



White by Law: The Legal Construction of Race (Critical America)

By Ian Haney López



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Lily white. White knights. The white dove of peace. White lie, white list, white magic. Our language and our culture are suffused, often subconsciously, with positive images of whiteness. Whiteness is so inextricably linked with the status quo that few whites, when asked, even identify themselves as such. And yet when asked what they would have to be paid to live as a black person, whites give figures running into the millions of dollars per year, suggesting just how valuable whiteness is in American society.

Exploring the social, and specifically legal origins, of white racial identity, Ian F. Haney Lopez here examines cases in America's past that have been instrumental in forming contemporary conceptions of race, law, and whiteness. In 1790, Congress limited naturalization to white persons. This racial prerequisite for citizenship remained in force for over a century and a half, enduring until 1952. In a series of important cases, including two heard by the United States Supreme Court, judges around the country decided and defined who was white enough to become American.

White by Law traces the reasoning employed by the courts in their efforts to justify the whiteness of some and the non- whiteness of others. Did light skin make a Japanese person white? Were Syrians white because they hailed geographically from the birthplace of Christ? Haney Lopez reveals the criteria that were used, often arbitrarily, to determine whiteness, and thus citizenship: skin color, facial features, national origin, language, culture, ancestry, scientific opinion, and, most importantly, popular opinion.

Having defined the social and legal origins of whiteness, **White by Law** turns its attention to white identity today and concludes by calling upon whites to acknowledge and renounce their privileged racial identity.

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White by Law: The Legal Construction of Race (Critical America) By Ian Haney López Bibliography

- Sales Rank: #1083498 in Books
- Brand: Brand: New York University Press
- Published on: 1996
- Released on: 1996-01-01
- Ingredients: Example Ingredients
- Original language: English
- Number of items: 1
- Dimensions: .97" h x 6.28" w x 9.30" l,
- Binding: Hardcover
- 296 pages

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Editorial Review

From Publishers Weekly

In this study, narrowly academic yet intriguing, Lopez, who teaches law at the University of Wisconsin, examines early-20th-century cases in which courts sought to determine who qualified as white for the purposes of citizenship and naturalization. His conclusion: whiteness is "a complex, falsely homogenizing term." For example, he shows how courts issued contradictory decisions regarding the whiteness of groups such as Syrians, Armenians and Asian Indians; some followed scientific evidence, while most ultimately relied on "common knowledge," thus finding many reasons?including culture and political sophistication?to reject foreigners who might be Caucasian. This leads the author to argue, a bit thinly, that whites must pursue a "self-deconstructive" race consciousness to pursue racial justice. Thus, whites must recognize the racial aspects of their privileged identity and daily engage in "choosing against Whiteness"; one example would be to resist racist slurs, even to the point of claiming a nonwhite racial identity when hearing them.

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From Library Journal

Words carry social connotations. Some, like "lily white," have positive connotations. With this sense of "whiteness" as his thesis, Lopez (law, Univ. of Wisconsin) writes of the law's recognition of a white racial identity. He focuses on a series of cases, from 1878 to 1944, known as the "racial prerequisite cases." In those cases, state and federal courts sought to define characteristics of "whiteness" necessary to qualify an immigrant for naturalization as a U.S. citizen. Lopez concludes that the basis of today's racial inequality is to be found in the privileged status accorded to white Americans because of this legally sanctioned white racial identity. Sure to be controversial, this book will find a deserved place in academic libraries. The general reader might be advised to turn to Andrew Hacker's Two Nations (LJ 3/15/92), John Hope Franklin's The Color Line (LJ 3/1/93), and Cornel West's Race Matters (LJ 3/15/93).?Jerry E. Stephens, U.S. Court of Appeals Lib., Oklahoma City

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Review

"**White by Law**'s thoughtful analysis of the prerequisite cases offers support for the fundamental critical race theory tenet that race is a social construct reinforced by law. Haney Lopez has blazed a trail for those exploring the legal and social constructions of race in the United States."

-Berkeley Women's Law Journal

"Henry Lopez has provided a piece of scholarship worthy of bringing out for a curtain call on its 10th anniversary."

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