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Reading Response Paper

In chapter 5 of *White by Law* by Ian Haney Lopez there are three main topics that are discussed. These topics include law as coercion, law as ideology, and judges and legislators. Law as coercion consists of “Legal rules that have shaped physical appearances, thus altering basic material on which racial meaning systems are built.” (Haney Lopez, 81) The United States is known as a “white country”, not by accident, but because of the laws of exclusion set in place over time. The prerequisite cases talked about in the last chapter were often referenced in this chapter as well. Because of this, I was able to see the effects of these cases, and how other cases like this affect the physical appearances of the United States population. Law as ideology is seen as the “shaping and constraining of how people think about the world they inhabit, the law may most powerfully affect the construction of races.” (Haney Lopez, 86) The first law set into place for citizenship only includes white men, and therefore excludes all other races. Races are set in place by people's opinions and laws, they are not natural, they are constructed. Laws in the past also play a pig part in how we see races today. Judges and Legislators play a large role in constructing races as well. Though racial and social prejudice should not play a part in the decision of court cases, they often do. Especially, when race is the whole point of the case to begin with.

Besides the prerequisite cases there have been many more cases and laws that affect our populations physical appearances today, such as Anti Miscegenation and Segregation laws. These laws were put in place to separate the races, and prevent the intermixture between people of diverse races. Because these laws were set into place it stopped people of different races from marrying each other. In a few of our earlier classes we talked about why this is one of the reasons that America is seen as a “white country”, because there laws set in place to stop people from being with those outside of their race. As I read about the different laws that were made to separate whites, and non-whites, I couldn't help but wonder why race matters so much, because it seems like such a crazy thing to try to separate people, because of something that is completely out of their control. But I now understand exactly why: to keep social dominance along racial lines. I talked about this topic last semester, in my Bodies and Citizens class as well. More specifically we talked about the laws made against women’s rights, so that the men were always able to be seen as dominant, and in charge. It seems as though the only reason why any of these laws were set into place was to keep white people, specifically men, on top and everyone else below them. I also believe that this thought that white men are always the leaders, and the ones on top, is still the belief of many today.

Laws set around race also make it easier to see a person as just just their race, and not an actual person, because of this it hard to just see someone without race. When I actually think about it, I feel like race is one of the first things I see in a person, even if I am not trying to, or if I go to describe something about a person, the first thing I think of to describe them is their race. I also know many others who think like this. I wonder if the reason lots of people think like this is because of laws made in the past that make our race so important to us. And although segregation is not in laws anymore, it has not slipped from America’s reality. Many communities today are still only home to prominently one race. Does this stem from segregation laws made over the years.

Judges often times might not even see their own racism or prejudice, when deciding case outcomes. The term that is used to describe this is unconscious racism, which is when “a person’s actions, even if not racist in the sense of drawing to harm certain groups, may still frequently be racist in the sense of drawing on unrecognized but nonetheless racially prejudiced beliefs, and desires” (Haney Lopez, 97). I found this interesting because unconscious racism leads to completely different outcomes in almost identical court cases, with the same crime, jurisdiction, number of previous crimes. However, the amount of time the convicted gets is very different depending on the race of the convicted, and the race of the victim. Studies show that if the race of the convicted is white then they are less likely to get lots of jail time, than if they were black, even if they are being charged with the same crimes. I wonder what the population of people in jail would look like if race was not a determining factor in deciding jail time.

Haney Lopez, Ian. White by Law: The Legal Constructions of Race. Revised and Updated 10th Anniversary Edition. (1996) pg. 81,86,97