

What is a Hispanic? Legal Definition vs. Racist Definition

The term "Hispanic" like the term "American" is broader than most English speaking people realize. English-speaking people of the United States use the word "American" as an ethnocentric term applying exclusively to their country, despite the fact that all countries situated on the North American and South American continents are also "American." There are likewise many "Hispanics," which is a term referring to people of Spanish culture or origin, regardless of race. Thinking that Hispanic is a race is the same erroneous logic our non-Hispanic forefathers followed when they thought the world was flat merely because that's what it looked like to them (unlike the Spanish monarchs Ferdinand V and Isabel I who bankrolled Columbus' expeditions).

With the United States being so large, it is easy to confuse ethnocentricity with fact. Its closest neighbors are Canada and Mexico. It is difficult to distinguish between citizens of the United States and Canada because for the most part we share English culture and European origins. It is easier to distinguish between people of the United States and of Mexico. Mexicans speak Spanish and for the most parts are racially descended from a mixture of native Indian populations such as the Aztecs and Mayans. They often look different from Americans and Canadians, and we know to call them Hispanics. They are not Hispanic because they look different. They are Hispanic because their culture or origin was originally associated with Spain rather than England. Hispanic is not a race- on the contrary, Hispanic civilization has always been multiracial, especially in the Americas: "The greatest dilemma was that there was no conceivable justification for calling Hispanics a race. There were black Hispanics from the Dominican Republic, Argentines who were almost entirely European whites, Mexicans who would have been counted as American Indians if they had been born north of the Rio Grande. The great preponderance of Hispanics are mestizos -- a continuum of many different genetic backgrounds. Moreover, the fluid Latin-American concept of race differs from the rigid US idea of biologically determined and highly distinct human divisions. In most Latin cultures, skin color is an individual variable -- not a group marker -- so that within the same family one sibling might be considered white and another black."

Culture refers to customs and values of a particular group of people. It is not to be confused with origin. There are 20,000 Argentineans in Patagonia who are of Welsh origin, some of whom still speak Welsh, but their culture has become more closely tied to Spanish civilization. After the United States and Mexico signed the Treaty of Guadalupe Hidalgo, the United States acquired California, Nevada, Utah, most of Arizona and New Mexico, and parts of Colorado and Wyoming. Anyone born in these areas prior to this treaty, signed February 2, 1848, was, in fact, Mexican. If Hispanic only refers to origin, then all people who can trace their family to these areas 150 years ago are Hispanics. We know this is not so. The original Mormons settled Utah prior to the Treaty of Guadalupe-Hidalgo. Although their origin would be Mexican, they are not necessarily Hispanic - their values are not Hispanic, and their language is not Spanish, their religion is not Roman Catholic, and they do not follow the cultural traditions of Spain or Spanish speaking America. Their culture of polygamous marriages was never part of Hispanic society, their "Book of Mormon" bible upon which their morals are based was never part of Hispanic society.

Is President Fujimori-Hispanic? His blood is Japanese. He looks Japanese. Would anyone guess he was born in Peru, speaks Spanish, and is the President of Peru? Suppose a daughter of a US soldier stationed in Germany had a baby at a young age but gave up the baby for adoption because of severe marital problems with her husband, an American Indian, who was not the biological father of the child. The child was born in Ceuta, a city in Spain physically located on the northern coast of Africa next to Gibraltar. If this child were adopted by President Fujimori of Peru then later became a citizen of the United States. What is this child?

1. Oriental or Asian, because his parents have 100% Japanese blood.
2. Latin American because his parents were born in Peru.
3. Hispanic because he was born in Spain.
4. African American because he was born in Africa.
5. White non-Hispanic because he has blond hair and blue eyes.
6. American Indian, because the legal husband of his biological mother is an American Indian.
7. Caucasian because his mother was born in Germany.
8. Native American because the child's biological father was born in Alaska while his Korean father and Pakistani mother were on a cruise.
9. All of the above.

10. It depends on what the child chooses.

The United States District Court decided a similar issue regarding the definition of Hispanic in *United States of America v. Crispited Ortiz, et al.* The court wrote: "Are Hispanics a distinctive group and if so, how is an Hispanic defined? Both expert witnesses agreed that Hispanics are not a race....The government's expert Preston testified that since 1970 the principal means of identifying the Hispanic population has been self-identification.... Moreover, Preston reported that the background of Hispanics in this country is quite varied apart from some use of the Spanish language, at least in the past.Defendant's expert Ericksen similarly explained that whether or not a person is an Hispanic is not a biological characteristic but a psychological characteristic as to how one identifies himself or herself. It is not simply whether one has some Spanish ancestry or whether one speaks Spanish as a first language.... Some last names of persons who may consider themselves Hispanic may not be or may not appear to be of Spanish derivation... Suffice it to say that whether a person is Hispanic in the final analysis depends on whether that person considers himself or herself Hispanic."

The King of Sweden married a German/Brazilian peasant named Silvia Sommerlath. The King of Sweden is a Bernadotte. The Bernadottes did not come from Sweden. They came from France. The original Bernadotte King of Sweden was Napoleon's Field Marshall Charles Bernadotte, a peasant not born royal. What does that make King Karl's wife Silvia? Is she a Brazilian peasant? Is she Brazilian Royalty? Is she Hispanic? Is she a German peasant? Is she German Royalty? Is she a French peasant? Is she French royalty? Is she a Swedish peasant? Is she Swedish royalty? If origin is the determining factor of identity, then any of the 4.7 million people in the US who have Swedish ancestry would be more Swedish than the Queen of Sweden.

There has been so much racism in the 20th century that people frequently fail to understand that the question of identity is not determined by biological race. The federal government of the United States defines Hispanic as the people of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race. (The Code of Federal Regulations, Title 49, section 23.62). Most people in the United States, because of its proximity to Mexico and Central America, think a Hispanic is someone who looks like an Aztec or Mayan Indian. Americans usually don't meet people from distant Spanish countries like Chile and Argentina. Argentina's population is 22% German, the rest is comprised mostly of English and Italian biological origins. Argentina's native Indian population was recorded at less than 2%. Although the average Argentinean looks like a German or an Englishman or an Italian, he is still Hispanic because his culture is linked closely to Spain, even if he has blond hair and blue eyes. Just because most Americans have never seen a blond haired and blue eyed Hispanic, it doesn't mean all Hispanics must look like Mexicans. Famous blond Argentineans include cover model Valeria Mazza, Alfredo Astiz the "Blond Angel", cement tycoon Amalia Fortabat, soccer genius Claudio Caniggia, glamour queen Mirtha Legrand, and First Lady Pilar Garcia, who married the President of Peru, and actress Eva Duarte de Peron (Evita).

A Hispanic is a person whose values and culture are powerfully linked to those normally associated with Spanish civilization, such as identifying strongly with the Spanish community and speaking Spanish naturally, rather than learning it in school. A person with a Hispanic background is one whose conditions and events surrounding and influencing his life, including his education, language, and experiences are associated with Spanish civilization. A Hispanic background is not limited to any specific origin nor is it limited to people who look like Aztec or Inca or Mayan Indians. An Anglo child adopted into a family whose values and culture and language are Spanish has a Hispanic background, regardless of his biological origin. A person belongs to the culture or cultures he identifies with. Lucille Ball did not become Hispanic when she became Mrs. Desi Arnaz. Nonetheless, had she grown up in the Hispanic culture and identified with that culture she would still be Hispanic regardless of what her name was at any given time. Similarly, Margarita Cansini did not become non-Hispanic when she became Rita Hayworth. Our self-determination of our cultural identity is part of our human rights, according to the United States Department of State: "Respect for individual human rights...does make possible the free expression of ethnic, linguistic, and cultural identities."The right to change our name in court implies the law's recognition to determine our own cultural identity, too.

Consider the group of 200 islands east of the Strait of Magellan who changed their area's name and culture several times. They were once the Dutch Sebald Islands (as they are still known today on Dutch maps), also known as the English Falkland Islands, also once the French St. Malo Islands until Spain bought them and renamed them Malvinas Islands, which were overthrown by Argentina, then overthrown again by Britain. Many states have inacted

laws which protect its citizens from discrimination based on national origin. This means if a person identifies himself as a Hispanic, no one can use national origin as a factor to try to destroy the Hispanic's claim to a Hispanic ethnic identity. Consider Judge James Del Rio. As an infant he was found in a trash can, so no one knows his biological origin. His first known name was James Cohen, and he considered himself Jewish. Then he changed his name to Diego Del Rio and considered himself Hispanic. Then he changed his name to James Del Rio and considered himself African American. He was elected to the Michigan House of Representatives several times, and was also elected Recorder's Court Judge. It was not his blood which made him Jewish or Hispanic or African American. It was how he lived his life and the values and customs and traditions he followed which determined his cultural self identification. The term "Hispanic" is not a race. This is unequivocally confirmed in:

1. The Code of Federal Regulations, Title 49, section 23.62
2. The Code of Federal Regulations, Title 29, section 1607.4(B)
3. 940 F.2d 1394
4. 26 F.3d 1545
5. 518 F.Supp. 800
6. 696 F.Supp 1480
7. 694 F.Supp. 259
8. 707 F.Supp. 1016
9. 735 F.Supp. 1126

Hispanic is a cultural identification which reaches further than most English speaking Americans realize. It is an enduring civilization to which anyone can proudly belong. The Dayton Daily News (June 11, 1995) posed the question: "Is Hispanic a cultural or racial term? I understand that there are white, black and mixed groups within the Hispanic group?" The Answer Man replied: "It's cultural. The Spanish language and the Roman Catholic religion are among the oldest and most important cultural bonds that unite Hispanics. Within the Hispanic minority in the United States, people can represent various national and ethnic origins - mostly European, African and Indian."

It is predicted that by the year 2,000, Hispanics will make up the majority population in 9 states. There are several factors which cause Hispanic culture to flourish. Firstly, there is a biological element because many Hispanics traditionally follow the Roman Catholic faith which bans artificial birth control. Secondly, the Hispanic culture takes a different view of family structure than the Anglo culture does. The Anglo culture values independence, freedom, privacy, and the Protestant work ethic. Young Anglos set goals to break away from their parent's nest, while old Anglos are locked away in nursing homes when they are no longer productive. In Hispanic culture, extended families are the norm rather than the exception. Children of Anglos often feel their privacy is violated if they have to share their bedrooms with siblings, whereas Hispanic children enjoy the comfort of familiar faces in their resting places. Anglo families like independence from outside influences. This goes all the way back to the days when Lords had moats built around their manors. In Anglo society, the rich keep themselves independent from the poor by segregating their neighborhoods by financial status. The essential financial value of Anglo housing is "Location, location, and location," and secondary is the inherent value of the house itself. An "exclusive neighborhood" is valued not for what it has, but for what it doesn't have. In Hispanic civilization, this type of separation is not part of the culture; it is not surprising to see a mansion on one block and a series of shacks on the next. The Hispanic culture values harmony, closeness, and society in the whole.

If a Hispanic child were placed in an Anglo world, the Anglo world would separate itself from the Hispanic. If an Anglo child were placed in a Hispanic world, the Hispanic world would pull him into its culture. An Anglo mother is very concerned with whom her child associates and will protect her child from people she feels would be a bad influence. A Hispanic mother would say bring the unknown children to our house and we'll make them part of our family. The Hispanic people consider children to be a part of the overall society rather than the property of a set of parents. The Spanish language is constructed to accommodate this phenomenon. There are two methods to say "you" in Spanish. One is by using the familiar "you" (tu in northern Latin America, or vos in southern Latin America) and the other is the formal "you" (Usted). Spanish speakers use the formal "you" when talking to people with whom they are not intimately acquainted. The familiar "you" is used when speaking with members of their family and close

friends, but also to children, even if the child is unknown to the speaker. This concept implies that all children are part of the family, even if they are biologically not related in any way to the speaker. This confirms the Afro-Hispanic ideation that "It takes an entire village to raise a child." Anglo parents place a strong value on independently teaching values to their children, and they do not stray beyond those boundaries to instill values in other people's children. Hispanic parents are well aware of the collective values of the culture and freely invite grandparents, siblings, cousins, and other Hispanics to share values with their children. Hispanics feel equally proud of sharing Hispanic values with others, even Anglo children, because of the Hispanic view that children belong to society in the whole. Given this phenomena, Anglo children are warmly brought in to Hispanic society, but Hispanic children and their values are kept at bay from Anglo children. Given this one-way transmission of culture and values, Anglo children become culturally Hispanic when placed in the Hispanic environment, but Hispanic children do not become culturally Anglo when placed in the Anglo environment.

Given the high birthrate of Hispanic population, plus the acquisition of non-Hispanics into the Hispanic culture, a disproportionate ratio occurs in favor of Hispanic culture, which is why it is quickly replacing the Anglo culture in many parts of the United States. And in many arenas, the cultural change is encouraged, even by the President of the United States: "Now, I want to ask all of you, without regard to your political party or where you live or what your income is, in these next few weeks to urge the Congress to live by the values of Hispanic America; to decide by the values of Hispanic America; to lift up work and family; to work for more freedom and responsibility; to remember our obligations to our children and to our parents; and to remember, the future belongs to the United States if we can just remember that we're a community, not a crowd." (M2 Presswire, September 29, 1995, The White House: Remarks by the President to Hispanic Caucus Institute Board)

The exchange from Anglo to Latin or Hispanic culture is a gradual, unobtrusive process which is usually not recognized until after it's already happened. For example, eating at a Mexican restaurant once was considered exotic, but it's unlikely anyone today would regard driving through a Taco Bell for lunch as an experience in foreign culture. Latin American or Hispanic culture has advanced throughout the United States on the more serious end of the scale, too. For example, In England, a surgeon is an honorable rank attained by dentists and physicians, but for all purposes other than the rank of "The Surgeon General" the United States follows the Hispanic meaning of surgeon (*cirujano*) - a person who makes incisions into patients for medical treatment. In England, a surgery is the period of time when a Member of Parliament sees his constituents. It also means a physician's office or a physician's office hours, but the United States follows the Latin/Hispanic meaning of surgery, namely undergoing a medical operation. In England, the word doctor is a verb which means "to neuter an animal" and physicians are titled Mister (as in Mr. Smith) when they attain the accomplished ranking of surgeon. In the United States, it is socially unacceptable to call a physician by the title Mister, but rather he or she should be addressed as Doctor (which is the Latin title of respect).

Spanish is known as one of the "Romance" languages because it is descended from Latin, which was spoken by the Romans. Rome is a city in the south of Italy, near Naples and Sicily which were once part of Spain (then called the Kingdom of Aragon). In Italy, the title *Dottore* (Doctor) is given to everyone who has a degree from a university, including bachelor's degrees, because doctor refers to all learned people. Roman culture is the mother of modern Latin culture. There have always been close ties between the two countries. Some Latin American countries have large Italian populations. The Spanish dialect called *Lunfardo* spoken in Buenos Aires, Argentina and Montevideo Uruguay is essentially a southern Italian language. Lyrics to tangos are written in *Lunfardo*, not Spanish, so dictionaries are sometimes distributed to Spanish speakers attending performances so they understand the *Lunfardo* dialect). Since *Lunfardo* is an Italian derivative, baccalaureate university graduates in this area may be addressed as Doctor, just like highly educated people in the US are called Doctor when they earn the highest degree offered (e.g. Ph.D., JD, DDS, Ed.D., etc.) even when their field of study is something other than medicine. The American custom of addressing educated people as Doctor is a Latin/Hispanic concept, not an Anglo concept, and an example of Latin/Hispanic culture expanding further north into the Americas.

Some people believe that because the United States was founded as an English colony, and we have English as our primary language, we will not become Hispanic because our origin is Anglo. Hispanic refers to culture or origin, not just origin, nor origin plus culture. Either condition will suffice. This may sound contradictory. Consider spaghetti. Legends state Marco Polo brought it back from China in 1292. But we know the Arabs took spaghetti to Italy when they invaded Sicily in the mid ninth century. We also know the Persians and Etruscans used pasta before there was an Italy. When we buy spaghetti in the supermarket, it's usually not manufactured in Italy, but rather here in the United States. So the origin of spaghetti is definitely not Italy, but we still call it Italian because it is closely associated with Italian culture. Similarly, a person whose values and beliefs and identity are closely tied to the Hispanic culture are Hispanics, regardless of their race, and regardless of their national origin.

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