Blacks" is more inclusive. For example, while the term "Blacks" encompasses black permanent residents or other black non-citizens in the United States, the term "African Americans" includes only those who are formally United States citizens, either by birth or naturalization.

6. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 784 (citation omitted).

flow to marriage; [she contends that I] would simply like more of the extralegal effects of that privilege to flow to black-white couples."[7]

Like Professor Rosenbury, Professor Chacón contends that *According to Our Hearts* offers a "triumphalist account of the institution of marriage . . . ."[8] Although Professor Chacón acknowledges that my proposed legal solution was not developed "with indifference to the plight of the broad range of individuals who might suffer from such discrimination," she argues that my project is largely justified "as a means of protecting individuals in traditional nuclear family configurations."[9] She worries whether my "focus on the multiracial family as a site worthy of protection might implicitly buy into notions of family that are themselves unnecessarily exclusive," and she points out that "[s]hoehorning caring relationships into familial categories that the state easily cognizes can have the effect of marginalizing relationships that do not conform to the norm."[10] She asserts that there are no "single parents, [no] adult siblings cohabiting and raising children from prior relationships, [no] grandparents as primary caregivers, [no] polyamorous groupings[, and no] single, childless individuals" amongst the subjects whom I surveyed.[11] Professor Chacón does not question whether my proposal would offer protection to those who fall outside of the traditional nuclear family; indeed, she asserts that it would. Instead, she asks whether the invisibility of non-nuclear families should have mattered to me more.

All of Professors Chacón's and Rosenbury's points are excellent and bring up important concerns about the role that marriage plays in perpetuating unfair status hierarchies that label some families as ideal, others as closer to that ideal, and still others as deviant. In fact, I have raised very similar questions about state endorsement of marriage in my previous scholarship. For example, in my article *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, I challenged proposals for a marriage cure to poverty in welfare legislation and

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7. *Id.* at 783.

8. Jennifer Chacón, *Opening Our Hearts: A Response to Angela Onwuachi-Willig's* According to Our Hearts, 16 J. GENDER RACE & JUST. 725, 737–38 (2013) [hereinafter Chacón, *Opening Our Hearts*] (asserting that "this account also raises questions about how the privileging of certain familial structures can play a role in fostering other forms of discrimination").

9. *Id.* at 735.

10. *Id.* at 729, 735.

11. *Id.* at 736. Only couples, both opposite-sex and same-sex, were included in my survey and follow-up interviews. My analysis of cases, however, was slightly broader; ultimately, my case analyses were limited by the cases that are available to review, and nearly all of the interraciality cases involved only a plaintiff from a couple. Only one case that I found involved a different family formation, a single mother and her child, and I analyze that case in Chapter Eight of *According to Our Hearts*. *See* ONWUACHI-WILLIG, *supra* note 1.

emphasized the way in which marriage has served as a tool for "privatiz[ing] responsibility for individual economic stability within the families of newly-emancipated Blacks so that states' economic responsibility to provide for former slaves would be minimized."[12] Furthermore, in *Return of the Ring*, I explicitly expressed my concerns about how states generally endorse marriage as the only acceptable form of family in contemporary society.[13] I asserted:

> The husband-wife dyad should not be the only household structure that states encourage and support in the effort to assist poor families with children to escape poverty. A child does not need exactly one mother and one father to raise him or her. If it is true that two parents are better equipped than one, then one must accept the probability that three are better than two. There is no principled reason why the law should require the foundation of family where the care of children is concerned to be an intimate relationship involving two people of the opposite sex.[14]

Generally, I agree with the arguments that Professors Chacón and Rosenbury have highlighted when those arguments are applied to broad examinations of family law and marriage; however, both scholars seem to have ambitions that reach far beyond the more discrete intervention that is being made in my book. My primary focus in Part II of *According to Our Hearts* was never to engage in a broad, overall exploration of family; the many hierarchies among different family forms; or marriage's role in perpetuating those hierarchies. Rather, my primary goal was to contest the perception that law no longer facilitates discrimination against interracial, heterosexual couples. Although I first began to write my book because of my attraction to the *Rhinelander* case itself (which is the focus of Part I of *According to Our Hearts*), I was moved to write Part II because I specifically wanted to focus on the narrow goal of contesting the too-frequently-held and -asserted assumption that *Loving v. Virginia* and its progeny eliminated all negative, *legal* effects of racism for interracial, heterosexual couples.

Indeed, throughout Part II of *According to Our Hearts*, I explicitly frame, identify, and remind readers of my limited goal of discrediting the myth of a discrimination-free life, as it relates to law, for interracial, heterosexual couples in a post-*Loving v. Virginia* era. For instance, in Chapter Six of *According to Our Hearts*, I explicitly state that my aim is to

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12. Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform's Marriage Cure as the Revival of Post-Bellum Control*, 93 CALIF. L. REV. 1647, 1653 (2005).

13. *Id.* at 1688–94.

14. *Id.* at 1689.

disprove the idea that our legal system adequately protects interracial, heterosexual couples and to expose how law facilitates unique forms of discrimination and microaggressions[15] against such couples and their families. I assert:

> Because antidiscrimination law generally excludes gay and lesbian individuals from protection from discrimination based on sexual orientation and because there is prevalent, open prejudice against same-sex couples in our society, the lack of legal protection and social acceptance for gay and lesbian couples and their families is widely exposed for all to see. However, it is not so easily exposed for interracial, heterosexual couples; my goal in this book is to make such lack of acceptance and protection under the law for multiracial families more visible for others to see and understand. *In this second part of* According to Our Hearts, *I unpack the widely held assumptions about how law adequately protects interracial, heterosexual couples in a post–*Loving v. Virginia *era, showing, instead, how law and society function together to create both a legal and social placelessness for multiracial families and the individuals within them.*[16]

Similarly, at the beginning of Chapter Seven of *According to Our Hearts*, I reiterate the focus of my argument in Part II of the book. I indicate:

> [B]ecause in this chapter, *like the rest of this book, I wish to challenge the commonly accepted notion that legal discouragement of and punishment for intimate, cross-racial heterosexual intimacy no longer exists*, I focus largely on individuals in interracial, heterosexual couples, and specifically black-white couples, as a means of unpacking and discrediting these legal myths.[17]

Naturally, I found that the most convincing way to discredit this myth about interracial, heterosexual couples was to focus my analyses on the very couples who are the subject of the myth. Indeed, when I started to write *According to Our Hearts*, I initially intended to include only interracial, heterosexual couples in my survey and interviews because, as I note several times in the book,[18] no one can deny that anti-discrimination laws do not

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15. DERALD WING SUE, MICROAGGRESSIONS IN EVERYDAY LIFE: RACE, GENDER, AND SEXUAL ORIENTATION 5 (2010) (defining microaggressions as "brief and commonplace, daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial, gender, sexual-orientation, and religious slights and insults to the target person or group").

16. ONWUACHI-WILLIG, *supra* note 1, at 121–22 (emphasis added).

17. *Id.* at 201 (emphasis added).

18. *See, e.g.*, *id.* at 121–22, 200–01.

adequately protect families consisting of and headed by same-sex couples, whether they are monoracial or interracial. It was not until later that I changed my mind and decided to also include interracial, same-sex couples.[19] Admittedly, this decision to include interracial, same-sex couples in my survey was influenced, in part, by my emotions—by my sense that it just did not feel right to exclude interracial, same-sex couples, couples with whom I, as a friend, had often discussed these issues and whom I knew had undergone comparable experiences. In this sense, I agree with Professor Chacón; my emotional reaction to the thought of excluding interracial, same-sex couples is, in a way, a recognition that "[s]hoehorning caring relationships into familial categories that the state easily cognizes can have the effect of" writing out certain kinds of relationships.[20] However, my decision to include interracial, same-sex couples in my survey and interviews was not based solely on emotion, but also by my sense that the same arguments that I was making about the realities for interracial, heterosexual couples would, at some point, also apply (though not exactly in the same way) to same-sex couples. As I was writing *According to Our Hearts*, it became clear that the right to gay marriage was changing from one of pure exclusion to greater inclusion[21] (not a high standard, given the extent of exclusion across the country). Against this backdrop, I reasoned that it was even more crucial for me to include interracial, same-sex couples in my survey and interviews because I could imagine a future in which the United States Supreme Court would strike down bans on same-sex marriage as unconstitutional and more so, could imagine a future in which people would make similar *Loving*-fixed-everything-in-the-law-type arguments after such a decision, despite what I knew would be a future contrasting reality of continued discrimination and microaggressions for families consisting of or centered around same-sex couples.

Again, the goal of my project, and specifically Part II (where Professors

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19. In fact, as I was writing *According to Our Hearts*, I had many casual conversations with people that confirmed this point. When people would ask me about my book, I would briefly describe the project to them. They were always encouraging, but they always focused in on the fact that I was interviewing same-sex couples and tended to zero in on the right to gay marriage. It was clear to me that most people saw the issue of multiracial families as a non-issue in law. To them, there was no problem, either legally or socially, for families consisting of or headed by interracial, heterosexual couples because of cases like *Loving v. Virginia*. Of course, this reaction only made it clearer to me that I needed to deconstruct the myth of adequate legal protections for heterosexual, interracial couples.

20. Chacón, *Opening Our Hearts*, *supra* note 8, at 735.

21. Ben Brumfield, *Voters Approve Same-Sex Marriage for the First Time*, CNN.COM (Nov. 7, 2012, 2:24 PM), http://www.cnn.com/2012/11/07/politics/pol-same-sex-marriage (noting that "Massachusetts, Connecticut, Iowa, Vermont, New Hampshire and New York - - and the District of Columbia" allow gay marriage and further stating that "[r]ecent national surveys have shown shifting attitudes toward same-sex marriage, with a majority of Americans now approving of marriages between two men or two women").

Chacón and Rosenbury focus their criticisms), was not to challenge the hierarchies among different family forms, or to challenge the institution of marriage itself. There is already a very rich and extensive legal literature on these very topics, including scholarship by Professor Rosenbury[22] and other scholars such as Professors Martha Fineman,[23] Katherine Franke,[24] Melissa Murray,[25] Nancy Polikoff,[26] and Alice Ristroph.[27] However, before I wrote *According to Our Hearts*, there was essentially no literature in law that focused on the arguments that I was making about the gaps in legal protections afforded to interracial, heterosexual couples in a post-*Loving v.*

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22. *See, e.g.*, Laura A. Rosenbury & Jennifer E. Rothman, *Sex In and Out of Intimacy*, 59 EMORY L.J. 809, 811 (2010) ("arguing that sex should be decoupled in the legal sphere from both domestic relationships and other traditional forms of emotional intimacy" and challenging "the dominant, almost sacred, understanding that the most important relationships between adults should always be both sexual and emotionally intimate"); Laura A. Rosenbury, *Friends with Benefits?*, 106 MICH. L. REV. 189, 191 (2007) [hereinafter Rosenbury, *Friends with Benefits?*] (explaining "how family law's failure to recognize friendship impedes existing attempts to achieve gender equality through the elimination of state-supported gender role expectations" and contending that "family law's recognition of marriage and silence with respect to friendship maintains a divide between marriage and 'mere' friendship, implying that nonspousal friendship differs sufficiently from marriage and marriage-like relationships to be properly outside the concern of family law").

23. *See, e.g.*, Martha Albertson Fineman, *Why Marriage?*, 9 VA. J. SOC. POL'Y & L. 239, 244–45 (2001) (citations omitted) ("The concept of marriage, and the assumptions it carries with it, limit development of family policy and distort our ideology. The availability of marriage precludes consideration of other solutions to social problems. As the various (and by no means exhaustive) meanings of marriage listed above indicate, marriage is expected to do a lot of work in our society. Children must be cared for and nurtured, dependency must be addressed, and individual happiness is of general concern. The first question we should be asking is whether the existence of a marriage is, in and of itself, essential to accomplishing any of the societal goals or objectives we assign to it.").

24. *See, e.g.*, Katherine M. Franke, *The Domesticated Liberty of* Lawrence v. Texas, 104 COLUM. L. REV. 104, 1399, 1414 (2004) (challenging the push for the right to gay marriage because such legal reforms have "created a path dependency that privileges privatized and domesticated rights and legal liabilities, while rendering less viable projects that advance nonnormative notions of kinship, intimacy, and sexuality").

25. *See, e.g.*, Melissa Murray, *The Networked Family: Reframing the Legal Understanding of Caregiving and Caregivers*, 94 VA. L. REV. 385, 439–40 (2008) ("[T]he reform project that has been underway in family law has been the effort to reconcile heterosexual marriage as the normative model for adult intimate relationships with the reality of a diversity of adult intimate relationships. Reforms in this area have cleaved to three basic approaches."); Alice Ristroph & Melissa Murray, *Disestablishing the Family*, 119 YALE L.J. 1236, 1240 (2010) ("Legislators and other policymakers are free to regulate families qua families, and to encourage or discourage certain kinds of familial relationships. Legal privileges or burdens are often contingent on an individual's family status. One of the most obvious ways in which states—and the federal government—have established a particular vision of the family is by limiting civil marriage to heterosexual couples.").

26. *See, e.g.*, Nancy D. Polikoff, *We Will Get What We Ask For: Why Legalizing Gay and Lesbian Marriage Will Not "Dismantle the Legal Structure of Gender in Every Marriage,"* 79 VA. L. REV. 1535, 1546 (1993) (highlighting that privileging marriage over other types of intimate relationships can reinforce gendered roles and assumptions that are associated with marriage).

27. *See, e.g.*, Ristroph & Murray, *supra* note 25, at 1240.

Virginia era.[28] To my mind, it made no sense for me to spend time replicating part of the excellent work that other scholars had already produced and were continuing to conduct on issues of marriage and the hierarchies among different family relations when I could offer completely new insights on a topic that I viewed as vastly underexplored.[29]

In fact, no part of Professor Chacón and Rosenbury's critiques illustrates the distinction between my project and their proposed project more than two particular segments of Professor Rosenbury's essay *Marital Status and Privilege*. In the first segment, Professor Rosenbury asserts the following:

> Unpacking the knapsack of unearned marital privilege, and spreading its goods across a broader range of relationships, therefore appears to be the best strategy for loosening, if not releasing, the ideal of family. In a world that recognized more diverse forms of relationship, place-based racial hierarchies and other forms of white privilege would still disadvantage black couples and black-white couples. But legal marriage would no longer clearly privilege some and stigmatize others, cracking the foundation of extralegal forces that maintain hierarchies of relationship.[30]

Through this quoted language, Professor Rosenbury sets forth arguments that detail why I should have challenged marriage as "the norm against which all relationships are measured."[31] At the same time, however, Professor Rosenbury seems to give in to the idea that race-based hierarchies cannot be dismantled. In this sense, she surrenders my specific project, which is about race and disrupting, challenging, and eliminating a particular kind of racial hierarchy among families, in favor of what she views as the larger or more crucial project of breaking up the mold of "extralegal forces that maintain hierarchies of relationship," even though, as she notes, "black couples and black-white couples" will still be disadvantaged.[32] Yet, if one

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28. I had previously co-authored such work with my husband. *See* Angela Onwuachi-Willig & Jacob Willig-Onwuachi, *A House Divided: The Invisibility of the Multiracial Family*, 44 HARV. C.R.-C.L. L. REV. 231 (2009).

29. Moreover, given the limited number of pages that I had for writing *According to Our Hearts*, it became clear early on that I could not also convey broad-based arguments about marriage and family in the book. In fact, in the middle of my book drafting, I had to accept that I would have to delay my plans for including a close examination of children in multiracial families in *According to Our Hearts* and reserve it for another book project. For similar reasons, I, in part, made the decision at the outset of the book project to look only at black-white couples and their families.

30. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 785–86 (citation omitted).

31. *Id.* at 785.

32. *Id.* at 786. My comment here is not intended at all to question Professor Rosenbury's commitment to an antiracist stance, as I know that her commitment is strong.

concedes defeat by accepting the permanence of racial and interracial hierarchy among "couples" and family units and takes that issue out of *According to Our Hearts*, one has effectively cut out the core of my project. After all, *According to Our Hearts* covers the "law of the multiracial family," and its whole point is to challenge racial hierarchies among families, and specifically those that place multiracial families on the margins or leave them suspended in placelessness.[33]

In a second segment, Professor Rosenbury illustrates, again, an important distinction between the project that she and Professor Chacón suggest and my project in *According to Our Hearts*. In her essay, Professor Rosenbury makes the following point:

> Onwuachi-Willig targets privilege that monoracial couples no doubt enjoy and black-white couples often do not. Yet in describing that privilege, she posits a world in which couples are first, either "intimate partners" or "just friends," and, later, are either "intimate partners," "just friends," or "strangers." In doing so, Onwuachi-Willig embraces a hierarchy of relationships: privilege attaches to the understanding that couples are "intimate partners," and harm or discrimination flows from the mistaken perception that they are "just friends." In fact, "just friends" may be just like "strangers," given the modification of Onwuachi-Willig's description.
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> Onwuachi-Willig therefore implicitly embraces states' privileging of legal marriage over other relationships between adults, including friendship. After all, states recognize marriage and only marriage—friends are generally grouped with strangers for purposes of family law. More explicitly, like the majority

33. *Id.* at 785–86. This segment of Professor Rosenbury's paper also highlights the stark differences between the way that she and I view this issue of hierarchy. For example, Professor Rosenbury attributes the fact that I "lament[] that 'true intimacy' or 'true relationships' between African Americans and whites often did not result in marriage in the pre-Civil Rights era," to a personal view of "marriage as an effective relationship." *Id.* at 777 n.52. However, while I do value marriage as an institution more than most progressive family law scholars, my bemoaning of these particular couples' inability to marry was not a statement about marriage or its effectiveness as a relationship, but instead one about exclusion based on race. I, like many sociologists and like legal scholars such as Professor Randall Kennedy, believe that interracial marriage rates—and, historically, the racial groups that were covered by anti-miscegenation laws—provide us with crucial information about the status of different racial groups and thus different racial make-ups of families within our society. *See, e.g.*, Randall Kennedy, *How Are We Doing With* Loving*?: Race, Law, and Intermarriage*, 77 B.U. L. REV. 815, 818–20 (1997) (stating that "African Americans are substantially less likely to marry whites than are Hispanics, Asians, or native Americans[,]" that the fact "[t]hat blacks intermarry with whites at strikingly lower rates than others is yet another sign of the uniquely encumbered and peculiarly isolated status of African Americans[,]" and that such facts are "an impediment to the development of attitudes and connections that will be necessary to improve the position of black Americans and, beyond that, to address the racial divisions that continue to hobble our nation").

> opinion in *Lawrence v. Texas*, Onwuachi-Willig promotes "one vision of intimacy—that of a couple engaged in emotional *and* sexual intimacy." She therefore reinforces the common distinction between individuals who are viewed as dating and those who are "just friends," a "distinction [that] implies that [the] dating relationship may lead to the privileged state of marriage, whereas the friendship will not."[34]

As Professor Rosenbury correctly notes, I do make a distinction in my book between family relationships and friendships. In fact, in the endnotes of *According to Our Hearts*, I define the phrase "because of interraciality" as follows:

> My use of the phrase 'because of interraciality' concerns more than just mistreatment based on one's involvement in an intimate, interracial relationship—marriage or a committed, non-marital relationship. Generally speaking, the phrase encompasses mistreatment based on one's being part of an interracial family unit, which includes sibling relationships and parent-child relationships. It does not extend to mistreatment based on platonic friendships, however.[35]

While Professor Rosenbury has written compelling articles about the way in which marital and other intimate relationships may be unjustly privileged over friendships, such as in state intestacy rules,[36] that argument, at least to my mind, does not directly touch upon the specific arguments that I am setting forth in *According to Our Hearts* about the law's continued role, along with social norms, in facilitating discrimination against those in multiracial families. Indeed, being part of a collective that is generally recognized as part of a family unit is central to many of the examples that I highlight in my book, such as my analysis of gaps in employment discrimination law that do not allow for the recognition of the harms of an "invisible" couple requirement for certain jobs in Chapter Seven of *According to Our Hearts*.[37]

Furthermore, Professor Rosenbury's point about the hierarchy of relationships that places friends and strangers at the bottom of the ladder

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34. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 783–84 (citations omitted).

35. ONWUACHI-WILLIG, *supra* note 1, at 284 n.54, 300 n.4, 305 n.1.

36. Rosenbury, *Friends with Benefits?*, *supra* note 22, at 216–19. In fact, in this segment, Professor Rosenbury highlights a point on which she and I may very well disagree. Like many family law scholars, I do not necessarily believe that benefits should be accorded on the basis of relationship, but if relationships remain the basis for distributing benefits, then I am not convinced, though one day I may be, that friendships should be at the same level as marital relationships, sibling relationships, and parent-child relationships, for example.

37. ONWUACHI-WILLIG, *supra* note 1, at 212–32.

runs contrary to a specific point that I make about the place of friends versus family members within the relationship hierarchies in antidiscrimination law doctrine. As I note in Chapter Eight of *According to Our Hearts*, in such contexts, interracial relationships among friends are generally privileged over interracial relationships among family members, and particularly over those between interracial partners, which I contend are implicitly discouraged by the law. Here, I argue, the law works to encourage interracial friendships or working relationships, and it even provides a remedy for the loss of such connections, but it fails to do the same in certain contexts that involve interracial spouses and partners. As I explain in Chapter Eight, courts, due to law and society's limited and rigid understanding of racial categories, fail to acknowledge how the racial identity of individuals in multiracial family units may actually change based on their family experiences (such as when a white woman who is married to a black man, much like Professor Heather Dalmage, begins to view herself as a "non-white, white person").[38] Thus, courts neglect to see these individuals as having standing to pursue certain harassment claims. Specifically, I explain:

> In particular, current antidiscrimination law does not allow for a claim alleging direct, discriminatory harm to a plaintiff where the racial group targeted by the offensive and discriminatory comments is not the racial group to which the plaintiff-employee belongs, but rather the racial group to which the employee's spouse or partner belongs. In these cases, courts' understanding of how people—in particular, whites in interracial relationships—define themselves racially is too narrow. Under Title VII, a "plaintiff may assert only his own right to be free from discrimination that has an effect upon him and may not assert the rights of others to be free from discrimination." Courts have read this legal rule very narrowly, and as a result, plaintiffs who allege direct harm based upon being subjected to and negatively affected by comments regarding the racial group to which their spouse belongs are held to have no standing to sue. Only members of the racial group to which the comments and actions are targeted, whether or not they individually are the direct target of the conduct, can bring a viable claim on this basis. In others words, under current case analysis, a black plaintiff has standing to pursue a lawsuit for harm suffered as a result of witnessing and hearing derogatory racial comments against blacks other than herself. Such conduct is viewed, and rightfully so, as having the ability to directly affect and harm that plaintiff's environment even where she is not identified as the target. But a plaintiff who is not part of the racial group, even if she

38. *Id.* at 256–64.

> is married to a person of that racial group, is seen as asserting harm only to a third party. *In other words, unless the plaintiff describes her harm from the harassment as her being deprived of a diverse work environment—meaning racial minority co-workers in the workplace—because of the harassment, she has no claim. This limited framing for a claim, however, anticipates only temporary connections and effects from cross-racial, work interactions, rather than the long-term or lifelong connections and impacts that occur within families.* In other words, the invisible assumptions about whom we may be connected to or should be connected to in friendships as opposed to familial or intimate relationships works to further reinforce the normative ideal of family as monoracial.[39]

In other words, for various arguments that I make in *According to Our Hearts*, the distinctions between friendships and intimate interracial relationships matters, and they matter specifically because of the different ways in which interracial friendships get privileged over intimate, interracial relationships in certain antidiscrimination law contexts. In these contexts, unlike the situations that Professor Rosenbury focuses on in her scholarship such as intestacy matters, it is not the marital relationship that gets privileged over the friendship, but rather, it is the opposite.

Finally, while Professor Rosenbury's contention that I "would simply like more of the extralegal effects of that privilege to flow to black-white couples"[40] is correct, I do not see such desire as a problem in this instance. To my mind, there is nothing wrong with making an argument for equality for a particular group. My desire for black-white couples to enjoy more of the benefits that monoracial white couples enjoy does not mean that I do not want all families to enjoy these same benefits. Indeed, I may write an article that contends that black women should enjoy the same rights and privileges that white women enjoy in one area (as I have done in the past),[41] but my decision to make an argument about black women does not mean that I do not want Asian-American women or Latinas to enjoy those same rights and privileges. Rather, it just means that I made a decision to focus my arguments on black women (with the recognition that different groups get racialized and gendered in distinct ways).[42] The same reasoning applies to

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39. *Id.* at 257–58 (emphasis added) (citations omitted).

40. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 783.

41. *See, e.g.*, Angela Onwuachi-Willig, *Another Hair Piece: Exploring New Strands of Analysis Under Title VII*, 98 GEO. L.J. 1079 (2010) [hereinafter Onwuachi-Willig, *Another Hair Piece*] (criticizing courts for misapplying their own standards for evaluating "hair discrimination" to hair grooming policies that prohibit natural hairstyles for black women, such as braids, locks, and twists).

42. *See* RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN

According to Our Hearts; I made a decision to focus on discrediting a particular myth, one that had not yet been explored and that I believed to be an important one that deserved special attention. The mere fact that I chose to focus on advocating for the increased rights or acceptance of one group does not mean I have abandoned my commitment to others.

Further, I believe that Professors Chacón and Rosenbury's questions regarding the institution of marriage pay little heed to the audience factor. After all, one's audience always influences how she frames and states her arguments. With *According to Our Hearts*, I, like many first-time book authors, wrote the book with starry-eyed dreams of publishing a manuscript that would be accessible to many people, and in particular, accessible to significant numbers of non-lawyers. In fact, I worked hard to create a book that I believed could appeal to the everyday person outside of academia. To my mind, if I used *According to Our Hearts* to challenge the very institution of marriage, an institution, which as Professor Rosenbury indicates, "[f]ew [would] question whether states should privilege . . . at all,"[43] I would turn most readers away from my primary argument of discrediting a harmful myth about the lives of interracial, heterosexual couples. They would not even begin to consider my primary argument because they would be so focused on, and most likely angered by, the rejection of marriage as an institution.[44]

Although *According to Our Hearts* does not address the broader concerns that Professors Chacón and Rosenbury raise, I believe that the book succeeds in meeting the goals I set for it (and Professors Chacón and Rosenbury seem to agree). For instance, Professor Rosenbury specifies that *According to Our Hearts*

> illustrates the ways law perpetuates housing segregation, discouraging the formation of interracial relationships and often limiting the areas in which interracial spouses feel comfortable living. [Professor Rosenbury further explains that i]n even more detail, . . . [the book] analyzes how some courts have adopted narrow interpretations of employment discrimination laws, failing to provide redress for employees facing harassment or adverse employment actions because of their interracial relationships. Such

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43. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 782.

44. In fact, many of the law professors who stand as the harshest critics of marriage as an institution are in fact married themselves. I certainly understand the many practical reasons why even these critics may still choose to get married, but if the revolution against marriage as an institution does not begin with these critics, despite their strong views, it hardly seems wise, even if I were willing to make broader arguments than the ones necessary for my primary aim in *According to Our Hearts*, to make such challenges to marriage to a lay audience that is certain to hold marriage in high esteem.

> interpretations render invisible the ways employers may privilege employees in monoracial marriages to the detriment of employees in interracial marriages.[45]

Professor Chacón adds to this claim, asserting I "establish[] that individuals in interracial marriages, or with children of racial backgrounds distinct from their own, are still subjected to everyday microaggressions and more egregious acts of discrimination."[46]

In sum, while the project that Professors Chacón and Rosenbury hoped that I would pursue in *According to Our Hearts* is meaningful and definitely worth exploration, and is, in fact the topic of articles and essays by other scholars, including the excellent work of Professor Rosenbury,[47] it is not my project. *According to Our Hearts* contains a narrower focus, one that has not been pursued and is currently not being pursued by any other legal scholars, and one that speaks to a broad, rather than a purely academic, audience. In the end, I am grateful to Professors Chacón and Rosenbury for raising these inquiries so adeptly and compellingly, such that the three of us could have this conversation in this colloquium and, more so, so that any person who reads *According to Our Hearts*, along with these essays, may also begin to have similar conversations.

B. Your Views Are Like Mine; However, I Am Not That Hopeful

In addition to wanting me to challenge the institution of marriage in *According to Our Hearts*, Professors Chacón and Rosenbury also question my proposal to incorporate a new category called "interraciality" into anti-discrimination statutes. Nevertheless, both Professors Chacón and Rosenbury pinpoint two items in my analyses of workplace discrimination based on interraciality as significant. For instance, Professor Rosenbury asserts that my consideration of ways that "monoracial marital privilege extends beyond the social sphere to the workplace. . . . is an important contribution, as scholars often assume that work is immune from the dynamics of intimacy pervading the private sphere."[48] Additionally, Professor Chacón notes that "the most hopeful parts of [my] book [are] those in which [I] document[] the ways in which being part of an interracial collective actually transformed how certain members of the unit understood their own racial identities."[49]

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45. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 778 (citations omitted).

46. Chacón, *Opening Our Hearts*, *supra* note 8, at 735 (citation omitted).

47. *See supra* note 22.

48. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 786 (citations omitted).

49. Chacón, *Opening Our Hearts*, *supra* note 8, at 738.

However, both Professors Chacón and Rosenbury express concerns about my proposal to add "interraciality" as a covered category in anti-discrimination statutes. Professor Rosenbury contends that such an addition would keep "those living outside the married couple form . . . stigmatized" and "would likely reinforce monoracial privilege" because it would exclude interraciality from the definition of "race" and thus reinforce the sense that monoraciality, and not interraciality, is normative.[50] Professor Rosenbury further contends that the proposed category of "interraciality" would limit understandings of the performative nature of race, "further solidifying rather than destabilizing notions of race."[51] In the end, Professor Rosenbury argues that I should further embrace "the relational nature of race, racial privilege, and racial discrimination" and "support[] a more robust conception of the existing category of 'race,'" as "[t]he analysis in *According to Our Hearts* provides the most compelling account to date of the ways in which the choice of one's intimate partner influences understandings of race in the workplace, as well as throughout society, and the benefits and harms that flow therefrom."[52]

Like Professor Rosenbury, Professor Chacón questions my proposal for an additional category of "interraciality." She offers three reasons to explain why an "interraciality" category would not be advisable: (1) "the addition of this category could be seen as a reason to abandon efforts to expand the legal understanding of what constitutes discrimination based on race"; (2) courts will likely read interraciality too narrowly; and (3) it would require "Congress to reopen discussion of the antidiscrimination provisions if they want to add a category" and "[g]iven political retrenchment on equality issues in recent years, it seems just as likely that the result would be a congressional narrowing of antidiscrimination law once the topic was opened for discussion."[53]

In making these arguments, Professor Chacón notes her recognition of my internal struggle in offering a proposal for an additional category of "interraciality."[54] After acknowledging my various articles that examine race as a factor that is determined by both physical and performative factors[55]

50. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 787–88.

51. *Id.* at 788.

52. *Id.* at 788–90.

53. Chacón, *Opening Our Hearts*, *supra* note 8, at 730–31, 734.

54. *Id.* at 732 ("A robust understanding of racial discrimination in antidiscrimination law would protect these aspects of personhood, but a crabbed understanding of discrimination does not do so. *Professor Onwuachi-Willig knows this, which is probably why she does not have much faith that courts will apply an expansive version of antidiscrimination protections* . . . ." (emphasis added)).

55. *See, e.g.*, Angela Onwuachi-Willig & Mario Barnes, *By Any Other Name?: On Being*

and that "criticize[] the failure of antidiscrimination laws to offer protection for individuals who fail to perform their identities in ways that conform to majoritarian preferences,"[56] Professor Chacón warns that my "additive approach—designed to deal with the realities of the jurisprudence—could have the undesirable effect of reifying the logic that undergirds a narrower understanding of what constitutes discrimination on the basis of race."[57] She asks: "[S]hould we add new categories, or work on reimagining the existing categories?"[58] She concludes that we should not add a box for an interracial category because doing so just runs "the risk of hardening the lines against those whose claims do not fit neatly in any of them."[59]

I agree with all of the substantive arguments that Professors Chacón and Rosenbury make about my proposal for an additional category of "interraciality" in antidiscrimination statutes. In fact, as Professor Chacón notes in her essay, "no one writes about or understands these limits better than" I do.[60] Indeed, in *According to Our Hearts*, I make it clear that I believe that "interraciality" easily fits within the category of "race."[61] Specifically, I write: "Although one could argue (to my mind, convincingly and easily) that the phrase *because of* such individual's *race* already

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Regarded as Black and Why Title VII Should Apply Even if Lakisha and Jamal Are White, 2005 WIS. L. REV. 1283, 1295–1334 (contending that courts understand race too narrowly, focusing on skin color as a proxy for race, and ignoring other factors and proxies used to identify race such as name or voice); Onwuachi-Willig, *Another Hair Piece*, *supra* note 41, 1093–1124 (making a strategic, biological, and intersectional argument to explain why dress codes that prohibit natural hairstyles for black women, such as braids, locks, and twists, discriminate on the basis of race and sex, but noting how hairstyles are viewed as signaling something about black women's racial palatability); Angela Onwuachi-Willig, *Volunteer Discrimination*, 40 U.C. DAVIS L. REV. 1895, 1907–1914 (2007). *See also* D. Wendy Greene, *Title VII: What's Hair (and Other Race-Based Characteristics) Got To Do with It?*, 79 U. COLO. L. REV. 1355, 1360–94 (2008) (arguing for greater judicial appreciation of the ways that appearance-related regulations are part of how race gets defined and how they operate as a form of racial discrimination); Camille Gear Rich, *Performing Racial and Ethnic Identity: Discrimination by Proxy and the Future of Title VII*, 79 N.Y.U. L. REV. 1134, 1172–94 (2004) (analyzing how employers use appearance and grooming standards to identify which racial identity performances are acceptable in the workplace and arguing that such efforts constitute intentional discrimination under Title VII); Kevin R. Johnson & George A. Martinez, *Discrimination by Proxy: The Case of Proposition 227 and the Ban on Bilingual Education*, 33 U.C. DAVIS L. REV. 1227, 1247–75 (2000) (analyzing the use of language and immigration status as proxies for identifying and then discriminating against Latinos); *cf.* Trina Jones, *Shades of Brown: The Law of Skin Color*, 49 DUKE L.J. 1487, 1551–55 (2000) (noting that existing antidiscrimination laws fail to protect from discrimination on the basis of skin color or skin tone, e.g., a light-skinned Black versus a dark-skinned Black).

56. Chacón, *Opening Our Hearts*, *supra* note 8, at 731.

57. *Id.* at 732.

58. *Id.* at 733.

59. *Id.* at 734.

60. *Id.* Of course, I can identify a number of scholars who write and understand these issues better than I do, but I am running with the language here.

61. ONWUACHI-WILLIG, *supra* note 1, at 264.

encompasses a broad range of harms, including those based on interraciality, there are many practical and policy reasons for adding *interraciality* to the text of antidiscrimination statutes."[62] In essence, I agree with Professors Chacón and Rosenbury that race is not just defined by the physical, but also by performance; that courts have defined race too narrowly in case law; and that the category of race already subsumes interraciality. In fact, Professor Chacón correctly interprets the basis for my decision to propose an additional "interraciality" category when she expresses her belief that I made my proposal because I do not "have much faith that courts will apply an expansive version of antidiscrimination protections" that include "[a] robust understanding of [race and] racial discrimination . . . ."[63]

What Professors Chacón and Rosenbury and I disagree about is not substance, but rather strategy. For me, the question is not merely whether interraciality fits within the already existing category of race. The question is what plan or strategy is best for either taking us or getting us closer to the point where courts and citizens understand this very idea. In essence, while writing *According to Our Hearts*, I asked myself, "In a situation where I am wary about whether the war can ever be won, am I willing to embrace and accept the mere act of winning a battle?" In making my proposal at the end of *According to Our Hearts*, I answered "yes"—though I did not arrive at that answer without hesitation. Although I, like Professor Chacón, am weary about many people's narrow understandings of the concept of (and reality of) race,[64] I am not certain that the best strategy is to hold out, in an all-or-nothing fashion, for these same people to gain a true understanding of race and racism. Sadly, as someone who teaches and speaks about race and race discrimination, often to those who are trying very hard to understand race discrimination and the ways in which race is socially constructed, I must admit that I am not too hopeful about our reaching a point when the overwhelming majority of citizens, particularly Whites, will truly understand all of the complexities of race and racism. As Peggy McIntosh explained in her article *White Privilege: Unpacking the Invisible Knapsack*, it is particularly hard for Whites to understand race and the complex nature of racism because Whites are generally "oblivious" to all of the many privileges, both small and large, that come with their racial status.[65] Whites,

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62. *Id.*

63. Chacón, *Opening Our Hearts*, *supra* note 8, at 732.

64. *Id.* at 730 ("Past experience suggests that this hope is not necessarily misplaced."); *see also id.* at 733–34 ("The pragmatist would see that litigants challenging discrimination have not always had much luck convincing courts to apply antidiscrimination statutes expansively. The pragmatist might therefore seek to add a new category to address a specific social harm that is not always covered by antidiscrimination laws. That is the approach that Professor Onwuachi-Willig takes, and she can hardly be faulted for that . . . .").

65. PEGGY MCINTOSH, WHITE PRIVILEGE: UNPACKING THE INVISIBLE KNAPSACK (1989),

she says, "are taught to think of their lives as morally neutral, normative, and average, and also ideal, so that when we work to benefit others, this is seen as work which will allow 'them' to be more like 'us.'"[66] In this sense, race for Whites becomes something that *other* people have. Additionally, children of all races are taught in schools and elsewhere that race is tantamount to the physical—usually skin color—and that racism and race discrimination consist of consciously not liking someone or consciously mistreating someone because of their skin color.[67] In fact, research by Professor Ann Morning of New York University's Sociology Department illustrates that Whites still describe race in merely physical terms and generally ignore the performative aspect of race.[68] Drawing on in-depth interviews with more than fifty white American (meaning United States citizen) college students, Professor Morning reveals that Whites frequently define race as based in biology and genes, often conflate race with ethnicity, and describe race as "skin color plus culture."[69] Of the seventeen percent of students—mostly anthropology students from one Ivy League school—who defined race as a social construction, when they were asked more in-depth questions, they too reverted to physical explanations about genes and biology.[70] In essence, even when people have formally learned about race as a social construct, they often do not fully internalize that understanding, and instead rely on more commonly-held and simplistic definitions of race as a biological reality.

Like Professors Chacón and Rosenbury, I would prefer if courts and everyday citizens had more complicated understandings of race, but I am doubtful that such an achievement will occur without an intermediate step. In *According to Our Hearts*, I propose adding the category of "interraciality" because I view it as this much-needed intermediate step. Professor Rosenbury is correct in her belief that one reason why people may be able to grasp "interraciality" is because it, ironically, reinforces the idea of monoraciality as normative and interraciality as non-normative, which I

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available at http://www.nymbp.org/reference/WhitePrivilege.pdf.

66. *Id.*

67. *Id.*; *see also* Ann Morning, *Toward a Sociology of Racial Conceptualization for the 21st Century*, 87 SOC. FORCES 1167, 1168 (2009) (noting that "[b]iological or 'essentialist' understandings of race in particular are routinely linked to prejudice").

68. *See* Morning, *supra* note 67, at 1169 (highlighting that even though "the academic idea of race as socially constructed has circulated widely enough to have gained a popular, if unfaithful, translation as 'race is not real' . . . the claim that races are genetically distinct groups is not only enjoying a scientific renaissance, but is also being conveyed through new products and services such as genetic genealogy tests that claim to identify individuals' racial ancestry, race-targeted pharmaceuticals, and even vitamins") (citations omitted).

69. *Id.* at 1173–78.

70. *Id.* at 1178, 1183–84.

agree is bad. However, this result may not be all bad, because the very act of adding a category, such as interraciality, forces people to think more broadly about questions of race and its categorization, which in turn may lead them to a better and more complex understanding of race.

In fact, I have witnessed such processes in action during my presentations of draft portions of *According to Our Hearts* at faculty workshops, conferences, and lectures. At those presentations where I advanced my proposal regarding the addition of an "interraciality" category, one person would usually ask: "Well, what about those cases that do not quite fit into interraciality? What about those cases involving religion or color and so on? Wouldn't it make sense to also add an interreligion- or intercolor-type category?" After first making it clear that I fully believe that the interraciality cases I discuss in my book are "race" cases—that is, if race and the frameworks that incorporate "race" are understood properly—I then answer, "Yes, it makes perfect sense." After this response, that same person usually follows up with: "So, where do we draw the line? When do we stop adding categories?" And, that question is often precisely the right question to pose. In fact, I believe that this question is often what pushes people closer towards a deeper understanding of race. In many instances, it is this question about where the categories should stop that enables people to at least begin to conceive of race and other identity categories with more complexity. Once an audience member questions whether the boundaries of race are purely physical, she then begins to understand race as both a structure and a process, and also begins to see how interraciality already fits within the traditional, statutory identity category of race. From there, the audience member usually moves even further forward and also starts to break the mold around and evolve her own understandings of identity. And, as Professor Chacón predicts in her essay, such responses are exactly my hope: "that an expansion of antidiscrimination law will prompt the further evolution of social norms."[71]

At the end of the day, with respect to my proposal for an additional "interraciality" category, Professors Chacón and Rosenbury and I find ourselves in a situation where we disagree about paths to take, rather than about what is substantively preferable. For me, the likelihood that the

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71. Chacón, *Opening Our Hearts*, *supra* note 8, at 730. Professor Chacón makes a compelling argument about the evolution of social norms that she desires in her piece *Loving Across Borders: Immigration Law and the Limits of* Loving. Jennifer M. Chacón, *Loving Across Borders: Immigration Law and the Limits of* Loving, 2007 WIS. L. REV. 345, 378 ("These legal changes have created a large, undocumented underclass with limited prospects for obtaining the benefits of citizenship, including protection of their intimate relationships."). In so doing, she does a beautiful job of connecting hierarchies related to bias in the field of immigration with racial hierarchies. *Id.* at 376 ("The nativism that concerned the Supreme Court in *Loving* has long contributed to the shape of U.S. immigration policy. It is therefore important to understand the ways that immigration laws also regulate family formation in ways that perpetuate racial hierarchy.").

general public, legislators, lawyers, and judges will adopt or accept my proposed changes has factored more prominently in my recent scholarship.[72] Much like Professor Chacón's purported curmudgeonly reaction to the Rhinelanders' "love" story,[73] I am pessimistic about the type of change that is actually likely to occur within our political and legal system—a system that is generally resistant to change, and even when open to change, tends to be open only to incremental change.[74] At the end of *According to Our Hearts*, I indulge my pessimism with my ultimate proposal of adding the category of "interraciality."

In the end, Professors Chacón and Rosenbury and I desire to get to the same end place;[75] I am just more willing to allow for an intermediate step on the way to that goal. In fact, it is fair to say that I worry that waiting for people to actually gain a full understanding of race and racism may mean that we never reach our end goal at all. On the other hand, Professors Chacón and Rosenbury worry that if we put tiny steps like my addition of "interraciality" in the middle of the path, we just might get stuck on those steps—a view that also makes complete sense given the history of antidiscrimination law.

That said, to some extent, reading some of the language that Professors Chacón and Rosenbury use in their own essay responses (and that I used or

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72. *See, e.g.*, Onwuachi-Willig, *Another Hair Piece*, *supra* note 41, at 104 (making a strategic, litigation-based argument that rested on biology and was not in line with the framework I viewed as best for understanding such claims, because it adopted the rationale used by various courts and exposed how they were misapplying their own reasoning). In *Another Hair Piece*, I assert:

> [M]y claim here is not that race is purely biological or that biological arguments are the only way—or even the best way—to grant black women protection from discriminatory grooming codes under Title VII. Instead, my argument here is much narrower and decidedly strategic. My claim is that, but for the courts' incorrect assumptions about black women's hair, black women would already be protected from employers' prohibitions of braided, locked, and twisted hairstyles, just as black men (as well as black women) are protected from certain employer restrictions on Afro hairstyles.

Id.

73. Chacón, *Opening Our Hearts*, *supra* note 8, at 726.

74. I suspect that Professors Chacón and Rosenbury share my pessimism in this regard.

75. I acknowledge that Professor Rosenbury's definition of race may not expand as widely as my own. In her essay, she asserts that I analyze "how some courts have adopted narrow interpretations of employment discrimination laws, failing to provide redress for employees facing harassment or adverse employment actions *because of their interracial relationships*." Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 778 (emphasis added). However, in my harassment example, I explicitly contest "race" as being too narrow, making the case for why what I call a "non-white, white" person like Heather Dalmage should have standing to bring a harassment claim based on comments and actions taken against Blacks, not Whites. *See* ONWUACHI-WILLIG, *supra* note 1, at 256–64. Contrary to Professor Rosenbury's assertion that I "separat[e] race from relationship," I view them as intrinsically linked, highlighting how relationship shapes and forms racial identity or race. Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 790.

use, too) has made me begin to wonder whether a new term like "interraciality" may not be a matter of choice, but instead a matter of necessity. At several points in their essays, Professors Chacón and Rosenbury address discrimination based on a couple's "interraciality," but not once do they cast it as "discrimination because of race"; instead, they use the phrases "discrimination because of interracial relationships" or "discrimination on the basis of their interracial relationships," even in cases where they are referring to sections in which I am highlighting how being part of an interracial collective alters the individual racial identities of persons in such families.[76] In such situations, I am explicitly discussing factual scenarios and examples in a way that pushes for greater recognition that these claims are "because of race" cases, even as the "race" in those situations does not fit within our usual fixed categories of race. For example, I write:

> What about those cases where the harassing conduct is solely focused on the racial group of the plaintiff's spouse, not at all on their relationship, *and where any understanding of the plaintiff's harassment claim would have to be predicated upon an acceptance of an actual shift in racial identity for him, for example, a shift in the plaintiff's identity from white to nonwhite, much like Dalmage has explained about her own racial identity?* Shouldn't these discrimination claims also be viable? Wouldn't they also advance the purposes of Title VII and other antidiscrimination laws, especially in situations where there was no employee of the targeted race in the workplace to bring the claim? Recognizing such claims would not only allow *the "nonwhite, white" person* to have the harm to them acknowledged by law, it also would protect those whites who do not want to be unwilling participants in such prejudiced environments.[77]

On the one hand, I completely understand that Professors Chacón and Rosenbury likely chose such phrasing to avoid confusion for readers who may not fully understand how part of what I describe as "interraciality" is "race discrimination." (After all, I made similar choices). On the other hand, such a choice, particularly when viewed alongside the two scholars' arguments against interraciality, supports my point about the difficulties that many experience in understanding "race" as broadly as I, and Professors Chacón and Rosenbury, would like for courts to do, suggesting that a shift in

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76. *See, e.g.*, Chacón, *Opening Our Hearts*, *supra* note 8, at 732 (using the phrase "on the basis of their interracial relationships" where "because of race" would have been a better fit); Rosenbury, *Marital Status and Privilege*, *supra* note 3, at 778 (using the phrase "because of their interracial relationships" where "because of race" would have been a better fit).

77. ONWUACHI-WILLIG, *supra* note 1, at 260 (emphasis added).

language may not just be preferred, but required.

Finally, Professor Chacón astutely points out one major step or hurdle that my approach would have to overcome in today's climate: our Congress.[78] Worrying about the damage that could occur if a hostile Congress revisits an antidiscrimination statute such as Title VII of the Civil Rights Act of 1964, she notes her preference to leave antidiscrimination statutes as they are.[79] This point is a significant factor to consider. Ultimately, who knows which one of us is right on the question of adding "interraciality" as a covered class, or if any one of us is right at all?

III. IMAGINING NEW VIEWS

In their essays, Professors Kerry Abrams, Jacquelyn Bridgeman, and Robin Lenhardt take the virtues they see in *According to Our Hearts* and enhance them, adding their insights on the implicit contributions that the book makes to our understanding of law and social norms. In so doing, they highlight the points that they found most moving and compelling in *According to Our Hearts*, and they offer their insights on other unstated lessons from the book. Although it may sound peculiar for me to say that I learned much about my own book, including its substance, from outside readers, that sentiment carries here. The readers' lessons rejuvenated my senses, enlivening my views of *According to Our Hearts* and its breadth and reach.

In fact, I often experienced this type of revitalization as I was interviewing, reading, and listening to responses from the individuals in the twenty-one subject-couples—all anonymous—who added so much soul and meaning to *According to Our Hearts*. These amazing couples often gave me a unique lens through which to understand the constraints of race and racism on multiracial families, and the individuals within them. I particularly remember how the comments of one survey participant named Fiona,[80] a fifty-plus year-old black woman who is married to a white man, Peter, dramatically fortified my understanding of not only the harmful effects of Jim Crow segregation, but also the inherently violent and cruel nature of such state-sponsored segregation. Speaking about the many social cues that my subject-couples had received in their lives against interracial intimacy, I

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78. Chacón, *Opening Our Hearts*, *supra* note 8, at 734 ("A third reason to be wary of the proposed change is that it requires Congress to reopen discussion of the antidiscrimination provisions if they want to add a category. Given political retrenchment on equality issues in recent years, it seems just as likely that the result would be a congressional narrowing of antidiscrimination law once the topic was opened for discussion. Perhaps it is best in this political climate to leave these particular laws alone.").

79. *Id.*

80. This name is a pseudonym.

assert the following in *According to Our Hearts*:

> For instance, Fiona described the first time that she learned and understood what it meant to be black and white in our society and, along with that, the clear lines of separation between blackness and whiteness. She declared: "We were visiting my grandmother in Jackson, Mississippi. I was about three or four years old. I went to drink from a White water fountain that looked like the ones I drank from in Chicago. My mother snatched me and exclaimed, 'That's the White water fountain! Are you trying to get us killed?'"[81]

Fiona's comment about her near life-threatening misstep as a toddler has remained with me since I first learned about it, not just because it is a harrowing and frightening account of the constant dangers that Blacks lived under during the Jim Crow era, but also because of what it communicates about the damage that black parents were forced to inflict upon their children at such an early age. Fiona's comment made me think of my own three children, and in particular, my now four-year-old (and then three-year-old) child. As any parent of young children understands, three-year-olds and four-year-olds have their own minds. My mother-in-law often says, "You cannot reason with a four-year-old." As a parent, I began to think about what things I would have been forced to implicitly convey to my child to avoid even the risk of near-death experiences like the three- or four-year-old Fiona and her family in Mississippi. I thought about what I would have been forced to explain to my four-year-old, and how I would have had to couch my explanations in terms of clear-cut lines of race that could send only one meaning to him. I thought about how many "why" questions would have followed each of my sentences during my explanations and about how the only message that my child could and would absorb from my lessons on Jim Crow survival and my explanations about how the world racially operated would have been implicit ones about his alleged inferiority, his allegedly being less-than, despite any claims I made to the contrary about his own worth to counteract these inherently soul-damaging lessons of survival.

Fiona's account of her childhood memory allowed me to see a Jim Crow environment through my lens as a parent, rather than as an imagined target. Looking through this parental lens enabled me to more fully appreciate the inherently violent nature of state-mandated segregation. It was only through this lens that I began to truly see the wickedness and the horrific violence of Jim Crow. My new view of Jim Crow's horrors that I had uncovered involved seeing how white segregationists manipulated the love of black parents to insure that black children absorbed messages of inferiority, not just explicitly through "Coloreds Only" signs and physical violence, but also implicitly through a parent or loved one's directions and

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81. ONWUACHI-WILLIG, *supra* note 1, at 246.

lessons to a child, beginning essentially from day one. The cruelty came not just through the lynchings, beatings, and killings that forced parents to pass on the survival skill of following Jim Crow rules to their children from the very day that they could walk and possibly break those rules; it also came through the fact that parents, in simply providing direction and guidance to their children on how to survive (like all parents must do), were forced to convey an implicit meaning of inferiority to their own children. It was only then that I could fully appreciate the social cues that Fiona had to overcome to love Peter[82] and, more so, fully acknowledge the value of

> all the cues that my survey participants had received about strict boundaries against interracial intimacy during their lives, [and of how, they, when] . . . faced with the same tug-of-war decision about love and race that Leonard [Rhinelander had] encountered, . . . still resisted the forces against them to follow their hearts in deciding to whom they would commit themselves.[83]

Similarly, the essays of Professors Abrams, Bridgeman, and Lenhardt each opened my eyes in varying ways and on varying topics. I will pinpoint segments of the essays by these three scholars that, like Fiona's words, widened and brightened my view on an issue, thereby giving me a clearer perspective on the reach of my own work. I will start with Professor Abrams's essay, and then move to Professor Bridgeman's piece before ending with Professor Lenhardt's paper.

Professor Abrams's analysis of the meanings of modern marriage, as seen and interpreted through the many changes in annulment law over time, expanded my view of how both Leonard and Alice may have been expressing their own individual identities through their decisions to marry each other. In her essay, Professor Abrams examines what annulment means "culturally—and the goals of the people who seek it . . . to understand how marriage forges and alters people's identities."[84] Abrams notes that courts have actually begun to "*expand* the 'essentials' doctrine in ways that stretch it beyond recognition" by offering annulments based on arguments related to "individuals' core personal identities, such as the desire to avoid being a parent, sexual orientation, or national citizenship."[85] Professor Abrams

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82. This name is a pseudonym.

83. ONWUACHI-WILLIG, *supra* note 1, at 248.

84. Kerry Abrams, *The End of Annulment*, 16 J. GENDER RACE & JUST. 681, 683 (2013) [hereinafter Abrams, *The End of Annulment*].

85. *Id.* at 690; *see also* Kerry Abrams, *Marriage Fraud*, 100 CALIF. L. REV. 1 (2012) (arguing that the reason for the proliferation of marriage fraud doctrines in more recent centuries are (1) an increased availability of easy divorce, (2) the legalization and decreased social stigma of nonmarital sex and childbearing, and (3) the increased use of marriage as an eligibility category for state and federal benefits).

posits that "[c]ourts' willingness to expand annulment law in this direction may indicate a new understanding of the purpose of marriage."[86] Specifically, she argues that these expansions in annulment are indicative of the way in which "marriage has taken on a new meaning, an identity-producing one, in which the recognition of a fraudulent marriage can harm someone's personal integrity."[87] Marriage, she says, "can be *more* identity-producing" because marriage, after all, is self-expression, and "in some ways[,] the ultimate self-expression."[88] Professor Abrams ends with insightful examples of how the "newer" accepted bases for annulment are tied more closely to contemporary understandings of identity.[89] She astutely asserts:

> If marriage is a project of personal self-fulfillment and expression, then finding out that the person you married was never actually physically attracted to you (because of sexual orientation) or used to be a different gender could be remarkably destabilizing to one's sense of self. If marriage is a joint project, in which goals and desires specific to the couple can be brought to fruition, it is not surprising that judges would find lying about the desire to procreate to be just as important as lies about one's ability or willingness to do so. And if marriage is central to a person's core identity, finding out that your spouse married you only to obtain a different identity—like U.S. citizenship—might feel like the ultimate betrayal.
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> . . . This kind of fraud may be one of the purest examples of using a spouse for ulterior motives, a kind of identity theft through marriage. If marriage is anything today, it is a commitment to a joint project—whatever that project may be. For someone seeking an annulment today, the "end" or goal of annulment may be to reclaim his or her pre-marital identity.[90]

As Professor Abrams notes, the "identity-producing aspect of marriage is a theme that threads its way through *According to Our Hearts*."[91] However, her analysis in *The End of Annulment* revealed to me that my view

86. Abrams, *The End of Annulment*, *supra* note 84, at 690–91.

87. *Id.* at 696; *see also* Kerry Abrams, *Citizen Spouse*, 100 CALIF. L. REV. 1 (2012) (showing how contemporary marriage law provides a gender-neutral form of marriage as citizenship in which married people are expected to have their identities radically changed through marriage).

88. Abrams, *The End of Annulment*, *supra* note 84, at 697.

89. *Id.* at 702–03.

90. *Id.* at 701–02.

91. *Id.* at 698.

of that aspect of marriage with regard to Leonard Rhinelander may have been too one-sided.[92] For example, in *According to Our Hearts*, I express surprise at survey participants' harsh criticisms of Leonard; for most of my survey participants, the historical context under which the *Rhinelander* trial occurred did not matter in their judgments of Leonard, and they generally referred to him in a poor light, calling him a "weak" man, a "jerk," a "coward," and a "gutless" person.[93] As I read Professor Abrams's paper, I realized that my surprise at participants' reactions to Leonard occurred only because I had focused so much on the Rhinelanders' failed love story, looking at Alice and Leonard primarily as victims in a society that tore them apart because of racism and classism instead of considering how their own actions, specifically Leonard's, also may have been an expression of racial identity (much like I did for so many other persons whom I discussed in the book).[94] Professor Abrams's analysis of what the shifts in annulment signal about marriage and its role in one's personal expression of identity brought me much closer to viewing Leonard and Alice through the lens of Professor Chacón, who "read the story of the Rhinelanders as an ill-fated liaison between a social climber and a thoughtless, callow, and over-privileged young white man who could not see the potentially destructive effect of acting on his desires until it was too late."[95] In explaining her views on Leonard and Alice, Professor Chacón asserts:

> Even if I assume that Leonard Rhinelander was naive about either Alice's race (a finding which the jury rejected in *Rhinelander*) or of the consequences to both of them if her status as a non-white woman became public, it is difficult for me to understand his actions as anything other than an exercise of a remarkable degree of privilege. I wonder what sort of bubble he was living in to think that he could marry any person he chose without subjecting his marriage and his partner to tremendous scrutiny and possible social disapproval. And if he was not prepared to bear the obvious

92. ONWUACHI-WILLIG, *supra* note 1, at 241 ("Perhaps naively, when I first posed questions about Alice and Leonard to my survey participants, I halfway expected that a few of them would speak about Leonard's failure to stand up to his father within the context of the time period involved, but only two of them ever did. When I thought more deeply about the couples themselves, I realized that their largely unsympathetic responses to Leonard, even when taking the time period into account, were not surprising in light of their own experiences. For one thing, very few of the participants in my survey had encountered much opposition from their families to their marriage or commitment *based on race*. In fact, unlike Leonard during the 1920s, most of them came from families that were supportive and happy that they had finally found true love in their lives.").

93. *Id.* at 240.

94. *See generally id.* at 1–117 (involving Part I of the book, which describes the failed love story of the Rhinelanders); *id.* at 233–41 (involving Chapter Eight, which includes the subject couples' reactions to Leonard).

95. Chacón, *Opening Our Hearts*, *supra* note 8, at 726.

> costs—namely, being disinherited and socially ostracized by his family and its social circle—then it is not at all clear to me why he married Alice in the first place.[96]

In *The End of Annulment*, Professor Abrams clarifies exactly how Professor Chacón's view is not one that should make her feel "curmudgeonly" at all. In wondering how Alice and Leonard Rhinelander may have each been expressing their individual identities through marriage, Professor Abrams writes:

> [F]or the Rhinelander couple, marriage may also have been a self-expression of identity. Leonard may have been attempting to forge a new identity for himself, independent of a wealthy family. Alice may have been, consciously or not, attempting to stake her claim as a "white" person in a world where with whiteness came the possibility of wealth and respect.[97]

When I begin to think of Alice and Leonard's actions and statements more as individual expressions of their identity, rather than simple reactions to thwarted love, I begin to see them, particularly Leonard, more like Professor Chacón does, and less as pure victims of racism. After all, if Leonard viewed his marriage to Alice as an explicit, personal statement about racial hierarchies and his personal rejection of them, then I agree that his decision to not stand beside his wife is quite thoughtless, callow, and weak because of his refusal to stand by this powerful statement and his willingness to give in to societal and familial pressures about race.

In turn, this view of Leonard makes me think of how, in our current society where monoracial coupling is still the expectation, others may view the act of marriage for any person in an interracial marriage as an affirmative rejection of racial hierarchies, even if the individuals in the interracial couple see their marriage as expressing love only, not any "political" statements. In this sense, multiracial couples—here, too—have part of their voice taken away from them, much like Alice, who never testified at trial, did.

Professor Bridgeman's essay builds upon the insights that I gained from Professor Abrams's *The End of Annulment* by examining how far we have to go before we reach a place of equal value, and by explaining how interraciality can help to disrupt the norms that are critical to reaching that point of equal value. Professor Bridgeman highlights some of the ways in which attitudes on interracial marriage can inform our understanding of how close society is to equality, asserting that "if 37% of individuals would not be fine with a family member marrying a person of a different race, it suggests that despite significant progress, we have a ways to go before we

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96. *Id.*

97. Abrams, *The End of Annulment*, *supra* note 84, at 698.

reach a place of equal value."[98] She further contends that "disrupting our current racial norms is a key component of moving towards the goal of equal value."[99]

One important means for disrupting these norms, Professor Bridgeman contends, is through the concept of interraciality and the way in which it can shift an individual's racial identity. Like many of the authors in this colloquium did in their own essays, Professor Bridgeman specifically points to my discussion of Professor Heather Dalmage's comments concerning how her racial identity as a white person shifted after she married a black man and began to experience different forms of discrimination that she had not previously encountered. Professor Bridgeman wisely stresses that "it is important not to confuse [interraciality] with integration."[100] She explains:

> While integration is essential to foster interraciality, the concepts the two words embody, at least as they are defined here, are not interchangeable. As this Article conceives of each, integration involves merely the mixing, on some level, of people of different races. In contrast, interraciality involves the relationship of two or more individuals of different races such that being part of the interracial collective alters the sense of identity of all of those who form part of the collective.
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> . . . For example, prior to marrying my mother, my white stepfather spent significant time in integrated settings and had friends and acquaintances who were not white. However, it was not until he married my mother and became involved in raising two black children that he began to look closely at his own identity. It was only then that he started questioning what it meant to be white and to have a race. It was only then that his views on racial norms began to significantly shift.[101]

What was most striking and compelling about Professor Bridgeman's essay, however, was her perspective on the different ways and speeds at which interraciality may alter the identities of individuals within the same family, and in her case, a monoracial child whose divorced mother remarried a white man during her childhood, who then assisted in raising her within a multiracial home. Because the experiences of children in multiracial families was a topic that I had to leave for another book project due to limited space,

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98. Jacquelyn L. Bridgeman, *On Shifting Hearts and Minds: Interraciality, Equal Value, and Equality*, 16 J. GENDER RACE & JUST. 705, 714 (2013).

99. *Id.* at 710 (citation omitted).

100. *Id.* at 717.

101. *Id.* at 717, 720 (citations omitted).

Professor Bridgeman's experiences as a child particularly intrigued me. It was interesting to see how strong and how deep the message of monoraciality had been ingrained into her understanding of herself, a woman with "mixed blood in [her] heritage on both sides of [her] family" and who grew up in a multiracial family.[102] She explicated:

> Until recently, if asked, I would not have hesitated to say I am African American and that I was raised African American, despite the fact that the step-father who helped raise me nearly all of my life, who has served as my psychological father, and who is the person I think of first as my father, is white. I would have said this despite the fact that I grew up with two white step-sisters, a white step-mother, and a white grandmother who was the only grandmother I have ever known, not to mention many aunts, uncles, and cousins who are also white.[103]

But again, it was rather moving to see, as Professor Bridgeman noted, how those once deeply entrenched norms became destabilized as she formed her own multiracial family. Professor Bridgeman stated:

> Being part of a close, interracial collective helps make such norms visible. Interraciality can engender the questioning of such norms in ways that are destabilizing, and in ways that cause the individuals in the collective to recognize, to conceive of, and to articulate identities that go beyond and run counter to those norms. I saw this happen with my step-father as he was raising my brother and me, and I now recognize it in myself, as I am in the midst of raising my own multiracial children. Having to raise my own children has caused me to reflect upon and question my own identity. This reflection and questioning has caused my identity to shift and has caused me to see differently aspects of my identity that I had previously taken for granted.[104]

Finally, Professor Lenhardt's response to *According to Our Hearts* ignites an examination of "the structural elements that limit interracial intimacy, families, and parenting in the United States,"[105] and pushes for further examinations of these structures. Professor Lenhardt particularly focuses on my explication of the "placelessness" of multiracial families in the country and my proposal for the addition of an "interraciality" category

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102. *Id.* at 716.

103. *Id.*

104. Bridgeman, *supra* note 98, at 721.

105. Robin Lenhardt, According to Our Hearts *and Location: Toward a Structuralist Approach to the Study of Interracial Families*, 16 J. GENDER RACE & JUST. 741, 743 (2013).

in anti-discrimination statutes. She declares:

> While Onwuachi-Willig admittedly does not explicitly champion a structure-based inquiry, this Article endeavors to show that this discussion of placelessness and other aspects of her book lend themselves nicely to a discussion of structural racism and its impact on interracial families. Structuralism—a focus on "the cumulative effect of institutional structures and systems on outcomes for institutions, groups, and individuals"—has a great deal to offer the study of the interracial family. This Article thus suggests a point of intervention for scholars interested in bringing structuralist insights into the study of race and family.[106]

Professor Lenhardt examines the Rhinelander tale as one of "race and space," highlighting the impacts of such structures on individual race identity as well as marriage. She then "asks what a more intentional and sustained focus on structural racial discrimination and its impact on interracial couples and families would look like."[107] In analyzing the jury's verdict in *Rhinelander v. Rhinelander*, she deftly looks beyond Alice's body and family to inquire whether "the jurors empanelled in the *Rhinelander* trial, which was held in Westchester County, were aware of [the racial] dynamics [of Westchester County, New York, including the town in which Alice lived]," whether the jurors "easily could have been influenced, even before seeing Alice's bare breasts, by the racial information that the racial boundaries of 1920s Westchester County communicated," or even whether they marked Alice as black as a result of her work as a maid.[108]

Professor Lenhardt calls for scholars to address "interracial intimacy from an explicitly structural perspective . . . ."[109] In describing what this research agenda would look like, Professor Lenhardt contends that it, among other things, "must[] tak[e] a page from [*According to Our Hearts*'] playbook[and] first seek answers to current challenges by better understanding the past."[110] In so doing, Professor Lenhardt offers a few examples of how scholars may undertake this project, including, but not limited to, examining the relationship between anti-miscegenation laws and school segregation; considering how space and race shape thoughts about interracial families and parenting, such as the misidentification of black mothers as the nannies of their multiracial children that I analyzed in Chapter Six; and exploring "more closely other types of cross-racial

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106. *Id.* at 744–45 (citations omitted).

107. *Id.* at 747.

108. *Id.* at 759.

109. *Id.* at 763.

110. *Id.*

relationships and the legal structures that inhibit or promote them,"[111] such as I began to do in Chapter Eight of *According to Our Hearts*.[112]

It is difficult to add much to Professor Lenhardt's astute and inspiring observations in her essay. She does an excellent job of laying out where we as scholars may go from here in looking at interracial intimacies and, more so, in proposing and adopting a structuralist approach for doing so. At a minimum, Professor Lenhardt makes it clear to all of us that there is still much work to be done, that there is still much to be learned, and that there is still much to be discussed. She begins to widen the view and proffers many new paths for us to explore.

IV. CONCLUSION

In conclusion, it has been my honor to have the opportunity to learn from Professors Kerry Abrams, Jacquelyn Bridgeman, Jennifer Chacón, Robin Lenhardt, Laura Rosenbury, and Melissa Murray in this colloquium on law and the multiracial family. The essays in this issue have sharpened my understanding of the Rhinelanders, race, law, privilege, and family often in ways that I had not anticipated. For those readers who are perusing and/or studying *According to Our Hearts:* Rhinelander v. Rhinelander *and the Law of the Multiracial Family* (hopefully, tons of you), I invite you to join us in this room of essays, this room with many views of the book, its messages, its significance, and our hearts.

111. Lenhardt, *supra* note 105, at 766.

112. ONWUACHI-WILLIG, *supra* note 1, at 233–67.