

WHITE MONSTERS
UNDERSTANDING WHITENESS AS
SOCIAL AND LEGAL MONSTROSITY

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WHITE MONSTERS

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I. INTRODUCTION

Whiteness has been interpreted in many colorful ways, each illustrating its nuanced and dangerous functions as a complex social and legal phenomenon. Scholars have demonstrated that whiteness operates as a form of property,¹ or the habit of possession,² a wage that compensates poor whites for their domination by capital,³ a “racial contract,”⁴ a psychological pathology,⁵ a civil religion⁶ or “death cult,”⁷ a contamination,⁸ a form of terrorism,⁹ or even a kind of parasitism.¹⁰ It is all these things, but here, I hope to build on these insights and further our understanding with a new framework, because, as Michael Eric Dyson once argued, “[w]e need many metaphors, working in concert,” for understanding race and racism.¹¹ Here, I slide another lens into our collective metonymical microscope to better examine the phenomenon of “whiteness.”

In this Article, I explain “whiteness” as a form of socially and legally constructed monstrosity. A great deal has been written about the process by which whiteness makes monsters of non-white people,¹² and that fact has

¹ Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707, 1744 (1993), reprinted in CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED A MOVEMENT 277 (Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas eds., 1995).

² See SHANNON SULLIVAN, REVEALING WHITENESS: THE UNCONSCIOUS HABITS OF RACIAL PRIVILEGE 122 (John J. Stuhr ed., 2006).

³ See, e.g., W.E.B. DU BOIS, BLACK RECONSTRUCTION: AN ESSAY TOWARD A HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN THE ATTEMPT TO RECONSTRUCT DEMOCRACY IN AMERICA, 1860-1880 700 (1st ed. 1935) [hereinafter DU BOIS, BLACK RECONSTRUCTION]; DAVID ROEDIGER, THE WAGES OF WHITENESS 13, 137 (Mike Davis & Michael Sprinker eds., 1st ed. 1991) [hereinafter ROEDIGER, THE WAGES OF WHITENESS].

⁴ CHARLES W. MILLS, THE RACIAL CONTRACT 11 (1st ed. 1997).

⁵ See Arianne E. Miller & Lawrence Josephs, *Whiteness as Pathological Narcissism*, 45 CONTEMP. PSYCHOANALYSIS 93-119 (2009).

⁶ See Audra Savage, *The Religion of Race: The Supreme Court as Priests of Racial Politics*, 3 UTAH L. REV. 569 (2021).

⁷ See Pankaj Mishra, *The Religion of Whiteness Becomes a Suicide Cult*, N.Y. TIMES (Aug. 30, 2018), <https://www.nytimes.com/2018/08/30/opinion/race-politics-whiteness.html>.

⁸ Jasper Kaur Puar, *Configuration of Desire*, in THE MAKING AND UNMAKING OF WHITENESS 170 (Birgit Brander Rasmussen, Eric Klinenberg, Irene J. Nexcia & Matty Wray eds., 2001); Vron Ware, *Perfidious Albion: Whiteness and the International Imagination*, in THE MAKING AND UNMAKING OF WHITENESS, *supra*, at 184.

⁹ See DAVID R. ROEDIGER, *Introduction*, in BLACK ON WHITE: BLACK WRITERS ON WHAT IT MEANS TO BE WHITE 14-15 (1st ed. 1998) [hereinafter BLACK ON WHITE].

¹⁰ Donald Moss, *On Having Whiteness*, 69 AM. PSYCHOANALYTIC ASS'N 355 (2021); TONI MORRISON, *PLAYING IN THE DARK: WHITENESS AND THE LITERARY IMAGINATION* 57 (1992) [hereinafter MORRISON, *PLAYING IN THE DARK*].

¹¹ ROBIN DIANGELO, *WHITE FRAGILITY: WHY IT'S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM* ix (2018).

¹² See, e.g., DAVID LIVINGSTON SMITH, *MAKING MONSTERS: THE UNCANNY POWER OF DEHUMANIZATION* (1st ed. 2021); Judith Halberstam, *Parasites and Perverts: An Introduction to Gothic Monstrosity*, in THE MONSTER THEORY READER 151 (Jeffrey Andrew Weinstock ed., 2020) [hereinafter

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even been used subversively.¹³ Some have even suggested that the idea of race itself can be traced back to early European belief in headless, dog-headed, or one-legged people living in Africa and Asia.¹⁴ This Article inverts that analysis without contradicting it, casting “white people” as the monsters. Others have certainly framed oppressors as monsters,¹⁵ and described whiteness in particular as monstrous, notably author James Baldwin,¹⁶ among others,¹⁷ but here I advance a more literal and deeper exploration of that

Halberstam, *Parasites and Perverts*]; Sara Libby Robinson, *Blood Will Tell: Anti-Semitism and Vampires in British Popular Culture, 1875-1914*, 3 *GOLEM: THE J. RELIGION & MONSTERS* 16-27 (2009); PAUL PRECAIDO, *CAN THE MONSTER SPEAK?* (2021).

¹³ See, e.g., PETER LINEBAUGH & MARCUS REDIKER, *THE MANY HEADED HYDRA: THE HIDDEN HISTORY OF THE REVOLUTIONARY ATLANTIC* (2012) (using the metaphor of the multi-headed Hydra monster of ancient Greek folklore to describe the resistance of oppressed people in the Atlantic); Stephen Arata, *The Occidental Tourist: Dracula and the Anxiety of Reverse Colonization*, 33 *VICTORIAN STUDS*. 621-45 (1990) (arguing that vampires and mummies, among others, represent oppressed peoples taking revenge on the empires oppressing them); ELIZABETH YOUNG, *BLACK FRANKENSTEIN: THE MAKING OF AN AMERICAN METAPHOR* 13, 214-15 (2008) [hereinafter YOUNG, *BLACK FRANKENSTEIN*] (identifying writers who used Frankenstein’s monster or Shakespeare’s Caliban as anti-colonialist or anti-racist metaphors).

¹⁴ See, e.g., Alexa Wright, *Monstrous Strangers at the Edge of the World*, in *THE MONSTER THEORY READER*, *supra* note 12, at 179 (“The Monstrous Races [such as the one-legged Sciopod and other myths of the ancient world] have, understandably, been characterized as precursors to modern racism.”); NELL IRVIN PAINTER, *THE HISTORY OF WHITE PEOPLE* 25 (2010).

¹⁵ See e.g., KARL MARX, *CAPITAL: VOLUME I* (2004) (“Capital is dead labor, which, vampire-like, lives only by sucking living labor . . .”); KOTOKU SHUSUI, *IMPERIALISM: MONSTER OF THE TWENTIETH CENTURY* (1901); DAVID McNALLY, *MONSTERS OF THE MARKET: ZOMBIES, VAMPIRES AND GLOBAL CAPITALISM* (2012); MARK STEVEN, *SPLATTER CAPITAL* (2017).

¹⁶ See, e.g., JAMES BALDWIN, *Stranger in the Village*, in *THE PRICE OF THE TICKET: COLLECTED NONFICTION, 1948-1985*, 89 (1st ed. 1985) [hereinafter *THE PRICE OF THE TICKET*] (“People who shut their eyes to reality simply invite their own destruction, and anyone who insists on remaining in a state on innocence long after that innocence is dead turns himself into a monster.”); JAMES BALDWIN, *No Name in the Street*, in *THE PRICE OF THE TICKET*, *supra*, at 479 (“[T]he Negro problem’ . . . which they invented, in order to safeguard their purity has made of them criminals and monsters . . .”); JAMES BALDWIN, *Here Be the Dragon*, in *THE PRICE OF THE TICKET*, *supra*, at 687 (“Ancient maps of the world . . . inform us, concerning the void where America was waiting to be discovered, HERE BE DRAGONS. Dragons may not have been here then, but they are certainly here now . . .”); *I AM NOT YOUR NEGRO* (Magnolia Pictures 2017) (“You cannot lynch me and keep me in ghettos without becoming something monstrous yourselves.” “These people have deluded themselves for so long that they really don’t think I’m human . . . And this means that they have become, in themselves, moral monsters.”).

¹⁷ See, e.g., YOUNG, *BLACK FRANKENSTEIN*, *supra* note 13, at 45 (quoting Frederick Douglas) (“Slavery is everywhere the pet monster of the American people.”); ZORA NEALE HURSTON: *A LIFE IN LETTERS* 475 (Carla Kaplan ed., 1st ed. 2003) (“I am ready for anything to overthrow Anglo-Saxon supremacy . . . I no longer even value my life if by losing it, I can do something to destroy this Anglo-Saxon monstrosity.”); ORLANDO PATTERSON, *RITUALS OF BLOOD: THE CONSEQUENCES OF SLAVERY IN TWO AMERICAN CENTURIES* 226 (1998) (stating, from the Reverend Montrose Thornton, “The white man . . . stands before my eyes tonight the demon of the world’s races, a monster incarnate . . . The white is a heathen, a fiend, a monstrosity before God.”); JEAN PAUL SARTRE, *Introduction*, in FRANZ FANNON, *WRETCHED OF THE EARTH*, xlviii (trans. Richard Philcox 2004) (1961). (“Europeans, open this book . . . It’s your turn now. In the darkness that will dawn into another day, you have turned into the zombie.”); AIME CESAIRE, *DISCOURSE ON COLONIALISM* 41, 49 (1955) (describing the European colonialist bourgeoisie as an “animal,” and a babbling corpse); BRUCE DAIN, *A HIDEOUS MONSTER OF THE MIND:*

framing. I use the popular vernacular of monster fiction and folklore, and their recurring themes and tropes, as a vehicle to explain the literal and figurative ways that whiteness is a destructive power produced by a disruption of the human category.¹⁸

I choose monsters to talk about whiteness for multiple reasons. First, because as gender and queer theorist Jack Halberstam puts it, monsters are “meaning machines,”¹⁹ in that a monster story is a “narrative technolog[y],”²⁰ that lends itself to multiple interpretations and metaphors.²¹ Second, because all monster stories have something to say about power. They are the exploration of “our worst fears,”²² as the subtitle of one book on the subject puts it, and a meditation on what is powerful enough to be dangerous.²³ Therefore, below, I read monster fiction and folklore as a theory of the danger of power and apply this theory to whiteness.²⁴ Third, monsters help us read contradictions intelligibly. I will explain how monsters help us understand whiteness as both a “fanciful conceit and a consequential reality,”²⁵ as W.E.B. Du Bois described it, and how monsters help us meet the challenge of “hold[ing] on to the unreality of race while adhering tenaciously to the recognition of its all-too-real effects,”²⁶ according to social scientist Ruth Frankenberg. “There are no ‘white’ people,”²⁷ just as there are no monsters, but our faith in the myth produces interminable violence.²⁸ Fourth, monsters

AMERICAN RACE THEORY IN THE EARLY REPUBLIC (2003); DORTHY ROBERTS, *KILLING THE BLACK BODY* 23 (1997) (“The American legal system is rooted in this monstrous combination of racial and gender domination.”).

¹⁸ The monster themes I rely upon are not the only, or even dominant, motifs available. I only look to them because they reflect legitimate fears of what is dangerous and threatening about power in human relations.

¹⁹ JUDITH HALBERSTAM, *SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS* 21 (1995) [hereinafter *SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS*].

²⁰ Halberstam, *Parasites and Perverts*, *supra* note 12, at 166.

²¹ *SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS*, *supra* note 19, at 2 (“[M]onstrosity seems available for any number of meanings.”).

²² See STEPHEN ASMA, *ON MONSTERS: AN UNNATURAL HISTORY OF OUR WORST FEARS* (2009). See also DYLAN FOSTER, *THE BOOK OF YOKAI* 118 (2015) (malevolent monsters in Japanese folklore (“oni”) “encapsulat[e] everything that imperils humans and human society.”).

²³ TIMOTHY BEAL, *Introduction*, in *RELIGION AND ITS MONSTERS* (2001) (“Monsters . . . stand for what endangers one’s sense of security, stability, integrity, well-being, health and meaning.”).

²⁴ In this sense, I am using narrative to engage in theory, one form of theoretical practice. BARBARA CHRISTIAN, *The Race for Theory*, 4 *CULTURAL CRITIQUE* 67, 68, 79 (Spring 1987) (describing “theorizing . . . in narrative forms, in the stories we create,” as a non-Western form of theoretical practice).

²⁵ W.E.B. Du Bois, *Dialogue with a White Friend*, in *BLACK ON WHITE*, *supra* note 9, at 29 [hereinafter *Dialogue with a White Friend*].

²⁶ Ruth Frankenberg, *The Mirage of an Unmarked Whiteness*, in *THE MAKING AND UNMAKING OF WHITENESS*, *supra* note 8, at 73 [hereinafter Frankenberg, *The Mirage of an Unmarked Whiteness*].

²⁷ James Baldwin, *On Being “White” . . . and Other Lies*, in *BLACK ON WHITE*, *supra* note 9, at 180 [hereinafter Baldwin, *On Being “White” . . . and Other Lies*].

²⁸ See *infra* Part V, *The Destructive Power of Whiteness*.

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make the “normal” strange, allowing us to interrogate it. Explaining something mundane as monstrous allows us to “defamiliarize[] the familiar,”²⁹ to introduce “unsettlement or bafflement” into our “attempt to rethink whiteness,”³⁰ so that we can “make whiteness strange”³¹ and thereby “subvert[] its inevitability.”³²

Finally, I chose monsters for this analysis because monsters can do justice to the expression of the fear, pain, and tragedy that is visited upon the world by whiteness in ways other discourse may be less capable of communicating. The monster narrative pellucidly articulates the ugliness of white supremacy. Gothic horror and science fiction, the common narrative vehicles for monsters, can capture the effect of the terror of power and the fear and disgust of violence against human bodies³³ (i.e., “wound culture”³⁴) with a verisimilitude that non-fiction descriptions of fact may lack. Some suggest that horror undermines hegemonic power even more than literal social criticism.³⁵ This may be why so many have reached for monsterful language to describe white racism.³⁶ James Baldwin, for example, once explained the centrality of white racism to all American discourse by analogizing it to this hypothetical scenario: a meeting with a friend whose mother’s murdered corpse is in the closet, where both parties know it, but neither is willing to discuss it, and concludes “we can’t talk about anything

²⁹ MARIAME KABA, *WE DO THIS ‘TIL WE FREE US* 83 (2021) (quoting author Saidya Harman).

³⁰ See also NELSON M. RODRIGUEZ, *Emptying the Content of Whiteness*, in *WHITE REIGN: DEPLOYING WHITENESS IN AMERICA* 34 (Joe K. Kincheloe, Shirley R. Steinberg, Nelson M. Rodriguez & Ronald E. Channault eds., 1991).

³¹ RICHARD DYER, *WHITE: ESSAYS ON RACE AND CULTURE* 4 (1997).

³² ELAINE GRAHAM, *REPRESENTATIONS OF THE POST/HUMAN: MONSTERS, ALIENS AND OTHERS IN POPULAR CULTURE* 55 (2002).

³³ See, e.g., RIDLEY SCOTT, *The Making of Alien’s Chestburster Scene*, *THE GUARDIAN* (Oct. 13, 2009) <https://www.theguardian.com/film/2009/oct/13/making-of-alien-chestburster> [<https://perma.cc/6ULD-7NAF>]; Doris V. Sutherland, *Essay: Dead at 55: Day of the Dead*, *WOMEN WRITE ABOUT COMICS* (Sept. 8, 2023) <https://womenwriteaboutcomics.com/2023/09/essay-dead-at-55-day-of-the-dead-1985> [<https://perma.cc/GF3A-SWVC>]; SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS, *supra* note 19, at 138-52 (discussing the *Texas Chainsaw Massacre* films); JEFFREY ANDREW WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA OF LITERARY AND CINEMATIC MONSTERS* 74 (2014) [hereinafter WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*] (discussing the *Hellraiser* films); PAUL MURGATROYD, *MYTHICAL MONSTERS IN CLASSICAL LITERATURE* 38, 86-87 (2007) (describing a graphically violent centaur fight; graphically describing giant snakes eating Laocoon’s children).

³⁴ Mark Selzter, *Wound Culture: Trauma in the Pathological Public Sphere*, 80 *OCTOBER MAG.* 3-26 (1997) (defined as “the public fascination with torn and opened bodies . . . a collective gathering around shock, trauma and the wound”)

³⁵ Robin Wood, *An Introduction to the American Horror Film*, in *THE MONSTER THEORY READER*, *supra* note 12, at 116 (arguing that American horror films can be “more radical and fundamentally undermining” to hegemony than “works of conscious social criticism”); JON GREENAWAY, *CAPITALISM: A HORROR STORY* 111 (2024) (“[T]he discursive metaphor of monstrosity is useful and necessary in precisely the ways it allows for new modes of knowledge . . .”).

³⁶ See *supra* notes 16-17.

because we can't talk about that."³⁷ He also compared the madness of the lynch mob to the maniacs who burned witches.³⁸ With these, Baldwin captures something ineffably accurate about the brutality—and hysteria—of racist reality using decidedly gothic and monstrous metaphors.³⁹ Monsters “express something for which there are no words,”⁴⁰ such that “[t]he term’s imprecision . . . is part of its usefulness.”⁴¹ Thus, to talk about the violence of racism using monsters is to talk about it with clarity.

To explain whiteness as social monstrosity, I draw from Critical Whiteness⁴² and Critical Race Studies thinking,⁴³ but also upon the field of cultural criticism known as “monster theory.”⁴⁴ This is an interdisciplinary effort to marry legal and non-legal scholarly traditions with the goal of opening legal discourse to new analysis.⁴⁵ In an effort to be true to an interdisciplinary tradition, I also draw on a number of memoirs about whiteness,⁴⁶ ethnographies of white populations,⁴⁷ novels addressing

³⁷ JAMES BALDWIN, *Notes for a Hypothetical Novel*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 248 (1st ed. 1985).

³⁸ JAMES BALDWIN, *Everybody’s Protest Novel*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 41 [hereinafter BALDWIN, *Everybody’s Protest Novel*].

³⁹ Susan Poznan, *Rocking and Reeling through the Doors of Miscreation*, in *MONSTERS AND MONSTROSITY FROM THE FIN DE SIÈCLE TO THE MILLENNIUM 147* (Sharla Hutchison & Rebecca A. Brown eds., 2015) [hereinafter *MONSTERS AND MONSTROSITY*].

⁴⁰ FOSTER, *supra* note 22, at 98.

⁴¹ Stephen Asma, *Monsters and Moral Imagination*, in *THE MONSTER THEORY READER*, *supra* note 12, at 293; *see also* GREENAWAY, *supra* note 35, at 6 (“Gothic and horror rhetoric in Marxism functions as a . . . description of what it feels like, on a personal level, to live through capitalism.”).

⁴² *See e.g.*, BLACK ON WHITE, *supra* note 9; RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (1997) [hereinafter *CRITICAL WHITE STUDIES*].

⁴³ *See, e.g.*, KIMBERLÉ CRENSHAW, NEIL GOTANDA, GARY PELLER & KENDALL THOMAS, *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED A MOVEMENT* xiii (1995); Richard Delgado, *Liberal McCarthyism and the Origins of Critical Race Theory*, 94 IOWA L. REV. 1505 (2009).

⁴⁴ *See* Jeffery Jerome Cohen, *Monster Culture (Seven Theses)*, in *THE MONSTER THEORY READER*, *supra* note 12, at 37, 39 [hereinafter Cohen, *Monster Culture (Seven Theses)*] (“What I will propose here . . . a method of reading cultures from the monsters they endanger”; coining the term “monster theory”).

⁴⁵ PETER GOODRICH, *LEGAL DISCOURSE: STUDIES IN LINGUISTICS, RHETORIC, AND LEGAL ANALYSIS* 212 (1987).

⁴⁶ *See, e.g.*, JOHN HOWARD GRIFFIN, *BLACK LIKE ME* (1961); LARRY L. KING, *CONFESSIONS OF A WHITE RACIST* (1971) [hereinafter *CONFESSIONS OF A WHITE RACIST*]; MAB SEGRETT, *MEMOIR OF A RACE TRAITOR: FIGHTING RACISM IN THE AMERICAN SOUTH* (1994); TIM WISE, *WHITE LIKE ME* (2008); DEBBY IRVING, *WAKING UP WHITE: AND FINDING MYSELF IN THE STORY OF RACE* (2014); DANIEL HILL, *WHITE AWAKE: AN HONEST LOOK AT WHAT IT MEANS TO BE WHITE* (2017); RENI EDDO-LODGE, *WHY I’M NOT LONGER TALKING TO WHITE PEOPLE ABOUT RACE* (2017).

⁴⁷ *See, e.g.*, RUTH FRANKENBERG, *WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS* (1993) [hereinafter FRANKENBERG, *WHITE WOMEN, RACE MATTERS*]; BREE PICOWER, *READING, WRITING AND RACISM: DISRUPTING WHITENESS IN TEACHER EDUCATION AND IN THE CLASSROOM* (2021).

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whiteness,⁴⁸ post-colonial literature,⁴⁹ as well as monster folklore⁵⁰ and fiction generally⁵¹—new and old, modern and ancient. Where relevant, I draw also upon my own experience and history living as a cisgender man who is raced white. Where used, I mean commonly accepted definitions of white supremacy,⁵² race and racism.⁵³ I use the terms “white” and “people of color,” or “non-white,” only for lack of better language, and put them in quotes often to stress their unreality. I use “white people” to refer to anyone raced white but also to anyone with proximity to whiteness or performing the same.⁵⁴

Let me clarify here any ambiguity about what this Article is and is not. It is not an essentialist claim that white people are monsters, such as, for example, the literal “white devils” of the Nation of Islam’s religious doctrine⁵⁵—although it is certain to be misread that way by disingenuous critics. Rather, it is an anti-essentialist, anti-racist claim that whiteness, as a social intervention, performed or internalized as it can be by people of any color,⁵⁶ is a form of socially constructed monstrosity. This Article is not a

⁴⁸ See, e.g., VERONICA T. WATSON, *THE SOULS OF WHITE FOLK: AFRICAN AMERICAN WRITERS THEORIZE WHITENESS* (2013).

⁴⁹ See, e.g., FRANZ FANON, *WRETCHED OF THE EARTH* (2004) [hereinafter *WRETCHED OF THE EARTH*]; CESAIRE, *supra* note 17.

⁵⁰ William J. Thomas, *Folklore*, 33 J. FOLKLORE RSCH. 187, 187-89 (1996) (first published in *THE ANTHANAEMUM* 1846) (defining folklore as “the manners, customs, observances, superstitions, ballads, proverbs, etc., of the olden time”)

⁵¹ Of course, “[a]ll movies,” and one could add all stories, “are polysemic, open to many interpretations rather than just one.” OLA SIGURDSON, *Slavoj Zizek, the Death Drive, and Zombies*, in *ZOMBIE THEORY: A READER* 93 (Sarah Juliet Lauro Ed. 2017).

⁵² See Frances Lee Ansley, *White Supremacy (And What We Should Do About It)*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 592 [hereinafter Ansley, *White Supremacy*] (defining white supremacy as “a political, economic and cultural system in which whites overwhelmingly control power and material resources . . .”).

⁵³ See RUTH WILSON GILMORE, *THE GOLDEN GULAG: PRISONS, SURPLUS, CRISIS AND OPPOSITION IN GLOBALIZING CALIFORNIA* 28 (2007) (“Racism, specifically, is the state-sanctioned of extralegal production and exploitation of group-differentiated vulnerability to premature death.”); MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S* 55, 71 (1994) (defining race: “a concept which signifies and symbolizes social conflicts and interest by referring to different types of human bodies”; defining racist as something that “creates or reproduces structures of domination based on essentialist categories of race”).

⁵⁴ Proximity to whiteness refers to the contextual or relational advantage someone might have as a result of colorism or racial hierarchy. See, e.g., Robert Reece, *Color Crit: Critical Race Theory and the History and Future of Colorism in the United States*, 50 J. BLACK STUDS. 3 (Oct. 18, 2018).

⁵⁵ JUDITH WEIDENFELD, *NEW WORLD A-COMING: BLACK RELIGION AND RACIAL IDENTITY DURING THE GREAT MIGRATION* 58-59 (2016).

⁵⁶ MILLS, *supra* note 4, at 128-29 (“All peoples can fall into whiteness . . .”); EDDO-LODGE, *supra* note 46, at 170 (“[Whiteness] is a political ideology . . . Anyone can buy into it, just like anyone can choose to challenge it.”); KENNETH V. HARDY, *Preface*, in *THE ENDURING, INVISIBLE, AND UBIQUITOUS CENTRALITY OF WHITENESS* xxvi (2022) (“[W]hiteness has been exacted by those who are phenotypically white as well as some who are ideologically white People of Color.”); SULLIVAN, *supra* note 2, at 17 (“[P]eople of color can often internalize messages about their alleged insignificance and inferiority.”).

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claim about any particular good or bad value attributable to white people or any white person. It is an effort to contend with the destructive power of their whiteness and an exploration of how to hold that power accountable. This Article is not an effort to solicit sympathy for white people. Despite there being a great deal of narrative fiction about sympathetic monsters,⁵⁷ there is just as much, if not more, fiction and folklore about decidedly unsympathetic monsters.⁵⁸ It is these that I want to invoke here. I focus on whiteness as it is practiced in the United States, and particularly as it is expressed in United States law, for no other reason than that is the space and law with which I am most familiar. This Article is written with the understanding of white supremacy as a “white problem”⁵⁹ and aligns itself with the analysis that white people are responsible for fixing it.⁶⁰ My arguments can also be used to explain other oppressive constructions (gender or maleness, for example) as social monstrosity, but that is beyond the scope of this Article and so I must leave that work to others. Ultimately, I hope that the concept of white monsters might be useful as a normative framework for interpreting and explaining white racism.

Finally, I would be remiss not to acknowledge that many of the authors of monster fiction referenced below are white men and women, but particularly white men. Some of them were unambiguously white supremacists, antisemitic, anti-Black racists, and eugenicists. These include authors with tremendous influence over the horror and science fiction genres,

⁵⁷ See, e.g., Wood, *supra* note 35, at 118 (“Few horror films have totally unsympathetic monsters.”).

⁵⁸ See, e.g., *id.* (“*The Thing* is a significant exception [to the rule that few horror films have totally unsympathetic monsters].”); VIVIAN SOBCHACK, SCREENING SPACE: THE AMERICAN SCIENCE FICTION FILM 32 (1997) (“Our sympathy is never invoked by a [Science Fiction] creature; it remains, always, a thing.”). It is not difficult to conjure examples of unsympathetic literary monsters (e.g., Beowulf’s Grendel, Stoker’s Dracula, H.G. Wells’ Martians, Stephen King’s Pennywise, etc.) or cinematic monsters (e.g., *The Thing from Another World* (1951), the Xenomorphs of *Alien*, Wes Kraven’s Freddy Krueger, etc.).

⁵⁹ Kathleen Neal Cleaver, *The Antidemocratic Power of Whiteness*, in CRITICAL WHITE STUDIES, *supra* note 42, at 161 (“The race problem is a white problem.”); see also ROEDIGER, THE WAGES OF WHITENESS, *supra* note 3, at 6 (referring to “the white problem”).

⁶⁰ William Aal, *Moving from Guilt to Action*, in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 6, 305 (“Many organizers reluctantly came to the conclusion that the issue was white people’s inability or lack of will to examine our own privilege.”); Joshua Barajas, *Lessons We Can Learn from Toni Morrison*, PBS NEWS (Aug. 6, 2019, 6:54 PM) <https://www.pbs.org/newshour/arts/lessons-we-can-learn-from-toni-morrison> [perma.cc/75L5-SBD2] (“[W]hite people have a very, very serious problem. And they should start thinking about what they can do about it . . . take me out of it.”).

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like Bram Stoker,⁶¹ Jules Verne⁶² and H.P. Lovecraft,⁶³ to name just a few. I take this reality as but one reason that many of their tales can be read as a theory of the danger of power. What appears dangerous and powerful to people *with* power inevitably reflects their own strategies and weapons of choice for retaining power over *others*.⁶⁴ I read their stories while considering that it may be impossible for any privileged author to write a monster without projecting onto it their own monstrosity.

Part II of this Article begins with a review of fiction and non-fiction work in which whiteness or white individuals are framed as monstrous or as monsters. Part III explains how whiteness functions literally as a form of socially constructed monstrosity. Part IV elaborates on how I reached this conclusion by using monster theory to explain whiteness as a fission of one human species into multiple fictional “races.” I explain how this theory explains the crafting into monster of “white” people and “people of color” simultaneously but differently. In Part V, I use monster stories in fiction and folklore to explain figuratively how whiteness deploys political strategies to consolidate and retain power and repel threats to the same, to wit, through social invisibility, non-thinking, and socio-legal shapeshifting. I add here that the suffering of white people is one consequence of these political strategies. Finally, in Part VI, I explain the ways in which the law and monsters are mutually constitutive and term the legal construction of monsters—white monsters or otherwise—as “monster law.” I again figuratively draw upon monster fiction and folklore, this time to reconsider some socio-legal strategies for ending whiteness and, indeed, the conception of race itself. I reach conclusions about which strategies are necessary, even if they are alone insufficient, for accomplishing this.

Throughout each of these sections, I will visit and revisit the 1982 United States Supreme Court decision in *Plyler v. Doe* as an example of how the law and white monstrosity are mutually constitutive, even in the legal moments most worth celebrating. This case may suggest ways to mitigate, if

⁶¹ See Alyssa Gammello, *Biting Back: Racism, Homophobia and Vampires in Bram Stoker, Anne Rice and Alan Ball* (2018) (Undergraduate Honors College Theses, Long Island Univ.) https://digitalcommons.liu.edu/cgi/viewcontent.cgi?article=1040&context=post_honors_theses

⁶² See Daniel Renshaw, ‘*A fine fellow . . . although rather Semitic*’: *Jews and Antisemitism in Jules Verne’s Le Château des Carpathes and Bram Stoker’s Dracula*, 23 *JEWISH CULTURE & HIST.* 289, 289-306 (2022).

⁶³ See Ben Woodard, *Monkey Panic in the Deep Time Machine: Eugenics, Slavery, and European Fragility in Lovecraft*, *J. SCI. & CULTURE* 1 (2020).

⁶⁴ See generally Darlene Lancer, *How to Confront Narcissists Lethal Weapon: Projection*, *PSYCH. TODAY* (Mar. 6 2019), <https://www.psychologytoday.com/us/blog/toxic-relationships/201903/how-confront-narcissists-lethal-weapon-projection> (discussing the use of “projection” by abusers, or the attribution of the abuser’s own misdeeds onto another person); EDDO-LODGE, *supra* note 46, at 118 (“There is an old saying about the straight man’s homophobia being rooted in a fear that gay men will treat him as he treats women. This [white supremacy] is no different.”).

not abolish, the monstrosity of whiteness. My hope is that monsters furnish us with another political compass to navigate through the fog of racist nonsense that is crafted by, and crafting, our perceptions and laws. Below, I offer few original conclusions about whiteness, except perhaps that monstrosity can serve as its cipher.

II. LITERATURE REVIEW

Many authors and fiction writers have drawn upon understandings of whiteness or race to say something about specific monster stories,⁶⁵ but sometimes monsters are drawn upon to say something about whiteness.⁶⁶ Usually, such authors compare whiteness, or some discrete performance of whiteness, to one particular monster, rather than to the concept of monstrosity itself.⁶⁷

White people and whiteness are often compared to the undead. The parallels between zombies and whiteness have not been lost on several zombie story writers, chief among them filmmaker George A. Romero,⁶⁸ whose celebrated film *Night of the Living Dead* “shows that living whites are like, or can be mistaken for, the dead.”⁶⁹ Professor Elizabeth McAlister argues that zombies in fiction are narratively “hyperwhites,” because they are dangerous, pale, and without culture.⁷⁰ These observations are echoed by author Richard Wright in his 1945 memoir, *Black Boy*: “[M]y ma says white folks smell like dead folks.”⁷¹ Scholars have argued that the vampire in fiction⁷² may also represent whiteness in the world in various ways. For example, vampires may represent the threat of colonization of the world,⁷³ or act as stand-ins for white people in the vampire’s relationship to less-

⁶⁵ See, e.g., SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS, *supra* note 19, at 4-5.

⁶⁶ See, e.g., Annalee Newitz, *The Undead: A Haunted Whiteness*, in THE MONSTER THEORY READER, *supra* note 12, at 254.

⁶⁷ See, e.g., *id.* (zombies specifically).

⁶⁸ See Barry Keith Grant, *Taking Back the Night of the Living Dead*, in ZOMBIE THEORY: A READER, *supra* note 51, at 213-14. George Romero’s original *Dead* film trilogy, beginning with *Night of the Living Dead* (1968), has been read as many different kinds of political warnings and allegories). *Id.*

⁶⁹ Richard Dyer, *White*, 29 *SCREEN* 44, 59 (1988). See also DYER, *supra* note 31, at 211; NEWITZ, *supra*, note 66, at 259 (arguing that the murder of *Night*’s Black protagonist Ben by a white militia at the film’s end “serves as a condemnation of brutal, mindless white society”).

⁷⁰ Elizabeth McAlister, *Slaves, Cannibals and Infected Hyper-Whites: The Race and Religion of Zombies*, in ZOMBIE THEORY: A READER, *supra* note 51, at 79.

⁷¹ RICHARD WRIGHT, *BLACK BOY* 106 (1945).

⁷² Alternatively, some scholars have shown how vampire stories, particularly Bram Stoker’s *Dracula*, perform an antisemitic function in classic Western literature. See SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS, *supra* note 19, at 14, 86.

⁷³ See KEN GELDER, *READING THE VAMPIRE* 12-13 (1994); SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS, *supra* note 19, at 103, 172.

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powerful monsters.⁷⁴ Others have inversely likened certain characteristics of whiteness to the parasitism of vampires,⁷⁵ or compared white imperialism explicitly to blood-sucking, if not vampires⁷⁶ or to vampires explicitly,⁷⁷ or used vampires to represent the “death cult” of whiteness.⁷⁸ One film very unsubtly likens them to the role white people play in gentrification.⁷⁹ Finally, some fiction has cast white people, and instigators of white terrorism in particular (enslavers, KKK members, police, etc.), as vampires, or else as ghosts or demons, in stories that are explicitly about the dangers of white supremacy.⁸⁰

Other whites-as-monsters or racism-as-monster comparisons have been made using a variety of other monsters. Harriet Jacobs, in her 1861 autobiography, *Incidents in the Life of a Slave Girl*, described white terrorist lynch mobs as “a troop of demons.”⁸¹ Other abolitionists writing around that time also described slavery and slave owners as monstrous or monsters.⁸² In his 1927 essay, *Our White Folks*, journalist George S. Schulyer described “[t]he Negro [a]s a sort of black Gulliver, chained by white Lilliputians,”⁸³ a reference to the monstrously tiny people in Jonathan Swift’s 1726 novel, *Gulliver’s Travels*.⁸⁴ Journalist and author Ruby Hamad compared the eponymous immortal in Oscar Wilde’s *The Picture of Dorian Gray* to the

⁷⁴ See KIMBERLEY MCMAHON-COLEMAN & ROSLYN WEAVER, WEREWOLVES AND OTHER SHAPESHIFTERS IN POPULAR CULTURE: A THEMATIC ANALYSIS OF RECENT DEPICTIONS 103-04, 108 (2012); Natalie Wilson, *Civilized Vampires Versus Savage Werewolves: Race and Ethnicity in the Twilight Series*, in BITTEN BY TWILIGHT: YOUTH CULTURE, MEDIA, AND THE VAMPIRE FRANCHISE 103-04, 108 (Melissa A. Click, Jennifer Stevens Aubrey & Elizabeth Behm-Morawitz eds., 2010).

⁷⁵ Cited in JOE L. KINCHELOE & SHIRLEY R. STEINBERG, *Addressing the Crisis of Whiteness: Reconfiguring White Identity in a Pedagogy of Whiteness*, in WHITE REIGN, *supra* note 30, at 14 (1998) (arguing that white men erroneously imagining themselves as persecuted “sucks the blood of moral indignation” from the people of color).

⁷⁶ DAVID R. ROEDIGER, *Preface*, in BLACK ON WHITE, *supra* note 9, at 10 (quoting CHARLES W. CHESTNUTT, *THE MARROW OF TRADITION* 90 (1901)) (“Out of the cold of Europe these white men came . . . eating their dead’s flesh and sucking their blood.”).

⁷⁷ James Weldon Johnson, *The White Witch*, in BLACK ON WHITE, *supra* note 9, at 181, 182 (quoting James Weldon Johnson: “And back behind those smiling lips/the spirit of the vampire lies”).

⁷⁸ *The Werewolf’s Modern Metamorphosis, Monstrum* (PBS television broadcast Oct. 28, 2021) (speaking about *Artie and the Wolf Moon*: “vampirism is representative of white supremacy as a death cult”).

⁷⁹ VAMPIRES VS. THE BRONX (Netflix 2020).

⁸⁰ See, e.g., SETH GRAHAME-SMITH, ABRAHAM LINCOLN: VAMPIRE HUNTER (2010) (white slavers as vampires); *Lovecraft Country* (HBO streaming Aug. 16, 2020) (white cops and segregationists as killer wizards); HELEN OYEYEMI, WHITE IS FOR WITCHING (2009) (the protagonist’s racist white ancestry become the vampiric-witch-like-ghost haunting her house); SHIZUYA WAZARAI, BLASTER KNUCKLE (1992) (white KKK members are shapeshifting demons).

⁸¹ Harriet Jacobs, *Muster*, in BLACK ON WHITE, *supra* note 9, at 337.

⁸² YOUNG, BLACK FRANKENSTEIN, *supra* note 13, at 44, 50-55.

⁸³ George S. Schulyer, *Our White Folks*, in BLACK ON WHITE, *supra* note 9, at 82.

⁸⁴ JONATHAN SWIFT, GULLIVER’S TRAVELS (1726).

ways in which white supremacy commits unaccountable violence.⁸⁵ Journalist Isabel Wilkerson analogizes the grip that racial caste exerts over us—in its silent, subconscious, and normalcy-appearing way—to the hold the evil robots have over people’s minds in *The Matrix* film series.⁸⁶ More than one author has described the legion forces of white privilege and domination as a “hydra”—the multi-headed monster of Greek mythology.⁸⁷ And a number of authors and scholars have compared whiteness, or the social construction of race to which whiteness is central, to “witchcraft,”⁸⁸ or—in a word evocative of sorcery—as “alchemy.”⁸⁹ More generally, one scholar referred to race as “science fiction.”⁹⁰ Extraterrestrials have been used repeatedly to explicitly lampoon or disrupt the narrative of whiteness,⁹¹ or demonstrate its nature.⁹²

My aim here is to do this long history of creative and bold comparisons justice by putting monster theory into a more robust dialogue with Critical Whiteness Studies.

III. WHITENESS AS MONSTROSITY

Monsters are threatening beings that challenge categorization. Scholars of monster theory (such as professor of Medieval studies Jeffery Jerome Cohen, from whom we get the term “monster theory,”⁹³) agree that a working definition of monster is any entity that defies categorization⁹⁴ (dubbed

⁸⁵ RUBY HAMAD, *WHITE TEARS/BROWN SCARS: HOW WHITE FEMINISM BETRAYS WOMEN OF COLOR* 100-01 (2020).

⁸⁶ ISABEL WILKERSON, *CASTE: THE ORIGINS OF OUR DISCONTENTS* 33-35 (2020).

⁸⁷ Adrienne D. Davis, *Identity Notes One: Playing in the Light*, 45 AM. U. L. REV. 695, 709 (Feb.1996); EDDO-LODGE, *supra* note 46, at 91.

⁸⁸ KAREN E. FIELDS & BARBARA J. FIELDS, *RACECRAFT: THE SOUL OF INEQUALITY IN AMERICAN LIFE* 22-24, 261 (2012); BALDWIN, *Everybody’s Protest Novel*, *supra* note 38, at 41; M. F. ASHLEY MONTAGUE, *MAN’S MOST DANGEROUS MYTH: THE FALLACY OF RACE* 1 (1942) (calling race “the witchcraft of our time”); WISE, *supra* note 46, at xii (comparing witch persecution to racism).

⁸⁹ See, e.g. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* (1991); FIELDS & FIELDS, *supra* note 88, at 261; PAUL GILROY, *AGAINST RACE: IMAGINING POLITICAL CULTURE BEYOND THE COLOR LINE* 285 (2000) (“ . . . almost alchemical power of racial discourses . . .”); see also JACQUES BARZUN, *RACE: A STUDY IN SUPERSTITION* (1937).

⁹⁰ See Jesse Ramirez, Christine Vogt-William, & Bryan Banker, *Genres of “Race”: Science Fiction and Racecraft* (SANAS Biennial Conference: The Genre of Genre : A Conference on Form, Format, and Cultural Formations, 2018).

⁹¹ See, e.g., RICHARD WRIGHT, *WHITE MAN, LISTEN!* 3 (1957) [hereinafter *WHITE MAN, LISTEN!*]; AMIRI BARAKA, *Answers in Progress*, in *SELECTED PLAYS AND PROSE OF AMIRI BARAKA / LEROI JAMES* (William Morrow ed., 1979); *THE BROTHER FROM ANOTHER PLANET* (Cinecom Pictures 1984).

⁹² See, e.g., Derrick Bell, *Chronicle of the Space Traders*, in *THE DERRICK BELL READER 57-72* (Richard Delgado & Jean Stefancic eds., 2005); OCTAVIA E. BUTLER, *LILITH’S BROOD* (2000) [hereinafter: *LILITH’S BROOD*].

⁹³ JEFFREY A. WEINSTOCK, *Introduction*, to *THE MONSTER THEORY READER*, *supra* note 12, at 29.

⁹⁴ Cohen, *Monster Culture (Seven Theses)*, *supra* note 44, at 40 (“[T]he monster is the harbinger of category crisis . . .”); SKIN SHOWS: *GOthic HORROR AND THE TECHNOLOGY OF MONSTERS*, *supra* note 19,

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“category jamming” by philosopher Noël Carroll⁹⁵). It is this defiance that renders the monster threatening and dangerous⁹⁶ and, usually as a result, also disgusting.⁹⁷ For example, a centaur resists classification because it fuses two of a kind that we typically regard as separate, to wit, horses and people, just as a zombie fuses the two separate categories of life and death. Likewise, classification can be equally challenged through fission, “which takes something unified and breaks it into pieces,”⁹⁸ in the way a werewolf, or Dr. Jekyll’s alter ego Edward Hyde, breaks one person into two beings.⁹⁹ Critically, it is this fusion or fission¹⁰⁰ that also makes the monster dangerous by endowing it with power beyond the mere human.¹⁰¹ The centaur has the intelligence of a person but also the strength and speed of a horse;¹⁰² Mr. Hyde can hide from accountability inside the unassuming Dr. Jekyll.¹⁰³ Any disgust factor merely augments the monster’s power to frighten and

at 27; ASMA, *supra* note 22, at 40; Asa Simon Mittman, *Introduction: The Impact of Monsters and Monster Studies*, in THE ASHGATE RESEARCH COMPANION TO MONSTERS AND THE MONSTROUS 8 (2013); Sigmund Freud, *The Uncanny*, in THE MONSTER THEORY READER, *supra* note 12, at 69, 71, 75 (describing boundary blurring as one of the hallmarks of the uncanny); Masahiro Mori, *The Uncanny Valley*, in THE MONSTER THEORY READER, *supra* note 12, at 89; Julia Kristeva, *Approaching Abjection*, in THE MONSTER THEORY READER, *supra* note 12, at 106.

⁹⁵ NOËL CARROLL, *THE PHILOSOPHY OF HORROR* 194 (1990) [hereinafter *THE PHILOSOPHY OF HORROR*].

⁹⁶ WEINSTOCK, *supra* note 93, at 19 (“[E]ntit[y] that represent[s] a threat on some level.”); NOËL CARROLL, *FANTASTIC BODIES AND THE STRUCTURES OF HORRIFIC IMAGERY* 136 (1990) [hereinafter *FANTASTIC BODIES AND THE STRUCTURES OF HORRIFIC IMAGERY*] (“Horrific monsters are threatening . . . they must be dangerous.”); Wood, *supra* note 35, at 130 (“All monsters are by definition destructive . . .”),

⁹⁷ *THE PHILOSOPHY OF HORROR*, *supra* note 95, at 43 (“[E]voke[s] disgust as a consequence of ‘impurity’ connected to *categorical ambiguity* (emphasis added).”); ASMA, *supra* note 22, at 184 (“Things we find impure, and consider as abominations, are usually interstitial entities - in between normal categories of being. For example, blood, feces, spit, snot, and vomit all blur the usual categories of *me* and *not me*, or *human* and *not human*.”).

⁹⁸ WEINSTOCK, *supra* note 93, at 19.

⁹⁹ *Id.* (“[N]either this or that – or both this and that.”); *FANTASTIC BODIES AND THE STRUCTURES OF HORRIFIC IMAGERY*, *supra* note 96, at 139-141 (discussing the fusion versus fission methods of category jamming).

¹⁰⁰ For alternative methods of “category jamming,” in addition to fusion and fission (e.g., magnification, multiplication, etc.), see *FANTASTIC BODIES AND THE STRUCTURES OF HORRIFIC IMAGERY*, *supra* note 96, at 142-43.

¹⁰¹ *Id.* at 141 (“The fantastic biologies of horrific monsters are, to a surprising extent, reducible to . . . fusion and fission”).

¹⁰² See generally WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 75-77. Stories of this monster show both its capacity for intelligence (as with the teacher Charon) and for superhuman strength (as when they make a match for the hero Hercules). *Id.*

¹⁰³ Marie Léger-St-Jean, *Why They Kill: Criminal Etiologies in Mary Shelley’s Frankenstein, R.L. Stevenson’s Strange Case of Dr Jekyll and Mr Hyde, and Oscar Wilde’s The Picture of Dorian Gray*, UNIV. OF MONTREAL DEP’T OF ENG. STUDS. 50 (2009) (Thesis) (available at https://papyrus.bib.umontreal.ca/xmlui/bitstream/handle/1866/7976/Leger-St-Jean_Marie_2009_memoire.pdf [<https://perma.cc/782V-RMF3>] (“Jekyll wants to secure his own impunity while committing crimes: Hyde offers such protection.”)).

intimidate.¹⁰⁴ Finally, monsters are socially constructed.¹⁰⁵ This means that nothing is objectively or inherently monstrous about a monster.¹⁰⁶ Rather, their monstrosity is culturally dependent,¹⁰⁷ that is, “constructed as monstrous through the influence of social conventions, expectations, and attitudes.”¹⁰⁸ Put simply, monsters are socially constructed, dangerous beings that are born of a category crisis.

I argue that whiteness is both literally and figuratively monstrous. It is literally monstrous because the academic definition of monstrosity tracks with the widely accepted definitions of whiteness and race generally. Certainly, enough has been said about the destructive power of whiteness as to make that part of the analysis almost axiomatic,¹⁰⁹ because it is, at bottom, a project of consolidating political and economic power.¹¹⁰ Whiteness too is socially constructed out of “pure culture;”¹¹¹ it has no basis in biology but rather was invented for social (political, economic) reasons.¹¹² And whiteness is born of a category crisis, specifically by splintering one human category into parts (e.g., “white” and “people of color”).¹¹³ Whiteness, therefore, is literally a form of socially constructed monstrosity. But whiteness is also figuratively monstrous in that the monster narratives of folklore and fiction graphically mirror the ways in which whiteness is wielded to maintain power and repel accountability—precisely because these narratives are, at bottom, ultimately about the dangers of power.¹¹⁴ Through metaphor, monsters help us understand something about whiteness’s ability to exploit social invisibility, social non-thinking, and social shapeshifting.

¹⁰⁴ See generally WEINSTOCK, *supra* note 93, at 26 (quoting Foucault, “‘The monster’s power and its capacity to create anxiety are due to the fact that it violates the law while leaving it with nothing to say . . . [It] is a breach of the law that automatically stands outside the law.’”).

¹⁰⁵ Cohen, *Monster Culture (Seven Theses)*, *supra* note 44, at 40 (“[T]he monstrous body is pure culture. A construct and a projection, the monster exists only to be read.”).

¹⁰⁶ *Id.*

¹⁰⁷ ALEXA WRIGHT, *MONSTROSITY: THE HUMAN MONSTER IN VISUAL CULTURE 3* (2013).

¹⁰⁸ WEINSTOCK, *supra* note 93, at 27 (citing to Foucault and calling him “the great theoretician of monstrosity”).

¹⁰⁹ See *infra* Part V, The Destructive Power of Whiteness.

¹¹⁰ MILLS, *supra* note 4, at 127. See I AM NOT YOUR NEGRO, *supra* note 16, at 1:26:32–1:27:15 (“White is a metaphor for power, and that is simply a way of describing Chase Manhattan Bank.”); IAN HANEY LOPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (2006) (“Race and racism are centrally about seeking, or contesting, power.”); IBRAM X. KENDI, *STAMPED FROM THE BEGINNING: THE DEFINITIVE HISTORY OF RACIST IDEAS IN AMERICA* 506 (2016) (arguing that racism is a product of self-interest and power, not ignorance or lack of education).

¹¹¹ Cohen, *Monster Culture (Seven Theses)*, *supra* note 44, at 38.

¹¹² OMI & WINANT, *supra* note 53, at 55.

¹¹³ GILROY, *supra* note 89, at 71 (“Europe has perpetrated the still greater crime of despoiling humanity of its elemental unity as a species.”).

¹¹⁴ See generally *infra* Part V.A-C (explaining non-thinking, invisibility, and shapeshifting).

The Latin etymology of the word ‘monster’—*monstrum*—means to warn or portend,¹¹⁵ and the warning monsters give us about the dangers of power doubles as a warning about the dangers of whiteness.¹¹⁶

IV. WHITENESS AS A CATEGORY CRISIS

A. *White Fission*

There are many narrative examples of monsters born of fission, particularly fission of the human race into something human and something non- or super-human. In these scenarios, it is the former’s superior and monstrous power that projects an inferior, sub-human character onto the latter. Two such stories stand out as exceptionally demonstrative examples: Herbert George (“H.G.”) Wells’ 1904 novel, *The Food of the Gods and How it Came to Earth*, and Octavia Butler’s *Patternist* series of novels published between 1976 and 1984.¹¹⁷

In H.G. Wells’ *The Food of the Gods and How it Came to Earth*, scientists develop a formula called “Herakleophobia” or “boomfood,” which turns living things that ingest it into giant versions of themselves.¹¹⁸ The story begins with giant chickens, wasps, and rats,¹¹⁹ but progresses into a group of humans eating the boomfood and becoming a “new race” of giants.¹²⁰ With the giants now in a more powerful position, everyone else who does not eat the boomfood ceases to be ordinary humans and instead becomes “little people.”¹²¹ Inevitably, tensions build between the “little people” and the giants (now called “children of the Food”), which boils over into war.¹²² The novel ends on the eve of that war, ominously implying that the odds do not look good for the “little people.”¹²³

In Butler’s *Patternist* series,¹²⁴ a eugenically inspired selective breeding program gives rise to some humans developing powerful mind-control and

¹¹⁵ JEFFREY A. WEINSTOCK, *Preface*, in *THE MONSTER THEORY READER*, *supra* note 12, at 2; ASMA, *supra* note 22, at 142 (quoting Pliny the Elder: “*Monstrum praecessit monstro*” (“an omen precedes the monster”).).

¹¹⁶ See generally *infra* Part V.A-C (explaining non-thinking, invisibility, and shapeshifting).

¹¹⁷ H.G. WELLS, *THE FOOD OF GODS AND HOW IT CAME TO EARTH* (1904); see OCTAVIA E. BUTLER, *PATTERNIST SERIES* (1976) [hereinafter *PATTERNIST SERIES*].

¹¹⁸ *Id.* at 133.

¹¹⁹ *Id.* at 99.

¹²⁰ *Id.* at 153.

¹²¹ *Id.* at 179-82, 268, 351.

¹²² *Id.* at 252.

¹²³ *Id.* 351-58.

¹²⁴ Beginning with *Patternmaster* (1976), and continuing with *Mind of My Mind* (1977), *Survivor* (1978), *Wild Seed* (1980), and *Clay’s Ark* (1984). OCTAVIA E. BUTLER, *PATTERNMASTER* (1976) [hereinafter *PATTERNMASTER*]; OCTAVIA E. BUTLER, *MIND OF MY MIND* (1977) [hereinafter *MIND OF MY MIND*]; OCTAVIA E. BUTLER, *SURVIVOR* (1978) [hereinafter *SURVIVOR*]; OCTAVIA E. BUTLER, *WILD*

telekinetic abilities, calling themselves “Patternists.”¹²⁵ With the Patternists now in the more powerful position, the non-psychic humans become “Mutes”¹²⁶ (“powerless and without mental voices”¹²⁷). The Mutes effectively become an inferior servant caste, like “draft animals,” to the Patternists¹²⁸ who control, buy, and sell the Mutes or torture them for fun.¹²⁹ In both cases, when some humans became monsters, a category crisis was introduced,¹³⁰ which made the nature of the remaining humans indeterminate and problematic. The new disparity in power creates a disparity of identity and an opportunity for exploitation and subordination. Both of these stories can be read as allegories of racial invention.¹³¹

Similar fission narratives to *Food* and the *Patternist* series play out in other tales. These include Margaret Atwood’s novel *Oryx and Crake*, where the mad scientist Crake invents “Crakers,” new semi-humans who are engineered to be physically smaller and morally superior to ordinary humans.¹³² The novel and its sequels¹³³ imply that Crakers will replace their obsolete common human counterparts (which have been mostly wiped out by plague anyway).¹³⁴ In Arthur C. Clarke’s novel, *Childhood’s End*, a century after a peaceful alien invasion by the extraterrestrial “Overlords,” human children develop telepathic powers and merge into one consciousness, becoming something more than human.¹³⁵ In the Richard Matheson novel, *I*

SEED (1980) [hereinafter WILD SEED]; OCTAVIA E. BUTLER, *CLAY’S ARK* (1984) [hereinafter CLAY’S ARK].

¹²⁵ PATTERNMASTER, *supra* note 124, at 120-121; *see also* MIND OF MY MIND, *supra* note 124.

¹²⁶ *Id.* at 120-21.

¹²⁷ *Id.* at 51.

¹²⁸ *Id.* at 194.

¹²⁹ *Id.* 45, 68. The stories also feature a third offshoot of humanity, the “Clayarks,” furless “sphinx”-like beings with hands. *Id.* at 21-22.

¹³⁰ In *Food*, the Children of the Food introduce the crisis; in *Patternmaster*, the Patternists do. H.G. WELLS, *supra* note 117; PATTERNMASTER, *supra* note 124.

¹³¹ Based on an interview with Butler about the series, there is no indication that she meant to create a metaphor for white fission, but the story nevertheless lends itself to that. *See* Charles H. Rowell & Octavia E. Butler, *An Interview with Octavia E. Butler*, 20 CALLALOO 47-66 (1997), <https://muse.jhu.edu/pub/1/article/5609> [<https://perma.cc/GN6L-3K54>]. *But see* GREGORY J. HAMPTON, CHANGING BODIES IN THE FICTION OF OCTAVIA BUTLER: SLAVES, ALIENS, AND VAMPIRES 52 (2010) (“[*Patternmaster*] presents several questions about how race works in a social structure and how gender works in the function of race.”).

¹³² MARGARET ATWOOD, *ORYX AND CRAKE* 101, 168-69, 305 (2003) [hereinafter *ORYX AND CRAKE*] (“They’ve [the Crakers] accepted Snowman’s [the human’s] monstrosity”; describing the Crakers as “innocent,” and the human character as monstrous (like a “satyr” or “Frankenstein”); describing Crakers as lacking in racism, hierarchy, territoriality, etc.).

¹³³ MARGARET ATWOOD, *YEAR OF THE FLOOD* (2009) [hereinafter *YEAR OF THE FLOOD*]; MARGARET ATWOOD, *MADDADDAM* (2013) [hereinafter *MADDADDAM*].

¹³⁴ *ORYX AND CRAKE*, *supra* note 132, at 325.

¹³⁵ ARTHUR C. CLARKE, *CHILDHOOD’S END* (1953).

Am Legend (1954) (thrice portrayed in film thereafter¹³⁶), some New Yorkers have become vampire-like beasts made to prey on the ordinary humans that remain,¹³⁷ a premise not entirely dissimilar to the 1984 B-horror film *C.H.U.D.*, where the stand-in for the vampires are flesh-eating sewer monsters.¹³⁸ This fission of humanity depicted in these and other stories¹³⁹ apes the real-life way in which whiteness becomes a social fission—a white fission—of our species.

B. *The Monstering of Whiteness*

What makes monsters threatening is typically their super-human qualities, such as strength, senses, or other abilities, superior to humans or which humans lack entirely. For example, vampires in literature and media are often imbued with immortality, super strength or beauty, and extraordinary mental powers (e.g., telepathy, hypnosis).¹⁴⁰ Werewolves are likewise typically endowed with super-strength and super-senses in folklore and film.¹⁴¹ Superior abilities are likewise often attributed to mutants.¹⁴² Something as simple as size—usually the monster is larger than people—grants them greater power over humans, from the biblical Leviathan and Behemoth¹⁴³ to *Beowulf*'s Grendel.¹⁴⁴ Certainly, the fairies and elves of European folklore were often depicted as possessing a superior civilization or superior morality, and were even called the “good people” or “good

¹³⁶ See *The Last Man on Earth* (Am Int'l Pictures 1964), *The Omega Man* (Warner Bros. 1971), *I am Legend* (Warner Bros. 2007).

¹³⁷ RICHARD MATHESON, *I AM LEGEND* (1954).

¹³⁸ *C.H.U.D.* (New World Pictures 1984).

¹³⁹ See, e.g., KAREL ČAPEK, ROSSUM'S UNIVERSAL ROBOTS (“R.U.R.”) 37 (1920) (describing the robots as “more highly developed than man, stronger and more intelligent,” and subsequently, decide to annihilate humanity); *VILLAGE OF THE DAMNED* (Loews 1960) (a race of psychic-powered children emerge to dominate the mere humans); *Dr. Who, Season 12, Episode 3, Orphan 55* (BBC One Jan. 12, 2020) (the carnivorous Dreg monsters were once human, but evolve to prey on the humans that remain).

¹⁴⁰ NICK GROOM, *THE VAMPIRE: A NEW HISTORY 180-81* (2018); see MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 101, 118; JOHN B. KACHUBA, *SHAPESHIFTERS: A HISTORY 127, 135* (2019). See also ANNE RICE, *INTERVIEW WITH A VAMPIRE* (1976); JEWELLE GOMEZ, *THE GILDA STORIES* (1991); OCTAVIA BUTLER, *FLEDGLING* (2005) [hereinafter *FLEDGLING*]; STEPHANIE MEYERS, *TWILIGHT* (2005).

¹⁴¹ See KACHUBA, *supra* note 140, at 102. The twelfth-century Slavic epic *The Tale of Igor's Campaigns* features a werewolf with super-hearing. *Id.* In urban legend, the werewolf of 1760's Gevadaun, France, was said to “run at great speed and leap to incredible heights.” *Id.* at 94; GEORGE W.M. REYNOLDS, *WAGNER THE WEREWOLF* (1847) (features a werewolf endowed with unnatural youth, strength, intelligence, and immortality); *TEENWOLF* (Atlantic Releasing Corporation 1985) (depicting Michael J. Fox's character as becoming his high school's star basketball player partly due to his enhanced strength, agility, and confidence).

¹⁴² WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 434 (“Many films about mutants, especially human-animal mutants, dwell on the superiority (often in terms of intellect and emotional acuity) of such creatures over the pure human genotype.”).

¹⁴³ *Id.* at 37, 377.

¹⁴⁴ *Id.* at 303.

folk.”¹⁴⁵ Similarly, the Houyhnhnms in Jonathan Swift’s *Gulliver’s Travels* (1726),¹⁴⁶ the robots in Isaac Asimov’s *I, Robot* anthology,¹⁴⁷ and the subterranean Vril-ya in Edward Bulwer-Lytton’s *The Power of the Coming Race* (1871).¹⁴⁸ Extraterrestrials too are typically shown, not just with superior technology, but with superior politics as well, such as in *The Day the Earth Stood Still* (1951)¹⁴⁹ or James Cameron’s *The Abyss* (1989)¹⁵⁰ and *Avatar* (2009).¹⁵¹ Less subtle are monsters explicitly described as “super” in comic books, the bestial *Hulk*,¹⁵² the demon-hero *Hellboy*,¹⁵³ or the alien Kal-El, better known as Superman.¹⁵⁴ These characters read like the retellings of super-human benefactor Robin Goodfellow (“Puck”) in folklore or William Shakespeare’s *A Mid-Summer Night’s Dream*.¹⁵⁵ Monstrosity describes the power that categorization—distinguishing monsters from humans—grants to monsters over non-monsters.

It is the social speciation of humanity (or “raciation”¹⁵⁶) into “white” and “color”¹⁵⁷ that invents superior and inferior peoples.¹⁵⁸ Whiteness makes “white people” the universal stand-in for humans and the only authentically “human” people, casting all others as sub-human “races.”¹⁵⁹ But one could

¹⁴⁵ See, e.g., WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 61, 64 (Brownies), 210 (elves), 229 (fairies); RONALD HUTTON, THE WITCH: A HISTORY OF FEAR, FROM ANCIENT TIMES TO THE PRESENT 228 (2017) (“[Fairies] . . . have their own ruler and society and are in some ways superior to people.”); JACOB GRIMM & WILHELM GRIMM, *The Elves*, in GRIMMS’ FAIRY TALES 108 (Margaret Hunt trans., 1884) (7th ed. 1857) (“The three elves came and conducted her to a hollow mountain, where the little folks lived. Everything there was small, but more elegant and beautiful than can be described.”).

¹⁴⁶ JONATHAN SWIFT, GULLIVER’S TRAVELS (1726).

¹⁴⁷ ISAAC ASIMOV, I, ROBOT 8, 29, 40, 57, 107, 119, 178, 194 (1950). There, both human and robot characters repeatedly refer to the robots as superior to humans in intelligence and decency; the robots are also repeatedly called “monsters.” *Id.*

¹⁴⁸ WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 490; EDWARD BULWER-LYTTON, VRIL: THE POWER OF THE COMING RACE (1871).

¹⁴⁹ THE DAY THE EARTH STOOD STILL (20th Century Fox 1951).

¹⁵⁰ THE ABYSS (20th Century Fox 1989).

¹⁵¹ AVATAR (20th Century Fox 2009).

¹⁵² See TOM DEFALCO, HULK: THE INCREDIBLE GUIDE (2003).

¹⁵³ See JOHN BYRNE & MIKE MIGNOLA, HELLBOY, VOL. 1: SEED OF DESTRUCTION (1994).

¹⁵⁴ See TOM DE HAVEN, OUR HERO: SUPERMAN ON EARTH (2010).

¹⁵⁵ HUTTON, *supra* note 145, at 240-42; WILLIAM SHAKESPEARE, A MIDSUMMER NIGHT’S DREAM (1595), Act 3, Sc. 2, l. 358, Act 5, Sc. 1, l. 433-48.

¹⁵⁶ SULLIVAN, *supra* note 2, at 60.

¹⁵⁷ WRETCHED OF THE EARTH, *supra* note 49, at 38-40 (“ . . . the world cut in two is inhabited by two different species”)

¹⁵⁸ GILROY, *supra* note 89, at 229 (“[M]embers of the dominant social group in a racialized social hierarchy do not have to imagine themselves to be superior; they need only assert unbridgeable difference”); FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 1 (“[A]ny system of differentiation shapes those on whom it bestows privilege as well as those it oppresses.”); MILLS, *supra* note 4, at 12-13, 16.

¹⁵⁹ CHERYL E. MATIAS FEELING WHITE: WHITENESS, EMOTIONALITY AND EDUCATION 71 (2016).

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just as accurately say that whiteness makes super-humans of “whites,”¹⁶⁰ as Du Bois did.¹⁶¹ “Monsters have to be everything the human is not,”¹⁶² just as, say “white people” have to be everything non “white people are not: super powerful,¹⁶³ super beautiful,¹⁶⁴ super civilized,¹⁶⁵ super saviors,¹⁶⁶ and super innocent¹⁶⁷” (Ralph Waldo Emerson wrote of white people having “bestly ferocity,” and “brutish strength¹⁶⁸). Centuries of whiteness-inspired colonialist thought¹⁶⁹ and policy¹⁷⁰ cast whites as a race of sexy vampires or Robin Goodfellows, superior to the mere (sub)humans of the non-European world and thus destined or entitled to save or dominate them.¹⁷¹ Whiteness invented “people of color” as an essentialist group—like the mere humans in monster stories—as narratively inferior beings¹⁷² and therefore as vulnerable to domination as H.G. Wells’ “little people,” or Butler’s “Mutes,” by and through the invention of itself. Thus, by constructing themselves as superior to others, “white people” made monsters of themselves, both in their ideas

¹⁶⁰ Analogously, this sort of non-human/super-human dichotomy reoccurs in monster fiction. See Wood, *supra* note 35, at 133 (concluding that movies like *The Thing*, and *Alien*, demonstrate the monster as “both non- and super-human”)

¹⁶¹ W.E.B. DU BOIS, *The Souls of White Folk* (1920), in W.E.B. DU BOIS: A READER 457 [hereinafter DU BOIS, *The Souls of White Folk*] (“... while you [whites], claiming super-humanity...”).

¹⁶² Halberstam, *Parasites and Perverts*, *supra* note 12, at 166.

¹⁶³ See PAINTER, *supra* note 14, at 167; MILLS, *supra* note 4, at 25, 34.

¹⁶⁴ PAINTER, *supra* note 14, at 68; GRAHAM, *supra* note 32, at 53 (“The Greek word for monster, *teras*, conveys something that is both adherent and attractive.”).

¹⁶⁵ See, e.g., EDWARD SAID, *ORIENTALISM* (1978) 300; BALDWIN, *Stranger in the Village*, *supra* note 16, at 99; LINDA MARTIN ALCOFF, *THE FUTURE OF WHITENESS* 24 (2015); MARIANNA TORGONICK, *GONE PRIMITIVE: SAVAGE INTELLECTS, MODERN LIVES* (1991).

¹⁶⁶ See, e.g., ALBERT MEMMI, *THE COLONIZER AND THE COLONIZED* 75 (1965) (“Custodian of the value of civilization and history, he accomplishes a mission; he has the immense merit of bringing light to the colonized’s ignominious darkness”); Gayatri Chakravorty Spivek, *Terror: A Speech after 9/11*, 31 *BOUNDARY* 81 (2004) (“Terror is part of an alibi every imperialism has given itself, a civilizing mission carried to the extreme”); Teju Cole, *The White Savior Industrial Complex*, *THE ATLANTIC* (Mar. 21, 2012), <https://www.theatlantic.com/international/archive/2012/03/the-white-savior-industrial-complex/254843> [https://perma.cc/K9XE-CRKY].

¹⁶⁷ See, e.g., Thomas Ross, *Innocence and Affirmative Action*, 43 *VAN. L. REV.* 297, 311-312 (1990); Thomas Ross, *The Rhetorical Tapestry of Race: White Innocence, Black Abstraction*, 32 *WM. & MARY L. REV.* 1, 5 (1990); PICOWER, *supra* note 47, at 30 (noting that denying white responsibility for historic violence “maintains the dominant ideology of White people as benevolent, good and innocent . . .”).

¹⁶⁸ See PAINTER, *supra* note 14, at 167

¹⁶⁹ *Id.* 164, 175, 259, 312.

¹⁷⁰ *Id.* at 322-23. See, e.g., Juan R. Torruella, *Ruling America’s Colonies: The Insular Cases* 32 *YALE L. & POL’Y REV.* 57, 73 (2013).

¹⁷¹ For another narrative example, the robots in Asimov’s *I, Robot* recognize their superiority to human and conclude that they are entitled to dominate them as a result. See ASIMOV, *supra* note 147.

¹⁷² FRANTZ FANON, *BLACK SKIN, WHITE MASKS* 93 (1967) [hereinafter *BLACK SKIN, WHITE MASKS*] (“It is the racist who creates his inferior.”).

and their actions.¹⁷³ They “debased and defamed”¹⁷⁴ and “dehumanize[d]”¹⁷⁵ themselves until they were “less human,”¹⁷⁶ “inhuman,”¹⁷⁷ or like “an animal.”¹⁷⁸ Seen through this white monster lens, there is no benign way to express or perform whiteness. The mere *differentiation* of white people from other humans endows white people with power and is therefore an inherently monstrous construction.¹⁷⁹ The social mutation of racial categorization itself creates the conditions for exploitation, subordination, and extermination.

The constructive processes of whiteness and monstrosity also share traditions of “inventive folk genetics.”¹⁸⁰ To naturalize monstrous white abilities, whiteness became rooted in essentialist biological folk myths and found an alibi in pseudoscience (“race science,” eugenics, etc.).¹⁸¹ The law played an outsized role in making this monstrous folk biology credible.¹⁸² The same process was at work in (other) monster folklore.¹⁸³ Science, rather than dispel supernatural monster legends, was sometimes used to *reinforce* them,¹⁸⁴ just as when “science” was employed to validate vampire lore,¹⁸⁵ measure or communicate with ghosts (“parapsychology”),¹⁸⁶ or “prove” the existence of Sasquatch and the Loch Ness Monster (“cryptozoology”).¹⁸⁷ As with monsters, science—particularly biology—is used to prop up belief in

¹⁷³ See generally *infra* Part V.A-C (featuring examples of whiteness that endow white people with power over others, e.g., non-thinking, invisibility, and shapeshifting).

¹⁷⁴ Baldwin, *On Being “White”... and Other Lies*, *supra* note 27, at 180.

¹⁷⁵ Jean-Paul Sartre, *Introduction*, in *THE COLONIZER AND THE COLONIZED*, *supra* note 166, at xxviii [hereinafter Sartre, in *THE COLONIZER AND THE COLONIZED*].

¹⁷⁶ IRVING, *supra* note 46, at 245.

¹⁷⁷ MARTIN LUTHER KING JR., WHERE DO WE GO FROM HERE? CHAOS OR COMMUNITY 53 (1967).

¹⁷⁸ CESAIRE, *supra* note 17, at 41.

¹⁷⁹ See DIANGELO, *supra* note 11, at 149 (“[W]hite identity is inherently racist.”).

¹⁸⁰ FIELDS & FIELDS, *supra* note 88, at 198.

¹⁸¹ See Jacqueline Jones, *Back to the Future with The Bell Curve: Jim Crow, Slavery and G*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 179-85; SAINI, *supra* note 188.

¹⁸² See, e.g., HANEY LOPEZ, *supra* note 110; MARK S. WEINER, *AMERICANS WITHOUT LAW: THE RACIAL BOUNDARIES OF CITIZENSHIP* (2006); MAE NGAI, *IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA* 24 (2004) (discussing how eugenics shaped immigration laws); ADAM COHEN, *IMBECILES: THE SUPREME COURT, AMERICAN EUGENICS, AND THE STERILIZATION OF CARRIE BUCK* (2016) (discussing the impact of the U.S. Supreme Court decision in *Buck v. Bell*).

¹⁸³ SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS, *supra* note 19, at 8 (describing that monsters “mark difference within and upon bodies”)

¹⁸⁴ Eugene Thacker, *Nekros; or, The Poetics of Biopolitics*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 374 (“[M]edicine comes to complete demonology, or at least serve as an arbiter in disputed cases of demonic possession.”).

¹⁸⁵ GROOM, *supra* note 140, at 24.

¹⁸⁶ Ray Hyman, *A Critical Historical Overview of Parapsychology*, in *A SKEPTIC’S HANDBOOK OF PARAPSYCHOLOGY* 8-29 (Paul Kurtz ed., 1985); MARY ROACH, *SPOOK: SCIENCE TACKLES THE AFTERLIFE* (2005) 114, 154.

¹⁸⁷ DAVID J. DAEGLING, *BIGFOOT EXPOSED: AN ANTHROPOLOGIST EXAMINES AMERICA’S ENDURING LEGEND* 46 (2004).

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other make-believe categories of race.¹⁸⁸ Perhaps this shared tradition of fraudulent science partially explains why race and the occult are historically frequent bedfellows.¹⁸⁹ Thus, like vampires and poltergeists, whiteness too uses pseudoscience to fuel and further the social construction of beings of fantasy.¹⁹⁰ In both cases, this folk biology is incredibly resistant to being disabused by actual science; no matter how many empirical facts seem to obviously contradict the folk wisdom,¹⁹¹ devout belief in whiteness,¹⁹² like say, Bigfoot,¹⁹³ persists.

Another way of thinking about how whiteness cleaved humanity into pieces, is to consider whiteness itself as an early form of post-humanism.¹⁹⁴ Post-humanism is an idea closely tied to monster theory.¹⁹⁵ Though the term can be used in many ways,¹⁹⁶ here, I use it as many scholars do¹⁹⁷: to mean modifications (usually technological) of the human body or mind that transform a person into a new—literally *more than human*—species¹⁹⁸ (e.g., “*Homo faber*,” or “*Homo cyberneticus*”¹⁹⁹). For example, some scholars describe individuals with biotechnological body modifications, like prosthetic limbs or genetic editing, as “post-human,”²⁰⁰ whatever the ableist implications of that might be. Examples in monster narratives abound with such cybernetic organisms, or cyborgs,²⁰¹ from the many prosthetic-limbed

¹⁸⁸ See generally ANGELA SAINI, *SUPERIOR THE RETURN OF RACE SCIENCE* (2019).

¹⁸⁹ See, e.g., ERIC KURLANDER, *HITLER’S MONSTERS: A SUPERNATURAL HISTORY OF THE THIRD REICH* (2017); GILROY, *supra* note 89, at 230-33; KEVIN YOUNG, *THE RISE OF HOAXES, HUMBUG, PLAGIARISTS, PHONIES, POST-FACTS, AND FAKE NEWS* 79, 182, 349 (2017) (describing the frequent intersection of racism and hoaxes, which often feature monsters).

¹⁹⁰ See SAINI, *supra* note 188, at 27, 31.

¹⁹¹ *Id.* at 99, 102, 107.

¹⁹² *Id.*

¹⁹³ DAEGLING, *supra* note 187, at 46.

¹⁹⁴ Patricia MacCormack, *Posthuman Teratology*, in *THE MONSTER THEORY READER*, *supra* note 12, at 531.

¹⁹⁵ See e.g., *Id.* at 522; GRAHAM, *supra* note 32, at 10-11.

¹⁹⁶ Miah, *supra* note 196, at 6 (discussing the “multiple meanings and expectations that are inscribed onto the concept”).

¹⁹⁷ See, e.g., FRANCIS FUKUYAMA, *OUR POSTHUMAN FUTURE: CONSEQUENCES OF THE BIOTECHNOLOGY REVOLUTION* (2002); GRAHAM, *supra* note 32.

¹⁹⁸ Miah, *supra* note 196, at 3 (“On Fukuyama’s view, posthumanists appear to be interested in replacing humans with a new kind of species.”). This definition of post-humanism is in contrast to the one invoked by scholars such as Donna Haraway, whose meaning is liberatory, as in moving people past the bounded definitions, such as gender, that restrict their freedom. See DONNA J. HARAWAY, *A Cyborg Manifesto: Science, technology, and Socialist-Feminism in the Late Twentieth Century*, in *SIMANS, CYBORGS AND WOMEN: THE REINVENTION OF NATURE* 149-81 (1991).

¹⁹⁹ GRAHAM, *supra* note 32, at 36.

²⁰⁰ See, e.g., Miah, *supra* note 196, at 6, 10, 14 (“It encompasses biotechnologies, but also includes such innovations as artificial intelligence, life extension and genetic or nanotechnological engineering.”). Others would argue that this is properly termed trans humanism). *Id.*

²⁰¹ See WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 114-115.

soldier in Edgar Allen Poe's 1839 short story *The Man That Was Used Up*,²⁰² to the computer-interfacing and bio-mechanically enhanced characters in Marge Piercy's cyberpunk novel *He, She and It* (1992).²⁰³ More ham-fisted examples include television's "Bionic Man" (1973-78) and "Bionic Woman" (1976-78),²⁰⁴ cinema's *Robocop* (1987, 2014),²⁰⁵ and Japanese anime film *Ghost in the Shell's* Major Motoko Kusanagi (1995) (based on the manga of the same name),²⁰⁶ all of which feature humans bearing super-strong or super-fast robotic body parts. It should be noted that while many monsters can be described as post-human, this is not to say, in ableist manner, that all post-human qualities are monstrous. As one of the characters argued in Piercy's 1992 novel, anticipating the future ubiquity of gene therapy and smart phones, "[w]e're all cyborgs."²⁰⁷

Whiteness accomplishes socially what post-humanist cybernetics may claim to accomplish technologically, and what fictional cyborgs achieve narratively—the transformation of humans into something more "advanced" and more powerful: "white people" (say, *Homo albus*²⁰⁸). Du Bois accuses white people of "claiming super-humanity,"²⁰⁹ and writer Joel Augustus Rogers, in his 1917 novel *From Superman to Men*, sardonically describes whites as "the breed of supermen – wondermen,"²¹⁰ anticipating later Nazi rhetoric.²¹¹ This is the historical process of what Professor Sherryl Vint calls "abject posthumanism," a term she applies to zombie fiction, "in which humanity becomes split between surviving 'real' humans and the infected, dangerous posthumans (the zombies; the infected)."²¹² Some get at this point rhetorically, such as when Noel Ignatiev said he wants whites to "reject[] their whiteness and join[] the human race,"²¹³ or when one white memoirist

²⁰² EDGAR ALLEN POE, *COMPLETE TALES AND POEMS* 139 (2006).

²⁰³ MARGE PIERCY, *HE, SHE AND IT* (1st ed. 1992).

²⁰⁴ *The Six Million Dollar Man* (ABC television broadcast Mar 7, 1973- Mar 6, 1978). *The Bionic Woman* (ABC television broadcast Jan. 14, 1976; NBC television broadcast May 13, 1978).

²⁰⁵ *ROBOCOP* (Orion Pictures 1987); *ROBOCOP* (Columbia Pictures 2014).

²⁰⁶ *GHOST IN THE SHELL* (Bandai Visual Co. & Manga Entertainment 1995).

²⁰⁷ PIERCY, *supra* note 203, at 203.

²⁰⁸ *Albus*, LATIN DICTIONARY, <https://latin-dictionary.net/definition/2476/albus> [<https://perma.cc/TX2P-3R9T>] (last visited Oct. 13, 2024) ("[W]hite, pale, fair.").

²⁰⁹ DU BOIS, *The Souls of White Folk*, *supra* note 161, at 457.

²¹⁰ J.A. ROGERS, *Debating the Senator*, in *BLACK ON WHITE*, *supra* note 9, at 93.

²¹¹ See WILLIAM L. SHIRER, *THE RISE AND FALL OF THE THIRD REICH* (1st ed. 1959).

²¹² Sherryl Vint, *Abject Posthumanism*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 176; see also SARAH JULIET LAURO & DEBORAH CHRISTIE, *BETTER OFF DEAD: THE EVOLUTION OF THE ZOMBIE AS POSTHUMAN* (2011).

²¹³ See *Treason to Whiteness is Loyalty to Humanity: An Interview with Noel Ignatiev of Race Traitor Magazine*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 611. See also ROBERT JENSEN, *THE HEART OF WHITENESS: CONFRONTING RACE, RACISM, AND WHITE PRIVILEGE* xviii (2005) ("I want to be able to dream of being a human being instead of a white person."); IRVING, *supra* note 46, at 243 (Chapter entitled "Reclaiming my Humanity").

commented that to accept one's whiteness is to "deform oneself."²¹⁴ Thus whiteness is itself an abject posthumanism that transforms color into the mark of mere (sub)humanity.

C. *The Monstering of Color*

It is often the practice of literary and cinematic monsters to engage in the monstering of humans, as the monsters do in H.G. Wells' and Octavia E. Butler's stories. Describing the very relational and context-dependent quality of monstrosity, professor of English and media, Patricia MacCormack, reminds us that "the other is just as easily able to be monstrous to the monster."²¹⁵ Or to put it another way, "to the monsters, we're the monsters," in the turn of phrase used by the HBO post-apocalyptic miniseries *Station Eleven*,²¹⁶ based on the Emily St. John Mandel 2014 novel of the same name.²¹⁷ The show is referring to the metaphorical monsters that we all make out of strangers, but it nonetheless captures MacCormack's point well. Calling whiteness the true monster for falsely labeling people of color monstrous is also captured in Nigerian singer/songwriter Burna Boy's song "Monsters You Made."²¹⁸

In monster stories, monsters may seek to contain or exterminate humans whom the monster perceives as threatening to its power. An endless catalog of robot-apocalypse fiction, beginning with Karel Čapek's very influential 1920 play *Rossum's Universal Robots* ("R.U.R."),²¹⁹ through Isaac Asimov's *I, Robot* (1950) anthology,²²⁰ to the *Terminator* and *Matrix* film series,²²¹ describe the artificially intelligent robots which decide that humans are the real threat, and seek to eliminate or contain them. Extraterrestrials bearing superior technology or intelligence similarly perceive humans as a threat to their expansion or perfection, as in, respectively, H.G. Wells' *War of the Worlds* (1898), or Roland Emmerich's *Independence Day* (1995), or as with

²¹⁴ JENSEN, *supra* note 213; *see also* HAMAD, *supra* note 85, at 164.

²¹⁵ Patricia MacCormack, *supra* note 194, at 531.

²¹⁶ *Station Eleven* (HBO Max television broadcast Dec. 16, 2021).

²¹⁷ EMILY ST. JOHN MANDEL, *STATION ELEVEN* (2014).

²¹⁸ Dave Burcke, *Burna Boy's Monster's You Made: Colonization is a Monster Made of Lies*, CIGARJUKEBOX (Aug. 21, 2020), <https://cigarjukebox.com/2020/08/21/burna-boys-monsters-you-made-colonization-is-a-monster-made-of-lies> [<https://perma.cc/223C-LZZ6>] ("[B]eing called a monster is a lie and the true monster was the white power structure itself.")

²¹⁹ ČAPEK, *supra* note 139, at 30 (Radius, the robot leader, explains his plan to exterminate humanity by saying, "You are not as strong as the Robots. You are not as skillful as the Robots. The Robots can do everything. You only give orders. You do nothing but talk.")

²²⁰ ASIMOV, *supra* note 147, at 55-57. In "Reason," the robot QT-1 takes the human characters hostage, accusing them of being "inferior creatures" with no reason to exist after they commit "sacrilege" against his newly founded robot religion. *Id.*

²²¹ *See, e.g.*, *TERMINATOR* (Orion Pictures 1984); *TERMINATOR 2: JUDGEMENT DAY* (Tri-Star Pictures 1991); *THE MATRIX* (Warner Bros. 1999); *THE MATRIX: RELOADED* (Warner Bros. 2003).

the cyborg extraterrestrials in the *Star Trek* film and television series (“the Borg”).²²² This is the process of the monster denying or erasing the humanity of humans, just as whiteness does of “non-white” human beings.²²³

By constructing its monstrous self, whiteness automatically constructs the other as monstrous. In the words of scholar Ruth Frankenberg, whiteness is “[f]undamentally a relational category,”²²⁴ such that whiteness cannot invent or say anything about itself without simultaneously racing²²⁵ or racializing²²⁶ its other.²²⁷ Indeed, whiteness knows itself only by contrasting itself with its other,²²⁸ and this makes it impossible to talk about race at all without centering whiteness.²²⁹ The binary is “co-constructed,”²³⁰ or as Weinstock put it regarding monsters “[w]hat is monstrous is always defined in relation to what is human.”²³¹ This is partly what celebrated legal scholar Derrick Bell meant when he suggested that “had [B]lack people not existed, America would have invented them,”²³² and what the philosopher Charles W. Mills identified as “white mythologies, invented Orients, invented Africas,

²²² See, e.g., *STAR TREK: FIRST CONTACT* (Paramount Pictures 1996); *Star Trek: The Next Generation: I, Borg* (Paramount Pictures television broadcast May 10, 1992); *Star Trek: Voyager: Scorpion* (Paramount Pictures television broadcast Sept. 3, 1997).

²²³ See *infra* Part V (addressing the brief history of whiteness and the centuries of violence it produced).

²²⁴ Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness, in CRITICAL WHITE STUDIES*, *supra* note 42, at 632. See also GEORGE LIPSITZ, *THE POSSESSIVE INVESTMENT IN WHITENESS: HOW WHITE PEOPLE PROFIT FROM IDENTITY POLITICS* 210 (1998).

²²⁵ See Eleanor Marie Brown, *Confronting Racelessness, in CRITICAL WHITE STUDIES*, *supra* note 42, at 644.

²²⁶ See OMI & WINANT, *supra* note 53, at 68.

²²⁷ See Adrienne D. Davis, *Identity Notes, Part One: Playing in the Light, in CRITICAL WHITE STUDIES*, *supra* note 42, at 231, 232-237; FRANKENBERG, *WHITE WOMEN, RACE MATTERS*, *supra* note 47, at 215 (arguing that the other gives whiteness its “salience”).

²²⁸ MORRISON, *PLAYING IN THE DARK*, *supra* note 10 at 47 (“[I]mmigrant populations . . . understood their ‘Americanness’ as an opposition to the resident Black population.”).

²²⁹ SOPHIE WILLIAMS, *ANTI-RACIST ALLY: AN INTRODUCTION TO ACTIVISM & ACTION* 8 (2020) (“ . . . terms used to refer to non-white people, every one of them centers on whiteness”); 42 U.S.C. §1981(a) (2018) (guaranteeing equal rights such as those “enjoyed by white citizens”)

²³⁰ See, e.g., ROEDIGER, *THE WAGES OF WHITENESS*, *supra* note 3, at 22 (regarding Native American genocide, because white civilization defined itself as “a negation of savagery,” it had to “invent savagery in order to define itself”); MORRISON, *PLAYING IN THE DARK*, *supra* note 10, at 44, 47, 52 (arguing that Africa “deployed as . . . savagery, provided the staging ground and arena” for Americanness, whiteness); JEAN PAUL SARTRE, *ANTI-SEMITES AND JEWS* 69 (1948) (“The Jew is one who other men consider a Jew . . . In this sense . . . it is the Anti-Semite who makes the Jew.”); Thomas K. Nakayama & Robert L. Krizek, *Whiteness: A Strategic Rhetoric*, 81 Q. J. SPEECH 291, 293 (1995) (explaining that whiteness is the “locus from which Other differences are calculated and organized.”); *People v. Hall*, 4 Cal. 399, at 403 (1854) (“By the use of this term [Black] in this connection, we understand it to mean the opposite of ‘White.’”).

²³¹ JEFFREY ANDREW WEINSTOCK, *Invisible Monsters: Vision, Horror, and Contemporary Culture, in THE MONSTER THEORY READER*, *supra* note 12, at 35 [hereinafter WEINSTOCK, *Invisible Monsters*].

²³² Derrick Bell, *White Superiority in America: Its Legal Legacy, Its Economic Costs, in BLACK ON WHITE*, *supra* note 9, at 38.

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invented Americas”²³³ Thus, whiteness constructs other (“nonwhite”) people as non-human monsters,²³⁴ from “half-devil and half-child,”²³⁵ to “superpredators;”²³⁶ white super-humanity assigns color negative monstrous qualities (e.g., the racist mythology of hyper-athletic Blackness or hyper-rational Asian-ness).²³⁷ White people become unique individuals,²³⁸ casting the shadow of “people of color” as a homogenous, faceless horde (a process of “black abstraction”²³⁹ or “thingification”²⁴⁰), not unlike the zombie horde.²⁴¹ Thus, like the Martians in H.G. Well’s 1898 novel, *The War of The Worlds*, or the evil robots in *The Matrix*—where each become monsters by dehumanizing humans²⁴²—whiteness maintains its own authentic monstrosity by faux monstering others.²⁴³ The creation of whiteness produces a category crisis that obliterates humanity and replaces it with super-humans and sub-humans only.²⁴⁴ Thus, to speak of white monsters is to confess that race itself is monstrous; a taxonomy of monsters. But among the “races,” only whiteness—with its destructive power and racialization of others—has the capacity to act the true monster.²⁴⁵

²³³ MILLS, *supra* note 4, at 18.

²³⁴ See *supra*, note 12 above.

²³⁵ Rudyard Kipling, *The White Man’s Burden: The United States & The Philippine Islands, 1899*, MCCCLURE’S MAG., Feb. 1899, at 12.

²³⁶ Carroll Bogert & LynNell Hancock, *How the Media Created the ‘Superpredator’ Myth that Harmed a Generation of Black Youth*, NBC NEWS (Nov. 20, 2020), <https://www.nbcnews.com/news/us-news/analysis-how-media-created-superpredator-myth-harmed-generation-black-youth-n1248101> [<https://perma.cc/T9LR-L7J3>].

²³⁷ See, e.g., DAVID R. ROEDIGER, *Emancipation From Whiteness*, in THE CONSTRUCTION OF WHITENESS: AN INTERDISCIPLINARY ANALYSIS OF RACE FORMATION AND THE MEANING OF A WHITE IDENTITY 90-91 (Stephen Middleton, David R. Roediger & Donald M. Shaffer eds., 2016) [hereinafter THE CONSTRUCTION OF WHITENESS]; Niral Shah, “Asians Are Good at Math” Is Not a Compliment: STEM Success as a Threat to Personhood, 89 HARV. EDUC. REV. 661 (2019).

²³⁸ Chanda Smith Baker, *White Fragility: A Conversation with Robin DiAngelo*, CONVERSATIONS WITH CHANDA (Minneapolis Foundation, May 28, 2019), <https://chandasmithbaker.com/podcast/e1-unburden-yourself> [<https://perma.cc/SKS6-W9EP>] (“[W]hite people are the only racial group who are allowed to be individuals.”)

²³⁹ Thomas Ross, *White Innocence, Black Abstraction*, in CRITICAL WHITE STUDIES, *supra* note 42, at 264-65.

²⁴⁰ CESAIRE, *supra* note 17, at 42.

²⁴¹ See Edward P. Comentale, *Zombie Race*, in ZOMBIE THEORY: A READER, *supra* note 51, at 189-91.

²⁴² See generally H.G. WELLS, THE WAR OF THE WORLDS AND OTHER SCIENCE FICTION CLASSICS (Fall River Press 2012) (originally published 1989) [hereinafter WELLS, THE WAR OF THE WORLDS]; The Matrix (Warner Bros. 1999).

²⁴³ See BALDWIN, *Stranger in the Village*, *supra* note 16, at 95 (“...by means of what the white man imagines the black man to be, the black man is enabled to know who the white man is.”).

²⁴⁴ See *infra* Part V (addressing the brief history of whiteness and the centuries of violence it produced).

²⁴⁵ See *infra* Part V (addressing the brief history of whiteness and the centuries of violence it produced).

The law has also contributed a great deal to this process of building white monsters through the process of monsterring color.²⁴⁶ Throughout this work, I look at the U.S. Supreme Court decision in *Plyler v. Doe*²⁴⁷ to provide an example of white monstrosity operating through the law within even those most celebrated of decisions. Here, it is appropriate to give the backstory and a brief description of the decision in the case in order to describe how the decision contributes to the construction of whiteness, and thus color.

The story of *Plyler* begins in the East Texas city of Tyler, a town overwhelmingly shaped by whiteness.²⁴⁸ Tyler, founded 1850, began its economic life heavily dependent on chattel slavery, and during the Civil War, deeply committed to the Confederacy.²⁴⁹ The Reconstruction era in Tyler was succeeded by a long history of white terrorism,²⁵⁰ housing,²⁵¹ and school discrimination and segregation—the Texas apartheid imposed against Mexican people even had its own name, “Jaime Crow.”²⁵² In the 1950’s, the Tyler Independent School District’s (“TISD”) school board voted “overwhelmingly” to name one of its new whites-only school “Robert E. Lee High School” and even chose “the Rebel” as its mascot.²⁵³ But in 1970, a

²⁴⁶ See, e.g., *Dred Scott v. Sandford*, 60 U.S. 393 (1857) (“[Black people] had no rights which the white man was bound to respect.”); *Terrace v. Thompson*, 274 F. 841 (W.D. Wash. 1921) (“The yellow or brown racial color is the hallmark of Oriental despotisms . . .”); *Ex parte Kan-gi-shun-ca*, 109 U.S. 556, 568-69 (1883) (describing Native Americans as “wards” with a “savage nature”).

²⁴⁷ *Plyler v. Doe*, 457 U.S. 202, 206 (1982).

²⁴⁸ William Lange, *Texas African American History Museum*, EAST TEX. HIST., <https://easttexashistory.org/items/show/344> (last visited Mar. 5, 2024) [<https://perma.cc/GNW7-ZBFN>] (“Like many East Texas cities, Tyler has a troubled racial past defined by slavery, segregation, and violence.”).

²⁴⁹ Christopher Long, *Tyler, TX*, TEX. ST. HIST. ASS’N (Mar. 10, 2021), <https://www.tshaonline.org/handbook/entries/tyler-tx> [<https://perma.cc/2PDF-YUTC>].

²⁵⁰ See Willie Downs, ‘*We Remember Tyler*’ Advocates for Lynching Memorial at Downtown Square, KLTV (Feb. 23, 2023), <https://www.kltv.com/2023/02/24/we-remember-tyler-advocates-lynching-memorial-downtown-square> [<https://perma.cc/NPC9-GBHD>]; *These Are the 84 Hate Groups Active in Texas Right Now*, KFYO (Aug. 31, 2016), <https://kfy.com/names-locations-texas-hate-groups-kkk> [<https://perma.cc/M6TK-JJUF>] (“Most of Texas’ KKK groups are based in East Texas cities, including Maud, Marshall, Simms, Texarkana, Canton and Tyler.”); Roberto Suro, *Police Shooting Focuses Black Anger in Texas City*, N.Y. TIMES (Aug. 10, 1992), <https://www.nytimes.com/1992/08/10/us/police-shooting-focuses-black-anger-in-texas-city.html>.

²⁵¹ Chloe Bradford, *homeowner finds historic racial covenant found in Tyler*, CBS NEWS (Jun. 16, 2020) <https://www.cbs19.tv/article/news/local/homeowner-describes-historic-racial-covenant-found-in-tyler/501-1b93fad1-dc8f-4dd4-ab62-e7dc04379e06> [<https://perma.cc/4V84-AC4W>]; Suro, *supra* note 250 (“For as long as any one can remember, the railroad tracks that run through Tyler have separated blacks from whites.”).

²⁵² M. Rhys Dotson, *Hate Behind the Pine Curtain*, ACTIVIST HIST. (Oct. 18, 2017), <https://activisthistory.com/2017/10/18/hate-behind-the-pine-curtain> [<https://perma.cc/8FMB-SMBD>]; MICHAEL OLIVAS, NO UNDOCUMENTED CHILD LEFT BEHIND 12 (2012).

²⁵³ Dotson, *supra* note 252; OLIVAS, *supra* note 252.

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federal District Court's desegregation order forced Tyler to integrate its schools and lose its racist mascots.²⁵⁴

Also in the 1970's, more Latine families moved to East Texas, some without federal permission to enter and remain in the United States, and these families began settling in Tyler, and attending its newly integrated schools.²⁵⁵ Then, in May 1975, the Texas legislature amended its education laws to withhold from local school districts any state funds for the education of children who were not "legally admitted" to the United States.²⁵⁶ Curiously, there is no legislative record explaining why this amendment was introduced.²⁵⁷ Without a legislative record, the intent of the amendment is unknown. It strains credulity, however, to imagine it was unrelated to the rise in Latine immigration and the long history of school segregation in the state, which included the segregation of Mexican students.²⁵⁸ The Tyler school district certainly whipped itself into a racial panic over the Latine migration into that town.²⁵⁹

In 1977, following after the Texas state law, the Tyler school board passed an ordinance prohibiting "undocumented" children from attending public schools unless they paid tuition.²⁶⁰ Eight unnamed "undocumented" children living in Tyler and identifying as Mexican,²⁶¹ and their eight parents,²⁶² sued the state of Texas, arguing that the amendment to its education law was unconstitutional.²⁶³ This dispute eventually landed before

²⁵⁴ Tasneem Raja, *What Is It Like to Be a Black Student at Robert E. Lee High School?*, NEW YORKER (Sept. 19, 2017), <https://www.newyorker.com/news/news-desk/what-is-it-like-to-be-a-black-student-at-robert-e-lee-high-school> [perma.cc/8SKP-Q29Q].

²⁵⁵ Dotson, *supra* note 252.

²⁵⁶ *Doe v. Plyler*, 458 F. Supp. 569, 571 (E.D. Tex. 1978).

²⁵⁷ Michael A. Olivas, *From a "Legal Organization of Militants" into a "Law Firm for the Latino Community": MALDEF and the Purposive Cases of Keyes, Rodriguez, and Plyler*, 90 DENV. U. L. REV. 1151, 1163 (2013) ("The legislature held no hearings on the matter, and no published record explains the origin of this revision to the school code"); *In re Alien Child*, Ed. Litig., 501 F. Supp. 544, 555 n.19 (S.D. Tex. 1980) ("Neither the court nor the parties have uncovered a shred of legislative history accompanying the 1975 amendment.").

²⁵⁸ Arnolde De León & Robert A. Calvert, *Segregation*, TEX. ST. HIST. ASS'N (Jan. 1, 1996), revised Jan. 27, 2021, <https://www.tshaonline.org/handbook/entries/segregation> [https://perma.cc/LF9F-VUP6]; Jamie Williams, *Children Versus Texas: The Legacy of Plyler v. Doe*, LAW 221.6, at *5 (Apr. 27, 2011) ("Legislators in office at the time suggest that the provision was inserted into a routine education bill at the request of border-area superintendents who had mentioned the issue to their representatives.").

²⁵⁹ *Plyler*, 458 F. Supp. at 572 ("[F]earing that the Tyler I.S.D. would become a 'haven' for illegal aliens, the Board of Trustees of the school district adopted the following policy.").

²⁶⁰ *Id.* at 571-572; Tex. Educ. Code Ann. § 21.031 (Vernon Supp.1981); Williams, *supra* note 258, at *5 ("[Annually] \$3,634.04 per child in 2011 [dollars]. For most of the 30 to 60 undocumented students enrolled in Tyler's public schools, this fee was tantamount to expulsion.").

²⁶¹ Williams, *supra* note 258, at *3-4 (discussing some of those children's families and history).

²⁶² *Id.* at *7-8. The suit was filed in District Court on behalf of four families "Jose and Rosario Robles, Humberto and Jackeline Alvarez, Jose and Lidia Lopez, and Felix Hernandez." *Id.*

²⁶³ *Plyler v. Doe*, 457 U.S. 202, 206 (1982).

the Supreme Court as the case *Plyler v. Doe*. The question before the Court in *Plyler* was whether or not the Equal Protection Clause of the Fourteenth Amendment to the federal Constitution prohibited the exclusion of “undocumented” children from Texas public schools.²⁶⁴ It was the first time the Court had ever considered whether any person without papers was protected under that clause.²⁶⁵ The children argued that they were being discriminated against because they were non-U.S. citizens,²⁶⁶ while Texas argued that it would cost the state too much money and educational resources to teach the plaintiff children.²⁶⁷

In an opinion delivered by Justice Brennan, the Court held that it was a violation of the Equal Protection Clause to bar children from public primary and secondary education on the basis of their immigration status.²⁶⁸ Practically, the positive impact of this decision should not be understated—it ensured free public education to millions of children over the next forty plus years and beyond.²⁶⁹ It is regarded as a landmark decision for the rights of children and non-U.S. citizens alike²⁷⁰—law professor Michael Olivas, the late scholar of the *Plyler* decision, called it “the apex of immigrants’ rights in the United States.”²⁷¹ Yale law professor Peter Schuck pronounced it “the most powerful rejection to date . . . of [] national sovereignty.”²⁷² But despite its contributions to justice, the ways in which the opinion also furthered injustice should not be overlooked. Justice Brennan also found that education was not a fundamental right, the undocumented children were not a “suspect class,” and thus, they had not suffered invidious discrimination.²⁷³ The court did conclude that the children were not culpable for their parents’ violation of the immigration laws,²⁷⁴ and that depriving them of education would disable them for life and “raise the specter of a permanent caste.”²⁷⁵ But the Court’s decision, and its reasoning, significantly narrowed the effects of

²⁶⁴ *Id.* at 210.

²⁶⁵ OLIVAS, *supra* note 252, at 20.

²⁶⁶ *Plyler*, 457 U.S. at 209.

²⁶⁷ *Id.* at 227-230.

²⁶⁸ *Id.* at 230.

²⁶⁹ Williams, *supra* note 258, at *22 (“[H]undreds of thousands of undocumented children across the United States have had access to a free K-12 public education. Today, each year an estimated 65,000 undocumented students either graduate from high school or earn an equivalent degree.”).

²⁷⁰ *Id.* (referring to the decision as “the *Brown v. Board of Education* for undocumented children”).

²⁷¹ Michael A. Olivas, *Storytelling Out of School: Undocumented College Residency, Race, and Reaction*, 22 HASTINGS CONST. L. Q. 1019, 1039 (1995).

²⁷² Peter Schuck, *The Transformation of Immigration Law*, 84 COLUMN. L. REV. 1, 58 (1984).

²⁷³ *Plyler*, 457 U.S. at 493. *Plyler* thus failed to overturn the holding in an earlier Supreme Court case that held that education was not a fundamental right. *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1 (1973).

²⁷⁴ *Plyler v. Doe*, 457 U.S. 202, 220, 226, 228-29 (1982).

²⁷⁵ *Id.* at 218.

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Plyler, such that the Court only addressed immigration status in the context of primary and secondary school education, and nothing beyond that.²⁷⁶ Many who applaud *Plyler*'s outcome have lamented these limitations.²⁷⁷

Its practical benefits notwithstanding, the decision in *Plyler* can also be read as a screed about innocence and guilt, and thus, as a contribution to white fission. In an article entitled "The White Fourth Amendments," Law professor Paul Butler has argued that Fourth Amendment jurisprudence contributes to the construction of whiteness as innocent and color as guilty by facilitating the criminalization of the latter;²⁷⁸ *Plyler* was part of a similar process. Throughout the decision (as well as in Justice Blackmun's²⁷⁹ and Justice Powell's²⁸⁰ concurring opinions), the Court makes repeated references to the "innocence" of the plaintiff children who, despite being in the United States without legal permission, should not, according to the Court, be held accountable for their parents' decision to enter the United States without legal permission, thus reaffirming their parents' guilt.²⁸¹ Indeed, the Court's holding turns on this innocence/guilt dualism. The plaintiff children are ostensibly innocent because they are children, but the implication is that their citizen classmates, and their parents, are innocent because they are *citizens*.²⁸² In this way, *Plyler* stands for the reaffirmation that American citizens—raced white (historically after all, "American means white"²⁸³)—are inherently innocent by virtue of being white/citizens, and so conversely, non-citizens are guilty of being non-citizens, that is, guilty for being people of color.²⁸⁴ That the Court calls the children "illegal alien[s]"

²⁷⁶ See HIROSHI MOTOMURA, *IMMIGRATION OUTSIDE THE LAW* 9 (1st ed. 2014).

²⁷⁷ See, e.g., Schuck, *supra* note 272, at 57; Maria L. Ontiveros & Joshua R. Drexler, *The Thirteenth Amendment and Access to Education for Children of Undocumented Workers: A New Look at Plyler v. Doe*, 42 U.S.F. L. REV. 1045 (2008); AMANDA WARNER, INST. FOR MIGRATION RSCH., *PLYLER V. DOE, IMPLEMENTATION, CHALLENGES AND IMPLICATIONS FOR THE FUTURE*, INST. FOR MIGRATION RESEARCH 8 (Aug. 2022), https://d101vc9winf8ln.cloudfront.net/documents/44124/original/Plyler_report_FINAL_082622.pdf [<https://perma.cc/F7T3-EHNN>].

²⁷⁸ Paul Butler, *The White Fourth Amendment*, 246 TEX. TECH L. REV. 245, 247, 254 (2009).

²⁷⁹ See *Plyler*, 457 U.S. at 236 (Blackmun, J., concurring) ("[T]he structure of the immigration statutes makes it impossible for the State to determine which aliens are entitled to residence, and which eventually will be deported.").

²⁸⁰ See *id.* at 237 (Powell, J., concurring) ("The appellee children are innocent in this respect.").

²⁸¹ *Id.* at 219-220, 224, 230.

²⁸² *Id.* at 230. "If the State is to deny a discrete group of innocent children the free public education that it offers to other children residing within its borders, that denial must be justified by a showing that it furthers some substantial state interest." *Id.* Here, the "other children" are the citizens and other children with documents, who, this sentence implies, are entitled to free public education for that reason. *Id.*

²⁸³ MORRISON, *PLAYING IN THE DARK*, *supra* note 10, at 47; see also W.E.B. DU BOIS, *The Conservation of Races* (1897), in W.E.B. DU BOIS: A READER, *supra* note 161, at 24 ("Am I an American or am I a Negro? Can I be both?").

²⁸⁴ Where "American means white," it follows that the foreign is raced as its opposite. MORRISON, *PLAYING IN THE DARK*, *supra* note 10, at 47.

more than fifty times in the decision only deepens the monsterful timbre of the opinion, since “alien” doubles as a word for extraterrestrial monsters, one even popular in cinema of the time.²⁸⁵ Citizen and documented children, when mentioned in the opinion, have no appellation because ordinary humans don’t need to be identified as such.²⁸⁶ *Plyler* thus reinforces white fission by belaboring the category crisis (citizen vs. “alien”/white vs. color) of white monstrosity through associating whiteness with a super-human innocence and deservingness, and color with sub-human guilt and criminality.²⁸⁷

V. THE DESTRUCTIVE POWER OF WHITENESS

The varying ways in which whiteness can be destructive mutually determine and constitute each other. As such, the boundaries of whiteness itself are blurry and difficult to define, as are the solutions to the problems it creates. But looking at whiteness’s destructive power through a monstrous lens may help clarify both.

White destructive power began as an organized effort to justify the domination of others, that is, to square the irreconcilable interests of democracy and capitalism.²⁸⁸ Exploiting the much older tendency for people to “otherize” difference,²⁸⁹ scholars generally agree that hierarchical racial categories were invented in the modern era to furnish vulnerable social castes for capitalist exploitation.²⁹⁰ In the United States for example, the term “white” came into legal, and then social, use in the late seventeenth century for this purpose.²⁹¹ Poor “whites” were more willing to accept their poverty in exchange for the political assurance²⁹² that no matter how poor they were, they were still superior to “Black” and “brown” people (these were “the

²⁸⁵ The *Plyler* decision was issued about halfway between Ridley Scott’s acclaimed monster movie of the same name “Alien” (1979) and its sequel “Aliens” (1986). ALIEN (20th Century Fox 1979); ALIENS (20th Century Fox 1986).

²⁸⁶ *Plyler v. Doe*, 457 U.S. 202, 230 (1982) (referring to citizen and documented children only as “other children”).

²⁸⁷ The word “illegal,” referring to either the plaintiff children or their parents, is used more than fifty times in the opinion. See *id.* at 202-254.

²⁸⁸ See, e.g., KENDI, *supra* note 110, at 22-30, 147; CEDRIC ROBINSON, BLACK MARXISM: THE MAKING OF THE BLACK RADICAL TRADITION 2 (1983); ROEDIGER, THE WAGES OF WHITENESS, *supra* note 3, at 13; THEODORE W. ALLEN, THE INVENTION OF THE WHITE RACE: VOLUME ONE: RACIAL OPPRESSION AND SOCIAL CONTROL 17-18, 21, 52 (1997).

²⁸⁹ KENDI, *supra* note 110, at 22-30; PAINTER, *supra* note 14, at 16-33; MILLS, *supra* note 4, at 63.

²⁹⁰ See *supra* Part IV.C.

²⁹¹ See James Campbell & James Oakes, *The Invention of Race: Rereading White Over Black*, in CRITICAL WHITE STUDIES, *supra* note 42, at 145-151; ALLEN, *supra* 288, at 248-251.

²⁹² DU BOIS, BLACK RECONSTRUCTION, *supra* note 3, at 700-01; ALLEN, *supra* 288, at 135; ROEDIGER, THE WAGES OF WHITENESS, *supra* note 3, at 13.

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wages of whiteness”²⁹³). These conjured illusory shared interests between white capital and white workers functioned as a “racial bribe” to discourage working class resistance or solidarity against bosses.²⁹⁴ Whiteness quickly became an ideology that supplied poor and rich “whites” alike with justifications for the labor exploitation, territorial expansion, and resource extraction that motivated enslavement, genocide, colonialism, apartheid, and migrant exclusion.²⁹⁵ Du Bois arrestingly described this as “conquest sugared with religion; mutilation and rape masquerading as culture.”²⁹⁶ Prodigious racial myth-fueled pillaging propelled the West’s industrial and military ascent,²⁹⁷ furthering white conquest and terrorism, in one form or another, up through the present day.²⁹⁸

British author H.G. Wells captured this rapacious and inhuman character of whiteness and white domination in one of his most famous works, first published as a novel in 1898, *The War of The Worlds*.²⁹⁹ In *War of the Worlds*, H.G. Wells inverts history’s colonial and genocidal relationship by making fictional England the *colonized* people and the technologically superior “Martians” the stand-ins for white people.³⁰⁰ The warning that comes through plainly in Well’s novel is that intelligent (that is, human) beings will sink to the depths of barbarity—enslavement, genocide—to gain and keep power. Half a century later, Richard Wright would liken the impact of white European colonizers upon Africans and Asians to blue Martians, “whose red eyes flash lightning bolts that deal instant death,” invading Switzerland.³⁰¹ This motif has been repeated in countless alien invasion stories since H.G. Wells.³⁰² Keeping the obvious reflection of whiteness, the extraterrestrials are often bent on genocide (as in Rolland

²⁹³ DU BOIS, BLACK RECONSTRUCTION, *supra* note 3, at 700 (“public and psychological wage”); ROEDIGER, THE WAGES OF WHITENESS, *supra* note 3, at 55, 137.

²⁹⁴ ROEDIGER, THE WAGES OF WHITENESS, *supra* note 3, at 13; OMI & WINANT, *supra* note 53, at 30-31; ALLEN, *supra* 288, at 150, 154.

²⁹⁵ See Derrick Bell, *White Superiority in America: Its Legacy, Its Economic Cost*, in CRITICAL WHITE STUDIES, *supra* note 42, at 598-99 [hereinafter Bell, *White Superiority*].

²⁹⁶ DU BOIS, *The Souls of White Folk*, *supra* note 161, at 457.

²⁹⁷ See MILLS, *supra* note 4, at 34.

²⁹⁸ See, e.g. RICHARD ROTHSTEIN, THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA (2017).

²⁹⁹ JOHN REIDER, COLONIALISM AND THE EMERGENCE OF SCIENCE FICTION 5 (2013).

³⁰⁰ Gerry Canavan, *We Are The Walking Dead*, in ZOMBIE THEORY: A READER, *supra* note 51, at 419; See Also REIDER, *supra* at 5 (“At the outset of *The War of the Worlds* (1898), Wells asks the English reader to compare the Martian Invasion of Earth with the Europeans’ genocidal invasion of the Tasmanians . . .”).

³⁰¹ WHITE MAN, LISTEN!, *supra* note 91, at 3.

³⁰² It is also the case that “[m]any narratives of extraterrestrials operate as allegories of human conflict in which aliens substitute for some human anxiety or concern.” See *Extraterrestrial*, in WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 214.

Emmerich's *Independence Day* (1995)³⁰³, or enslaving humanity (as in the L. Ron Hubbard novel *Battlefield Earth* (1982)³⁰⁴ or exploiting our natural resources (as in the television series *V* (1983-1985)³⁰⁵). The mass death depicted in these stories (where humanity often faces extinction) reflects that “whiteness is violence and terror.”³⁰⁶ The opening paragraph to *War of the Worlds* reminds readers that whiteness was deliberately crafted for the extraction of resources and labor when it attributes to the Martians “intellects . . . [who are] cool and unsympathetic” and “regard[] this earth with envious eyes.”³⁰⁷ Stories about monsters from outer space affirm W.E.B. Du Bois' memorable characterization that “whiteness is ownership of the earth, forever and ever amen.”³⁰⁸

Whiteness and its history have disfigured the world through centuries of separating negatively racialized “people of color”—from their wealth, land, and lives in general—and redistributing the same to predominantly white communities.³⁰⁹ Consequently, today much of the world is characterized by vast disparities in wealth, property, liberty, and life expectancy between “white people” and “people of color.”³¹⁰ Whiteness continues to shape this status quo, as I explore below, through invisibility, non-thinking, and shapeshifting. Monster narratives can be read as theorizing, and thus expounding, these real strategies of power consolidation.³¹¹ These treble dangers of white monstrosity are mutually constitutive with social conditions and particularly with U.S. law.³¹² Through these tactics, whiteness continues to destroy every bit as catastrophically as—even if often less conspicuously or less directly than—the heat rays of Martian spaceships, as depicted in *War of the Worlds*, falling from the sky.

³⁰³ INDEPENDENCE DAY (Centropolis Entertainment & 20th Century Fox. 1996). See also, e.g., ERIC FLINT & K.D. WENTWORTH, *THE COURSE OF EMPIRE* (2003).

³⁰⁴ L. RON HUBBARD, *BATTLEFIELD EARTH* (1982). See also, e.g., FANTASTIC PLANET (Les Filmes Armorial & Studio Jiří Trnka, Argos Films & Československý Filmexport. 1973).

³⁰⁵ *V: The Final Battle* (NBC May 6-8, 1984). See also, e.g., HUBBARD, *supra* note 304.

³⁰⁶ IRENE J. NEXICA & MATT WRAY, *Introduction*, in *THE MAKING AND UNMAKING OF WHITENESS*, *supra* note 8, at 12.

³⁰⁷ WELLS, *THE WAR OF THE WORLDS*, *supra* note 242, at 279.

³⁰⁸ DU BOIS, *The Souls of White Folk*, *supra* note 161, at 454.

³⁰⁹ See generally *id.*

³¹⁰ See, e.g., ROTHSTEIN, *supra* note 298.

³¹¹ See McAlister, *supra* note 70, at 79 (reading zombies as metaphors for the dangers of whiteness). See *infra* Part V.A-C (explaining non-thinking, invisibility, and shapeshifting).

³¹² See Laura E. Gomez, *Understanding Law and Race as Mutually Constitutive: An Invitation to Explore An Emerging Field*, 6 AMM. REV. L. & SOC. SCI. 487, 491 (2010).

A. The Invisible White Monster

1. Invisible Monsters

Stories about invisible monsters are common ways of thinking about the danger presented by surreptitious threats. The *Ramayana*, an epic Hindu poem by Valmiki (300 B.C.E.³¹³), features invisible, human-eating demons (called “rakshana”) used in warfare to infiltrate an enemy camp and slaughter those inside.³¹⁴ In Chippewa, Algonquin, and Ojibwa folklore, the Baykok is a skeletal revenant that hides in trees and shoots its victims with invisible arrows that induce deep sleep.³¹⁵ When the human awakes, they find the Baykok has stolen and eaten their liver.³¹⁶ In Plato’s *Republic* (360 B.C.E.) he writes about the *Ring of Gyges*, a magic ring which affords an ordinary shepherd the power of invisibility, and which ultimately corrupts the shepherd with the unaccountable power of being unseen.³¹⁷ Modern literature has also celebrated the invisible monster, dating back at least as far as Eliza Fowler Haywood’s four-volume *The Invisible Spy* (1755).³¹⁸ Others include Jules Verne’s novel *The Secret of Whilhem Storitz* (1910), Fitz-James O’Brien’s short story “What Was It?” (1859) and Guy De Maupassant’s short story “The Horla” (1886).³¹⁹ A number of pulp and short stories featuring invisible monsters followed these tales, such as A. Merrit’s “The People of the Pit” (1918)³²⁰ and Captain S.P. Meek’s *The Cave of Horror* (1930).³²¹

Invisible monster stories are ultimately about the danger of impunity. According to Plato, the power of invisibility is such that “no [hu]man can be imagined to be of such an iron nature that he would stand fast in justice.”³²² The most famous invisible monster who epitomizes the corruptibility of impunity is unquestionably the mad scientist Hawley Griffin who renders

³¹³ ED. KWAME ANTHONY APPIAH & HENRY LOUIS GATES, JR., *THE DICTIONARY OF GLOBAL CULTURE* 544 (1996).

³¹⁴ KACHUBA, *supra* note 140, at 29-30.

³¹⁵ W. HADEN BLACKMAN, *THE FIELD GUIDE TO NORTH AMERICAN MONSTERS* 182-183 (1998).

³¹⁶ *Id.*

³¹⁷ GREGORY J. GBUR, *INVISIBILITY: A HISTORY AND SCIENCE OF HOW NOT TO BE SEEN* 14 (Yale University Press 2023); PLATO, *THE REPUBLIC*, BOOK 2 (2:359a–2:360d).

³¹⁸ ELIZA FOWLER HAYWOOD, *THE INVISIBLE SPY* (1755).

³¹⁹ JULES VERNE, *THE SECRET OF WHILHEM STORITZ* (1910); FITZ-JAMES O’BRIEN, *WHAT WAS IT?* (1859); GUY DE MAUPASSANT, *THE HORLA* (1886).

³²⁰ A. Merrit’s *The People of the Pit*, *ALL-STORY WEEKLY MAG.* (1918).

³²¹ CAPTAIN S.P. MEEK, *Astounding Stories*, in *THE CAVE OF HORROR* (1930). *See also, e.g.*, GBUR, *supra* note 317, at 14 (featuring an “Appendix B: Invisibibliography” that lists 60 different stories about invisible characters and monsters published between 1754 and 2020); *THE DARKEST HOUR* (20th Century Fox 2011); JOSH MALERMAN, *BIRD BOX* (2014); *BIRD BOX* (Bluegrass Films & Chris Morgan Prods. 2018); *The X Files: Detour* (Fox Television Broadcast, Nov. 23, 1997); *Doctor Who: Vincent and the Doctor* (BBC One Television Broadcast, June 5, 2010).

³²² GBUR, *supra* note 317, at 14.

himself permanently transparent in H.G. Wells' 1897 novel *The Invisible Man*.³²³ As a result of his newfound ultra-anonymity, Griffin loses his conscience and becomes a serial murderer.³²⁴ The notion that freedom from accountability corrupts absolutely repeats itself in the 1933 movie of the same name, and then in more than half a dozen more films,³²⁵ and other media.³²⁶ Relatedly, there are a number of invisible monster narratives in which the monster's invisibility adds to its already dangerous nature through its inability to be identified, that is, held accountable.³²⁷

Impunity confers upon the invisible monster limitless power. Several times in H.G. Wells' original novel, *The Invisible Man* (1897), Griffin expresses obsession with such power. "An invisible man," Griffin says "is a man of power."³²⁸ At one point Griffin promises a "reign of terror" in which he controls everyone and everything by promising retribution to anyone who does not obey him, in a scenario that sounds like he is contemplating world domination, or at least imaging himself a dictator.³²⁹

He [I, the invisible man] must take some town like your Burdock and terrify and dominate it. He must issue his orders. He can do that in a thousand ways - scraps of paper thrust under doors would suffice. And all who disobey his orders he must kill, and kill all who defend the disobedient.³³⁰

In Guy De Maupassant's novel *The Horla*, the narrator is tormented by an invisible intruder in his home that is just one of a race of invisible beings the story implies are plotting against the entire world.³³¹ World domination by invisible beings is made more explicit in Erick Frank Russell's novel *Sinister Barrier* (1939), where invisible orb-like beings control the minds and

³²³ H.G. WELLS, *THE INVISIBLE MAN* (The Floating Press 2008) (1897) [hereinafter WELLS, *THE INVISIBLE MAN*].

³²⁴ *Id.* at 251.

³²⁵ Including *THE INVISIBLE MAN RETURNS* (Universal Pictures 1940), *THE INVISIBLE WOMAN* (Universal Pictures Co. 1940), *THE INVISIBLE MAN'S REVENGE* (Universal Pictures Co.1944), *THE INVISIBLE MAN VS. THE HUMAN FLY* (Daiei Film 1957), *THE AMAZING TRANSPARENT MAN* (Miller Consol. Pictures 1960), *THE INVISIBLE MANIAC* (Smoking Gun Prods.1990), *HOLLOW MAN* (Columbia Pictures 2000), and *THE INVISIBLE MAN* (Universal Pictures 2020).

³²⁶ See, e.g., *The Invisible Man* (ITV television broadcast 1957-58); ALAN MOORE & KEVIN O'NEILL, *THE LEAGUE OF EXTRAORDINARY GENTLEMEN OMNIBUS* (2013).

³²⁷ See, e.g., *FORBIDDEN PLANET* (Metro-Goldwyn-Mayer 1956) (the "id monster" in *Forbidden Planet* (1956), which is especially difficult to kill, in part, because it is invisible); *PREDATOR* (20th Century Fox & Davis Ent. 1987); *PREDATOR 2* (20th Century Fox et al.1990) (the "Predator" extraterrestrial depicted in the film and comic book franchise of the same name, is made an especially effective hunter, in part, because of its ability to turn invisible).

³²⁸ WELLS, *THE INVISIBLE MAN*, *supra* note 323, at 196.

³²⁹ *Id.* at 251.

³³⁰ *Id.*

³³¹ DE MAUPASSANT, *supra* note 319, at 9-10.

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history of the entire human race.³³² Few other invisible monster films capture the horror of limitless power and control as well as Leigh Whannell's movie *The Invisible Man* (2020), in which the monster character Griffin is the abuser of his intimate partner Cecelia.³³³ Here, Griffin—who was dangerous even before he turned transparent—dons a high-tech suit that makes him invisible, granting him the enhanced ability to terrorize and gaslight Cecelia with impunity, in the most vicious ways imaginable.³³⁴ Likewise, Jules Verne's novel *Wilhelm Storitz* also concerns a man using his invisibility to control a woman.³³⁵ Male supremacy, like white supremacy, is about power and control, often at the hands of a socially invisible perpetrator.³³⁶ The invisible monster narrative therefore becomes the perfect vehicle for a story about the horrors of intimate partner violence but also about unaccountable power more generally.

Many monster stories posit that—rather than literal invisibility—practical invisibility might be a more effective strategy of consolidating the limitless power of total indemnity. Scholar Jeffery Andrew Weinstock has argued that most contemporary monster narratives reflect the danger of practical invisibility through re-occurring narratives, among them, the psychopath (“who lives among us and could be anyone”).³³⁷ A narrative example that Weinstock offers is Alfred Hitchcock's *Psycho*'s character of Norman Bates.³³⁸ Bates' monstrousness is hidden by his appearance that is “clean-cut, polite and diffident, [] disarms those whom he encounters with the appearance of wholesomeness.”³³⁹ This account doubles as an unmistakably apt description of the character's whiteness. Also, like white supremacy, Weinstock argues that what makes Bates, and the slasher genre he inspired, monstrous is their capacity for “radical evil.”³⁴⁰ For a distant ancestor of Norman Bates, one might consider Princess Madea, the unassuming mother who murders her children, as told by the Greek playwright Euripides (431 B.C.E.).³⁴¹ Like the ostensibly respectable Bates

³³² ERICK FRANK RUSSELL, *SINISTER BARRIER* 64, 76 (The World's Work, Ltd., 1939).

³³³ *THE INVISIBLE MAN* (2020), *supra* note 325.

³³⁴ *Id.*

³³⁵ VERNE, *supra* note 319.

³³⁶ See Susan Heward-Belle, Cathy Humphreys, Lucy Healey, Cherie Toivonen & Menka Tsantefski, *Invisible Practices: Interventions with Men Who Use Violence and Control*, 34 *AFFILIA* 369 (2019).

³³⁷ WEINSTOCK, *Invisible Monsters*, *supra* note 231, at 359 (according to Weinstock, practically invisible monsters also include the “faceless corporation,” the virus, and “anthropomorphized nature” taking its revenge on humanity).

³³⁸ *Id.*; *PSYCHO* (Paramount Pictures 1960) (based on ROBERT BLOCH, *PSYCHO* (1959)).

³³⁹ *Id.* at 364.

³⁴⁰ JEFFREY WEINSTOCK, *Psychopath*, in *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 478-79.

³⁴¹ ASMA, *supra* note 22, at 55-56.

and Princess Madea—like any “respectable” white person—can hide in plain sight such that no one sees either of them coming until it is too late.³⁴²

Whiteness, too, derives terrible power from practical invisibility,³⁴³ and in fact authors often invoke “invisibility” by name to describe its power to operate undetected.³⁴⁴ Whiteness remains invisible chiefly to white people³⁴⁵—both as a category and as a source of power. Whiteness can, of course, be extra-visible to many of those on the receiving end of its violence,³⁴⁶ but for those dispensing that hurt, as activist and author Mab Segrest puts it, “they don’t know what they can’t feel.”³⁴⁷

2. Invisible Category

White practical invisibility—which is to say the power of white impunity—is achieved through the simulation of normality and innocence.

First, the illusion of normality is achieved through silence. Writing about just one white literary character that could be any real person, as Toni Morrison writes in her book on literary criticism, *Playing in the Dark: Whiteness and the Literary Imagination*, “Eddy is white, and we know he is because nobody says so.”³⁴⁸ Without seeing whiteness, whites become nonracial³⁴⁹ and the dominant white culture becomes no culture at all,³⁵⁰ which is to say that it becomes the definition of normal,³⁵¹ against which

³⁴² *Id.*; PSYCHO (1960), *supra* note 338.

³⁴³ I’m using here a rhetorical inversion of the term as it was used by Ralph Ellison in his *Invisible Man* (1952) though both uses describe the same white supremacy, albeit in different forms.

³⁴⁴ MILLS, *supra* note 4, at 76, 110; Frankenberg, *The Mirage of an Unmarked Whiteness*, *supra* note 26, at 75; SARA BLANCHARD & MISASHA SUZUKI GRAHAM, DEAR WHITE WOMEN: LET’S GET UNCOMFORTABLE TALKING ABOUT RACISM 23 (2021); Martha R. Mahoney, *Segregation, Whiteness and Transformation*, in CRITICAL WHITE STUDIES, *supra* note 42, at 654 [hereinafter Mahoney, *Segregation, Whiteness and Transformation*]; IRVING, *supra* note 46, at 153; Kenji Yoshino, *Assimilationist Bias in Equal Protection: The Visibility Presumption and the Case of “Don’t Ask, Don’t Tell,”* 108 YALE L.J. 485, 522 (1998); Kenneth R. Davis, *The Invisible Ban: Negligent Disparate Impact*, 70 AM. U. L. REV. 1879, 1887, n. 35 (2021); SULLIVAN, *supra* note 2, at 4; *Mirrors of Privilege: Making Whiteness Visible* (World Trust 2010) (documentary).

³⁴⁵ FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 161, 201.

³⁴⁶ *Id.* 228-29.

³⁴⁷ Mab Segrest, “*The Souls of White Folks*,” in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 43, 50 [hereinafter Mab Segrest, “*The Souls of White Folks*”].

³⁴⁸ MORRISON, PLAYING IN THE DARK, *supra* note 10, at 72. See also WATSON, *supra* note 48, at 5.

³⁴⁹ FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 49; HILL, *supra* note 46, at 3 (admitting he didn’t always know he was white); IRVING, *supra* note 46, at 151 (same).

³⁵⁰ Barbara J. Flagg, *Transparently White Subjective Decisionmaking: Fashioning a Legal Remedy*, in CRITICAL WHITE STUDIES, *supra* note 42, at 85, 87 [hereinafter Flagg, *Transparently White Subjective Decisionmaking*]; FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 196-97.

³⁵¹ Barbara Flagg, *The Transparency Phenomenon, Race-Neutral Decisionmaking, and Discriminatory Intent*, in CRITICAL WHITE STUDIES, *supra* note 42, at 221 [hereinafter Flagg, *The Transparency Phenomenon*]; FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 192.

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anything compared to it becomes marginal.³⁵² The result is that we come to believe we're viewing the world through a universal lens when we're actually seeing it through, what Morrison called, "the White Gaze."³⁵³ Masquerading as the universal perspective allows the White Gaze to go unchallenged³⁵⁴ and to remain the dominant perspective.³⁵⁵ This incentivizes white people to keep the abnormality of whiteness invisible to themselves and others,³⁵⁶ and thus resistant to acknowledging it for what it is.³⁵⁷ Whiteness thus sometimes manages to remain invisible to non-"white" people as well.³⁵⁸ According to author bell hooks, "white control of the [B]lack gaze"—that is, controlling when and how Black people could look at, observe and see white people—has long been a tool of white domination and control.³⁵⁹ Thus, whiteness hides in plain sight as the universal and normal.

Myths of innocence and wholesomeness also enable whiteness to hide in plain sight. This is also reflected in the stories of real-life white serial killers in the mold of Bates and Madea.³⁶⁰ These stories argue that the myth of white innocence deflects not just criticism but the visibility of white violence at all—even the worst violence.³⁶¹ Author James Baldwin echoes this unassuming danger of white monstrosity in his review of the 1973 film *The Exorcist*, where he remarks that he had always conceptualized the Devil

³⁵² DIANGELO, *supra* note 11, at 27; EDDO-LODGE, *supra* note 46, at 85.

³⁵³ HIEROSPACE, *Morrison White Gaze*, YOUTUBE (Oct. 5, 2016), <http://www.youtube.com/watch?v=SHHHL31bFPA>.

³⁵⁴ RODRIGUEZ, *supra* note 30, at 38.

³⁵⁵ DIANGELO, *supra* note 11, at 29 (“[M]uch of white supremacy’s power is drawn from its invisibility.”).

³⁵⁶ See ROEDIGER, *Introduction*, in *BLACK ON WHITE*, *supra* note 9, at 6-7; Bonnie Kae Grover, *Growing Up White In America*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 34; MELANIE E. L. BUSH, *BREAKING THE CODE OF GOOD INTENTIONS: EVERYDAY FORMS OF WHITENESS*, 64 (2004); Flagg, *Transparently White Subjective Decisionmaking*, *supra* note 350, at 86-87.

³⁵⁷ See HARDY, *supra* note 56, at xxiii; Martha R. Mahoney, *The Social Construction of Whiteness*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 331; JENSEN, *supra* note 213, at 55.

³⁵⁸ See bell hooks, *Representations of Whiteness in the Black Imagination*, in *BLACK ON WHITE*, *supra* note 9, at 41-42.

³⁵⁹ *Id.*

³⁶⁰ ASMA, *supra* note 22, at 55-56; *PSYCHO* (1960), *supra* note 338. See, e.g., Veronica Wells-Puoane, *I’m Done Watching True Crime Romanticising White People and That’s Most of It*, *DAILY BEAST* (Oct. 1, 2022, 3:23 AM), <https://www.thedailybeast.com/obsessed/after-monster-the-jeffrey-dahmer-story-on-netflix-i-am-done-with-true-crime-about-white-people> [<https://perma.cc/MM49-5G79>] (“Whiteness and its cloak of innocence rendered a Black woman voiceless, resulting in the deaths of five more people before Dahmer would be apprehended”); Christopher Coughlin, *Gothic Commodification of the Body and the Modern Literary Serial Killer*, in *MONSTERS AND MONSTROSITY*, *supra* note 39, at 130 (“[S]erial killer Ted Bundy . . . was a handsome and charismatic young man who used his charm to lure his victims.”).

³⁶¹ Wells-Puoane, *supra* note 360; Coughlin, *supra* note 360.

as far more subtle than how it appears in that film,³⁶² and that he sees the Devil instead “in the eyes of the cop and the sheriff and the deputy, the landlord, the housewife, the football player”³⁶³ Practically, invisible monsters have something to tell us about the ability of whiteness to hide extreme danger in plain and mundane sight, particularly when the mundane is synonymous with the innocuous.³⁶⁴ It should not be lost on us that the aphorism sometimes used to talk about white invisibility—that “the greatest trick the devil ever played was convincing the world he didn’t exist”³⁶⁵—refers to a monster³⁶⁶ who frequently hides behind the visage of “ordinary” people.³⁶⁷

Furthermore, the law has codified the “normal” and “innocent” nature of whiteness. To take one example, “anti-discrimination” jurisprudence, by applying strict scrutiny to mistreatment based on “race,” implies a false equivalency between “white” and “Black,” and makes unseeable the power the former has over the later.³⁶⁸ Consider, for example, the recent Supreme Court decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*.³⁶⁹ In *Students*, the Court struck down Harvard University and the University of North Carolina’s affirmative action policies as violative of the Civil Rights Act because, inter alia, the Constitution does not “permit[] state actors to remedy the effects of societal discrimination through explicitly race-based measures,”³⁷⁰ since “[e]liminating racial discrimination means eliminating all of it.”³⁷¹ In effect, the Court said that attempting to counteract centuries of disadvantage heaped upon students of color was unfair to white students, lifted as they were by centuries of affirmative action for themselves in every corner of political and economic

³⁶² JAMES BALDWIN, *The Devil Finds Work*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 643 [hereinafter BALDWIN, *The Devil Finds Work*].

³⁶³ *Id.* at 645.

³⁶⁴ See, e.g., KACHUBA, *supra* note 140, at 68 (the Dutch lange rapper can transform into a puppy, kitten, or baby, but can be dangerous); FOSTER, *supra* note 22, at 189 (the Japanese tanuki typically takes the form of the common animal of the same name, but plays tricks on people).

³⁶⁵ See, e.g., PICOWER, *supra* note 47, at 79.

³⁶⁶ See WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33 (describing the devil as a monster).

³⁶⁷ See, e.g., STEVEN VINCENT BENET, *THE DEVIL AND DANIEL WEBSTER* (1937); *THE DEVIL’S ADVOCATE* (Warner Bros. 1994); *FALLEN* (Warner Bros. 1998); GLEN DUNCAN, I, *LUCIFER* (2002).

³⁶⁸ STEPHANIE M. WILDMAN, MARGALYNNE ARMSTRONG, ADRIENNE D. DAVIS & TRINA GRILLO, *PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* 11, 34-35, 90-98, 115-116 (1996) (referring to this as the “analogy problem”); TANYA KATERI HERNANDEZ, *RACIAL INNOCENSE: UNMASKING LATINO ANTI-BLACK BIAS AND THE STRUGGLE FOR EQUALITY* 79, 82, 99, 103 (2022) (noting that this framework erases any internalized racism which any white-proximate Latino person is perfectly capable of wielding against another).

³⁶⁹ *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181 (2023).

³⁷⁰ *Id.* at 366.

³⁷¹ *Id.* at 207.

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life.³⁷² By falsely and ahistorically equating affirmative action with white supremacy because both are based on “race,” the Court has been able to maintain the opposite of equality.³⁷³ In this way, the law enforces discrimination, more than it undermines it, by preserving white innocence through eliding the white subordination of others.³⁷⁴ Thus, hiding whiteness in the law helps maintain white invisibility in the real world.³⁷⁵

Plyler provides another example of hiding whiteness which the wider context of the case makes clear.³⁷⁶ Despite accomplishing a great deal for children of color³⁷⁷ (beyond education itself, *Plyler* also made it possible to enact Deferred Action for Childhood Arrivals³⁷⁸), the decision also furthered the invisibility of whiteness. There is a long history of Mexican student segregation in Texas, and in the city of Tyler specifically, that the Court never addressed in its decision.³⁷⁹ Texas had a long—and, in the 1970’s, very recent—history of segregating Mexican people in schools, businesses, bathrooms, and juries.³⁸⁰ Separate Mexican schools were predictably poorer and less resourced than white schools, part of the State’s strategy to ensure an “uneducated, inexpensive labor pool.”³⁸¹ Only in 1948 did a federal court hold Mexican student segregation unconstitutional because it said Mexicans were “white,” and the Attorney General integrated other “white” and

³⁷² *Id.* at 258-61.

³⁷³ See Anemone Hartocollis, *Harvard’s Black Student Enrollment Dips After Affirmative Action Ends*, N.Y. TIMES (Sept. 11, 2024), <https://www.nytimes.com/2024/09/11/us/harvard-affirmative-action-diversity-admissions.html>.

³⁷⁴ See HERNANDEZ, *supra* note 368, at 58 (“From 1979 through 2006, federal claimants won only 15 percent of job discrimination cases. By comparison in all other civil cases, the win rate was 51 percent.”).

³⁷⁵ See WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 90-98.

³⁷⁶ See, e.g., *Plyler v. Doe*, 457 U.S. 202, 220, 223, 225 (1982).

³⁷⁷ See Michael A. Olivas, *Lawmakers Gone Wild? College Residency and the Response to Professor Kobach*, 61 S.M.U. L. REV. 99, 101 (2008) (“[I]f there were no *Plyler*, there could be no undocumented college students.”).

³⁷⁸ Williams, *supra* note 258 (referring to the decision as “the *Brown v. Board of Education* for undocumented children”; pointing out that without it, the DREAM Act would not have been possible); 8 C.F.R. 263.22 (b)(5) (one of the DACA eligibility requirements is to be enrolled in or have completed high school or a G.E.D.)

³⁷⁹ Williams, *supra* note 258; 8 C.F.R. 263.22 (b)(5).

³⁸⁰ See *Hernandez v. Texas* 347 U.S. 475, 479-80 (1954) (“Until very recent times, children of Mexican descent were required to attend a segregated school for the first four grades. At least one restaurant in town prominently displayed a sign announcing ‘No Mexicans Served.’ On the courthouse grounds at the time of the hearing, there were two men’s toilets, one unmarked, and the other marked ‘Colored Men’ and ‘Hombres Aqui’ (‘Men Here’).”); León & Calvert, *supra* note 258 (“Often, Mexican Americans could not commingle with Whites at barbershops, restaurants, funeral homes, churches, juries, theaters, or numerous other public places.”); Brief of Am. Friends Serv. Comm. et al. as Amici Curiae Supporting Respondents at *18-21, In Re: *Alien Child. Educ. Litig. v. U.S.*, 1981 WL 389637 (1981) (No. 80-1934).

³⁸¹ León & Calvert, *supra* note 258.

Mexican students shortly thereafter.³⁸² But the Tyler school district was forced to integrate white and Black students only in 1970, and the Eastern District of Texas retained jurisdiction to monitor compliance with its original desegregation order thereafter until August 26, 2016.³⁸³ This compliance included integration of “Hispanic” students as well as Black students,³⁸⁴ indicating that the 1948 decision may not have been honored everywhere. This means that even as the Supreme Court was deciding *Plyler*, a lower federal court believed that Tyler school district could not be trusted to integrate Mexican students in its schools without court supervision.³⁸⁵

The Supreme Court in *Plyler*, despite showcasing the right of non-U.S. citizen children to access free education, also reinforced the invisibility of whiteness by eliding Tyler’s history of racial apartheid at the heart of the case. The Court did this by making what was essentially a school segregation dispute (albeit one that pushed some Mexican students out of school altogether, instead of into a separate school) into a decision (allegedly) about “alienage,” or children’s education.³⁸⁶ As a result, the immigration/education frame was adopted by the press³⁸⁷ and scholars,³⁸⁸ showing that *Plyler* reinforced the invisibility of whiteness with the public. By repeatedly invoking immigration law doctrine³⁸⁹—which itself hides a white nationalist agenda behind ostensibly “race neutral” rules³⁹⁰—the *Plyler* Court was able

³⁸² See *Delgado v. Bastrop Indep. Sch. Dist.*, Civil No. 388 (W.D. Texas June 15, 1948); United States v. Texas 498 F. Supp. 1356, 1360 (E.D. of Texas 1980) (discussing the decision in *Delgado v. Bastrop Independent School District* and noting that the decision is unpublished); V. Carl Allsup, *Delgado v. Bastrop ISD*, TEXAS STATE HISTORICAL ASSOC. (Oct. 20, 2020), <https://www.tshaonline.org/handbook/entries/delgado-v-bastrop-isd> [<https://perma.cc/V564-S7VK>].

³⁸³ *Unites States v. Tyler Indep. Sch. Dist.*, No. 6:70-cv-5176, at 380 (E.D. Tex. filed Aug. 26, 2016) (order granting joint motion for declaration of unitary status and dismissal). The Tyler school district was required to file semi-annual Compliance Reports upon which the court would base any modifications. *Id.*

³⁸⁴ *Id.*

³⁸⁵ *Id.*

³⁸⁶ Justice Brennan framed the reasoning so narrowly in part to win the deciding vote of the more conservative Justice Powell, who wanted to find for the children plaintiffs but did not want the decision to establish positive precedent for undocumented people in other contexts. See MOTOMURA, *supra* note 276, at 8.

³⁸⁷ See, e.g., Linda Greenhouse, *Justices Rule States Must Pay to Educate Illegal Alien Pupils*, N.Y. TIMES (Jun. 16, 1982), <https://www.nytimes.com/1982/06/16/us/justices-rule-states-must-pay-to-educate-illegal-alien-pupils.html>; Jim Mann, *Right to Free Schooling of Illegal Aliens Upheld*, L.A. TIMES (Jun. 16, 1982), <https://www.rarenewspapers.com/view/687890?imagedlist=1> [<https://perma.cc/4BWJ-77NB>].

³⁸⁸ See MOTOMURA, *supra* note 276, at 1-9 (discussing the history of *Plyler* without ever addressing the legacy of Mexican segregation in Texas or school segregation generally in Tyler).

³⁸⁹ See, e.g., *Plyler v. Doe*, 457 U.S. 202, 220, 223, 225 (1982); Schuck, *supra* note 272, at 57 (“*Plyler* could be understood as a case of federal preemption that merely reaffirms the exclusive, plenary power of Congress to regulate immigration.”).

³⁹⁰ Sacco, *Abolishing Citizenship*, 36 GEO. IMM. L.J. 693, 698-714 (2022). For example, the 1965 Immigration and Nationality Act was framed by proponents as racially neutral, even though its Congressional champion, Senator Edward Kennedy, assured his colleagues on the record that: “The ethnic

to talk about school segregation without once mentioning race.³⁹¹ While “Mexican people” were a suspect class,³⁹² “undocumented aliens” were not.³⁹³ Knowing the law, plaintiffs did not make a race-based argument for heightened scrutiny in their brief.³⁹⁴ Instead, they were forced to frame the children as “undocumented” instead of “Mexican,” even though these were practically treated as synonyms in *Tyler* at the time.³⁹⁵ Indeed, the Court seems to have ignored an amicus brief that explained the history of white segregation of Mexican people in Texas,³⁹⁶ as well as evidence of the same presented by plaintiffs during the federal District Court trial.³⁹⁷ Thus, the *Plyler* Court’s silence about whiteness, which is factually central to the case, makes that history’s role in shaping the dispute completely—and monstrously—invisible.

3. Invisible Power

Whiteness is invisible to white people as a source of power. Normality and innocence hide privileges, that is, disparities in power. A large part of the reason Hawley Griffin and Norman Bates can remain powerful is that they do not *appear* powerful.³⁹⁸ Under the subheading entitled “Whiteness is invisible and unmarked,” the authors of *The Making and Unmaking of Whiteness* write that “[t]he idea that whites do not or will not acknowledge their unearned racial privileges has become one of the most cited claims of critical whiteness studies.”³⁹⁹ White privilege⁴⁰⁰ (“the systemic conferral of benefit and advantage”⁴⁰¹) is invisible to whites. This is what law professor

mix of this country will not be upset” by it, and the 1990 Act that brought us the so-called “diversity lottery,” is described by some as “affirmative action for white immigrants,” because of its effect of favoring immigrants from predominantly white countries. *Id.*

³⁹¹ See generally *Plyler*, 457 U.S. 202. It may not escape the reader that, by this logic, every enforcement of the immigration laws is contributing to the construction of white monsters. That is among the conclusions I intend the reader to draw.

³⁹² See *Hernandez v. Texas* 347 U.S. 475, 479-80 (1954).

³⁹³ *Plyler*, 457 U.S. 223.

³⁹⁴ See generally Brief for Appellants, *Plyler v. State of Texas*, 102 S. Ct. 2382 (1982) (No. 80-1538.).

³⁹⁵ Appellate Brief at *41, *Plyler*, 102 S. Ct. 2382, *supra* note 394 (describing a witness for Texas using “Latin-American, Hispanic, migrant and illegal alien interchangeably”).

³⁹⁶ Brief of Am. Friends Serv. Comm. et al. as Amici Curiae Supporting Respondents at *17-21, In Re: *Alien Child. Educ. Litig. v. U.S.*, 1981 WL 389637 (1981) (No. 80-1934).

³⁹⁷ *Id.* at *21; Appellate Brief at *23, *Plyler*, 102 S. Ct. 2382, *supra* note 394 (stating that witness for the plaintiffs testified that “ethnic or racial strife in Texas is, perhaps, more acute than it has been in other States”).

³⁹⁸ See generally WELLS, *THE INVISIBLE MAN*, *supra* note 323; *PSYCHO* (1960), *supra* note 338.

³⁹⁹ BIRGIT BRANDER RASMUSSEN, ERIC KLINENBERG, IRENE J. NEXICA & MATT WRAY, *Introduction*, in *THE MAKING AND UNMAKING OF WHITENESS*, *supra* note 8, at 10.

⁴⁰⁰ EDDO-LODGE, *supra* note 46, at 86 (noting that Theodore W. Allen coined the phrase).

⁴⁰¹ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 29.

Barbara Flagg calls the “transparency phenomenon”⁴⁰² (an apt term to invoke invisible monsters). As critical race scholars have shown, white people can never see how much of what they have—their education, job, or assets—they have truly earned, because they will never know how much of these they enjoy as a consequence of this privilege.⁴⁰³ Scholar and author Peggy McIntosh famously described white privilege as an “invisible knapsack” of “unearned assets which I can cash in on every day, but about which I was ‘meant’ to remain oblivious.”⁴⁰⁴ She goes on to name forty-six such privileges,⁴⁰⁵ and other scholars have added to this list.⁴⁰⁶ So-called “color blindness,”⁴⁰⁷ is really a blindness to power relations,⁴⁰⁸ or a “power illiteracy,”⁴⁰⁹ and “blindness”⁴¹⁰ is just one way to describe the subjective experience of gazing at something invisible.

Furthermore, invisible privilege comes at the cost of others’ freedom. Unseeing disparities of wealth and power between white and people of color, and those systems which reinforce it, strengthens white supremacy.⁴¹¹ This is especially so for those privileges which “confer dominance,” such as the ability to set the standards for normality against which others are measured

⁴⁰² Flagg, *The Transparency Phenomenon*, *supra* note 351, at 220. See also Barbara Flagg, “Was Blind but Now I See:” *White Race Consciousness and the Requirement of Discriminatory Intent*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 629-30.

⁴⁰³ See Derrick Bell, Tracy Higgins & Sung-Hee Suh, *Racial Reflections: Dialogues in the Direction of Liberation*, 37 *UCLA L. REV.* 1037, 1060 (1989); FRANKENBERG, *WHITE WOMEN, RACE MATTERS*, *supra* note 47, at 9.

⁴⁰⁴ Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences through Work and Women’s Studies*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 291.

⁴⁰⁵ *Id.* at 293-94.

⁴⁰⁶ Stephanie M. Wildman, *Reflections on Whiteness: The Case of Latinos(as)*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 325.

⁴⁰⁷ See Neil Gotanda, *A Critique of “Our Constitution is Color-Blind,”* 44 *STAN. L. REV.* 1,1 (1991).

⁴⁰⁸ See FRANKENBERG, *WHITE WOMEN, RACE MATTERS*, *supra* note 47, at 14, 147 (describing “color blindness” as problematically “power evasive”).

⁴⁰⁹ KINCHELOE & STEINBERG, *supra* note 75, at 14.

⁴¹⁰ See, e.g., Gotanda, *supra* note 407; JEFF JAMES, *GIVING UP WHITENESS: ONE MAN’S JOURNEY 7* (2020); IRVING, *supra* note 46, at 69 (referencing “blindness” in a chapter entitled “invisibility”); HILL, *supra* note 46, at 20 (“I was blind, but I didn’t know I was blind.”).

⁴¹¹ FRANKENBERG, *WHITE WOMEN, RACE MATTERS*, *supra* note 47, at 147; RODRIGUEZ, *supra* note 30, at 14; Gotanda, *supra* note 407, at 45; Patricia Williams, *Metro Broadcasting, Inc. v. FCC: Regrouping in Singular Times*, 104 *HARV. L. REV.* 525, 526 (1991).

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deficient,⁴¹² or to not take non-white people seriously,⁴¹³ or to be shielded from accountability,⁴¹⁴ or to remain silent about the oppression of others,⁴¹⁵ or collude with any of these,⁴¹⁶ all of which coerces non-white people into silence and subordination.⁴¹⁷ This renders the disadvantages that furnish white privilege (not to mention white discrimination in work, education, and elsewhere) likewise invisible to whites.⁴¹⁸ And as bell hooks reminds us, these disadvantages are sometimes invisible to non-white people as well.⁴¹⁹ Every white and white-proximate person is culpable with the power of Griffin or Bates, because each of them benefits from their invisible privilege and makes them part of this domination process.⁴²⁰

The law makes and keeps white privilege invisible, preserving its power. For decades, legal scholars have shown how laws ostensibly designed to upend white supremacy—anti-discrimination laws under the Civil Rights Act, and the Equal Protection Clause of the Fourteenth Amendment, for example—have instead entrenched it by rendering white privilege invisible.⁴²¹ For example, in employment and education,⁴²² the Civil Rights Act of 1964⁴²³ is only enforceable against intentional or disparate impact

⁴¹² See, e.g., WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 14; GARY PELLER, *Toward a Critical Cultural Pluralism: Progressive Alternatives to Mainstream Civil Rights Ideology*, in CRITICAL RACE THEORY, *supra* note 43, at 142-43; Gerald Torres & Kathryn Milun, *Translating “Yonnonndio” by Precedent and Evidence: The Mashpee Indian Case*, 4 DUKE L.J. 625, 638-39, 649 (1990); Juan F. Perea, *Buscando America: Why Integration and Equal Protection Fail to Protect Latinos*, 117 HARV. L. REV. 1420 (2014).

⁴¹³ See, e.g., McIntosh, *supra* note 404, at 294-95; Mab Segrest, “*The Souls of White Folks*,” *supra* note 347, at 250; Becky Thompson & Veronica T. Watson, *Theorizing White Racial Trauma and its Remedies*, in THE CONSTRUCTION OF WHITENESS, *supra* note 237, at 173.

⁴¹⁴ See, e.g., BUSH, *supra* note 356, at 99; Mab Segrest, “*The Souls of White Folks*,” *supra* note 347, at 43; HAMAD, *supra* note 85, at 75.

⁴¹⁵ See, e.g., Stephanie M. Wildman & Adreinne D. Davis, *Making Systems of Privilege Visible*, in CRITICAL WHITE STUDIES, *supra* note 42, at 316; Allan Bérubé, *How Gay Stays White*, in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 255 [hereinafter Bérubé, *How Gay Stays White*].

⁴¹⁶ BUSH, *supra* note 356, at 79.

⁴¹⁷ EDDO-LODGE, *supra* note 46, at 92.

⁴¹⁸ FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 135.

⁴¹⁹ hooks, *supra* note 358, at 41-42. hooks connects the phenomenon of whiteness-as-normalcy, making whiteness invisible even to people of color, to the long history of white people “control[ing] the black gaze,” such as the white slaver’s use of terror to prevent the Black enslaved person from looking at them at all. *Id.*

⁴²⁰ See, e.g., Bell, Higgins & Suh, *supra* note 403, at 1060; WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368.

⁴²¹ See e.g., WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 8, 13, 34; Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049, 1052 (1978).

⁴²² See Gloria Ladson-Billings, *From the Achievement Gap to the Education Debt: Understanding Achievement in U.S. Schools*, 35 EDUC. RESEARCHER 3 (2006).

⁴²³ Title IV and VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.

individual acts of racism,⁴²⁴ leaving much systemic and structural racism invisible to the law.⁴²⁵ Even the “disparate impact” standard is limited in such a way as to leave most racial disparities entirely unintelligible in legal discourse.⁴²⁶ Not only does the limitation to “discrimination” render systemic privilege and oppressive systems invisible,⁴²⁷ but the further limitation of “intention” renders any unconscious discrimination invisible as well.⁴²⁸ Even if the Court in *Plyler* had found “undocumented” people a suspect class and applied strict scrutiny or had addressed the school district’s racist history of segregation, the ruling would nevertheless have had to have been limited to unequal school district *practices*, while ignoring *conditions* of inequality (family income, de facto neighborhood segregation, etc.).⁴²⁹ Thus, even under the best of outcomes in cases like *Plyler*, power dynamics that maintain conditions of inequity remain as invisible as the murderous plots and machinations of Griffin and Bates.⁴³⁰

4. The Gaslighting Monster

An invisible monster is an expert at gaslighting. One of the most influential monster stories featuring practically invisible threats⁴³¹ was Jack Finny’s 1954 novel *The Body Snatchers*, and adapted to film as *Invasion of the Body Snatchers* (1956),⁴³² in which seeds from outer space land on Earth and grow into pods that hatch inhuman doppelgängers who quietly and covertly replace their human doubles.⁴³³ Despite serving as an allegory for

⁴²⁴ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 31, 33.

⁴²⁵ *Id.*

⁴²⁶ *See, e.g., id.* at 31; Boyd v. Lefrak Org., 509 F.2d 1110, 1113 (2d Cir.1975), *cert. denied*, 423 U.S. 896 (1975) (“A businessman’s differential treatment of different economic groups is not necessarily racial discrimination and is not made so because minorities are statistically over represented in poorer economic groups.”).

⁴²⁷ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 39.

⁴²⁸ *See, e.g.,* Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 325 (1987); David A. Strauss, *Discriminatory Intent and the Taming of Brown*, 56 UNIV. CHICAGO L. REV. 935, 966-79 (1989).

⁴²⁹ For example, in his concurring opinion, Justice Marshall argued that the *Plyler* decision should have been used to find a fundamental right to education, in which case strict scrutiny would have been applicable. *Plyler v. Doe*, 457 U.S. 202 (1982) (Marshall, J., concurring). But even if the court had applied strict scrutiny in an analysis of racial discrimination, the case’s outcome and impact still would have been stymied by the limits of these doctrines discussed above. *Id.*; WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 8, 13, 34; Freeman, *supra* note 421, at 1052.

⁴³⁰ Freeman, *supra* note 421, at 1067.

⁴³¹ Priscilla Wald, *Viral Cultures: Microbes and Politics in the Cold War*, in ZOMBIE THEORY: A READER, *supra* note 51, at 35.

⁴³² JACK FINNEY, *THE BODYSNATCHERS* (1955); *INVASION OF THE BODY SNATCHERS* (Walter Wanger Productions 1956).

⁴³³ Wald, *supra* note 431, at 35. Similar so-called “alien infiltration” stories abound. *See, e.g.,* ROBERT A. HEINLEIN, *THE PUPPET MASTERS* (1951); *THEY LIVE* (Universal Pictures 1988); WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 217.

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the dangers of Communist infiltration during the Cold War,⁴³⁴ the story also has something to say about the dangers of practical invisibility more generally. Specifically, like Whannell's *The Invisible Man*, it has something to say about an invisible enemy's capacity for gaslighting. Both Whannell's and Finny's protagonists spend a lot of the story desperately trying to convince the world that they are not crazy and that the danger of the monster is real.⁴³⁵ It is a not infrequent trope in many monster narratives that the warnings of (visible and invisible) monsters made by human protagonists are treated by those with power (the police, government, etc.) with derision or violence.⁴³⁶ In these stories, the difficulty detecting or measuring the monster's reality makes it easy for others to question the protagonists' credibility, and even easier for the monster to repeatedly impugn it.⁴³⁷ Indeed, the more sinister the foe, the more hyperbolic the warning is perceived, and the more easily the protagonist can be maligned as mad or dangerous.

The invisibility of the category and privilege of white people makes the rest of the world exceptionally vulnerable to being gaslit by them. This "gas-whiting"⁴³⁸ occurs any time a white person denies their privilege or the harm it may enable. It leaves those on the receiving end of it feeling "crazy," making them vulnerable to being labeled insane or dangerous.⁴³⁹ Denial or erasure of white accountability for white violence redirects the blame for demonstrable inequity onto the oppressed themselves, even to the point of internalization.⁴⁴⁰ Robin Diangelo's book *White Fragility* describes a type of gas-whiting in which white people use indignation to repel charges of racism that could otherwise destabilize white power so as to protect and preserve

⁴³⁴ Wald, *supra* note 431, at 35, 40, 43.

⁴³⁵ *THE INVISIBLE MAN* (2020), *supra* note 325; *Invasion of the Body Snatchers* (Allied Artists Pictures 1956).

⁴³⁶ *See, e.g.*, *JAWS* (Universal Pictures 1975) (town authorities treat incredulously Chief Brody's warning of the monster shark); *GREMLINS* (Warner Bros. 1984) (police belittle Billy when he pleads with them to stop the Gremlins); H.P. LOVECRAFT, *THE SHADOW OVER INNSMOUTH* (1936) (implying that the narrator and his cousin will be and have been, respectively, committed to a psychiatric hospital for their belief in the "Deep Ones," a race of humanoid fish monsters); ISABEL CAÑAS, *VAMPIRES OF EL NORTE* (2023) (illustrating that characters fear they will be disbelieved or ostracized if they try to warn others about the vampires).

⁴³⁷ *See, e.g.*, *Rosemary's Baby* (Paramount Pictures 1968) (her doctor lies to her and turns her over to her abuser when she pleads for his help to protect her and her baby from a coven of Devil-worshipping witches); *GHOSTBUSTERS II* (Columbia Pictures 1989) (the mayor commits the ghostbusters to a psychiatric hospital after they warn him about the ghosts).

⁴³⁸ HAMAD, *supra* note 85, at 231.

⁴³⁹ *See, e.g., Id.*; DIANGELO, *supra* note 11, at 2, 112, 122.

⁴⁴⁰ PICOWER, *supra* note 47, at 35-38; *BLACK SKIN, WHITE MASKS*, *supra* note 172, at 191-92.

that control.⁴⁴¹ Similar are “white tears,”⁴⁴² or “white victimhood,”⁴⁴³ treating valid criticism with persecutory feelings or faux hurt, instead of indignation; but to the same effect: to cast the victim-critic as the dangerous or insane aggressor.⁴⁴⁴ The invisibility of white monstrosity sets up its critics as foils for a new level of victimization. Worse, as with the monsters in Whannell’s or Finny’s stories, whiteness’ capacity for brutality seems inversely proportionate to the likelihood that its critics will be believed.⁴⁴⁵ “[T]he doubting of wise men,” as the vampire-hunter Van Helsing warns in Bram Stoker’s *Dracula*, “would be his [Dracula’s] greatest strength.”⁴⁴⁶ Nevertheless, the danger of an unseen monster can always be reliably measured by its very visible effects upon the world around it.⁴⁴⁷

5. White Effects

A common trope within the invisible monster narrative is the detection of the monster solely by its impact upon the material world around it. According to Weinstock, “we can only know the [invisible] monster’s presence through its effects.”⁴⁴⁸ For example, in H.G. Wells’ original novel *Invisible Man*, the tavern owners, Mr. and Mrs. Hall, witness furniture and clothes moving by themselves and conclude they have ghosts, not yet aware that their tenant, Hawley Griffin, is invisible.⁴⁴⁹ Likewise in O’Brien’s 1859 short story “What Was It?,” the invisible creature is also mistaken for a ghost because of its conspicuous impact upon the world around it.⁴⁵⁰ In both M.R. James’ 1904 short story “Oh, Whistle, and I’ll Come to You, My Lad,” and in David Robert Mitchell’s 2014 film *It Follows*, the invisible apparitions can only be seen once they are covered with a sheet.⁴⁵¹ In both the 1956

⁴⁴¹ DIANGELO, *supra* note 11, at 2, 112, 122; *see also* EDDO-LODGE, *supra* note 46, at xvi-xvii, 91.

⁴⁴² *See e.g.*, HAMAD, *supra* note 85; DIANGELO, *supra* note 11, at 131-34; Rachel Carlyle, *I Refuse to Listen to White Women Cry*, WASH. POST (2019), <https://www.washingtonpost.com/news/magazine/wp/2019/09/11/feature/how-activist-rachel-cargle-built-a-business-by-calling-out-racial-injustices-within-feminism/>.

⁴⁴³ *See* Alana Lentini & Gavin Titley, *Diana Abbott’s Tweet and the Red Herring of Anti-White Racism*, THE GUARDIAN (Jan. 6, 2012), <https://www.theguardian.com/commentisfree/2012/jan/06/diane-abbott-tweet-anti-white-racism> [<https://perma.cc/DYK5-TWY5>]; EDDO-LODGE, *supra* note 46, at 95-94, 132.

⁴⁴⁴ *See* HAMAD, *supra* note 85, at 231; DIANGELO, *supra* note 11, at 2, 112, 122.

⁴⁴⁵ THE INVISIBLE MAN (2020), *supra* note 325; *Invasion of the Body Snatchers* (Allied Artists Pictures 1956).

⁴⁴⁶ BRAM STOKER, DRACULA 342 (1897).

⁴⁴⁷ *See infra* Part V.A.5, White Effects.

⁴⁴⁸ WEINSTOCK, *Invisible Monsters*, *supra* note 231, at 371.

⁴⁴⁹ WELLS, THE INVISIBLE MAN, *supra* note 323, at 184-85.

⁴⁵⁰ O’BRIEN, *supra* note 319, at 2.

⁴⁵¹ M.R. James, *Oh, Whistle, and I’ll Come to You, My Lad*, in *Ghost Stories of an Antiquary* (1904); *IT FOLLOWS* (Radius-TWC 2014).

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film *Forbidden Planet* and one 1965 episode of long-running sci-fi series *Dr. Who*, invisible monsters are detectable by the footprints they leave on the ground.⁴⁵²

Typically, toward the end of the narrative, however, it is these same effects upon the world around it that the protagonists of the story turn against the monster to defeat it. In the original novel, *The Invisible Man*, an angry mob is able to find Griffin and beat him to death because one of his victims is being conspicuously choked and throttled by unseen hands in plain view of the public.⁴⁵³ In the 1933 film adaptation, Griffin is shot when his pursuers are able to see his footprints form in the freshly driven snow.⁴⁵⁴ Likewise, the unseeable beast in S.P. Meek's 2013 novel *The Cave of Horror* is undone by the noises its body makes and the "musky" smell it emits.⁴⁵⁵ Similarly, in the 2000 film *Hollow Man*, the protagonist is able to defeat the invisible man by covering the floor around her with blood, making his otherwise transparent footsteps visible, thus him vulnerable.⁴⁵⁶ No matter how unseen, the invisible remains real. The invisible white monster, too, is made vulnerable by its own materiality.

White people can hope to see whiteness, like other invisible monsters, only by its effects upon the world around it. "Examining privilege," Stephanie Wildman argues, "is a way to make the power systems visible."⁴⁵⁷ Just as the invisible monster must be identified by its effects upon the world, so "racism must be identified by its consequences."⁴⁵⁸ These effects are the devastation that whiteness wreaks upon the world, vast disparities in wealth,⁴⁵⁹ living conditions,⁴⁶⁰ and death.⁴⁶¹ This is close to what legal scholar Mari Matsuda meant when she instructed that law and policymakers should "look to the bottom," that is, judge law by its effects, good or bad, upon the poorest or least well-off.⁴⁶² Any law or policy that does not consider the *effects* of whiteness and white supremacy upon "people of color," and looks only for something like "discrimination," is bound to miss whiteness altogether.⁴⁶³ The policy that does not aim for the effects will not correct the problem of whiteness or

⁴⁵² FORBIDDEN PLANET, *supra* note 327; THE DALEK'S MASTER PLAN (BBC 1965).

⁴⁵³ WELLS, *THE INVISIBLE MAN*, *supra* note 323, at 268.

⁴⁵⁴ *THE INVISIBLE MAN* (Universal Pictures 1933).

⁴⁵⁵ MEEK, *supra* note 321, at 41.

⁴⁵⁶ *HOLLOW MAN*, *supra* note 325.

⁴⁵⁷ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 146.

⁴⁵⁸ Howard Winant, *The World is a Ghetto: Race and Democracy Since World War II* (2001) 308.

⁴⁵⁹ MEIZHU LUI, BÁRBARA ROBLES, BETSY LEONAR-WRIGHT, ROSE BREWER & REBECCA ADAMSON, *THE COLOR OF WEALTH: THE STORY BEHIND THE U.S. RACIAL WEALTH DIVIDE* 113 (2006) [hereinafter *THE COLOR OF WEALTH*].

⁴⁶⁰ See *THE COLOR OF WEALTH*, *supra* note 459, at 32, 134, 169.

⁴⁶¹ WILSON GILMORE, *supra* note 53, at 28.

⁴⁶² Richard Delgado & Jean Stefancic, *Introduction*, in *CRITICAL RACE THEORY*, *supra* note 43, at 27; Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 *HARV. C.R.-C.L. L. REV.* 323 (1987).

⁴⁶³ Flagg, *The Transparency Phenomenon*, *supra* note 351, at 223; SULLIVAN, *supra* note 2, at 2.

the violence and death it causes—instead, no matter what that policy throws at the monster, it will miss and hit nothing but air.

However, even if the white person could or does see their category or privilege—even if they see the devastation these have wrought—they will have trouble understanding or contextualizing that destruction. Understanding the destruction that whiteness causes is a problem of non-thinking,⁴⁶⁴ for the white monster is also a thoughtless creature.

B. *The Thoughtless White Monster*

While some monsters are intentionally threatening, like, say, Stoker’s Dracula or the famed witch of Slavic folklore Babba Yaga, others are threatening because of their very nature, and they do not necessarily have any malicious intent to do harm—they just kill because they exist. These thoughtless monsters tend to be ones of mass destruction, endangering the world itself. Few monsters of mass destruction demonstrate this more dramatically than the kaiju and the zombie.

1. Thoughtless Monsters

Kaiju (Japanese for “strange beast”) are spectacularly large monsters which are monstrous mostly because of their size.⁴⁶⁵ They are thoughtless in that they need not intend any harm, because their very nature—their size—makes them deadly. Gojira (“Godzilla”), inspired partly by Japanese folklore⁴⁶⁶ and partly by earlier films,⁴⁶⁷ is perhaps the most famous kaiju in cinema. But there have since been many carbon copies produced around the world following Godzilla’s 1954 debut.⁴⁶⁸ The many metaphors kaiju may showcase (nature, war, etc.) are narratively facilitated by their colossal capacity for mass destruction,⁴⁶⁹ and often, their lack of malicious intent.⁴⁷⁰ *Godzilla*’s director, Ishiro Honda, developed a beast that was “a walking natural

⁴⁶⁴ See *infra* Part V.B.1, Thoughtless Monsters.

⁴⁶⁵ Jason Barr, *The Kaiju Film: A Critical Study of Cinema’s Biggest Monsters* (McFarland & Co. 2016) 5, 7.

⁴⁶⁶ *Id.* at 26-28.

⁴⁶⁷ *Id.* at 5-6, 26.

⁴⁶⁸ *Id.* at 5. Examples include *RODAN* (Toho 1956), *MOTHRA* (Toho 1961), *GORG* (British Lion-Columbia 1961), *REPTILICUS* (Saga Studies 1961), *GOGOLA* (1966)(Ambassador Pictures 1966), *YONGARY, MONSTER FROM THE DEEP* (Keukdong Entertainment Company 1967), *PULGASARI* (Korean Film Studio 1985), *CLOVERFIELD* (Paramount Pictures 2008), *COLOSSAL* (Neon 2016) and *THE LAKE* (Epic Pictures 2022).

⁴⁶⁹ Barr, *supra* note 465, at 9 (the kaiju may represent fears related to “militarism, materialism, terrorism or the environment.”).

⁴⁷⁰ *Id.* at 38 (“Like nature itself – and kaiju – people are killed by the immense power they come into contact with and without animosity.”); Peter H. Brothers, *Japan’s Nuclear Nightmare: How the Bomb Became a Beast called Godzilla*, 36 *Cineaste* 36, 38 (2011) (describing Godzilla as “bewildered” and “confused,” by his Tokyo surroundings and without malicious intent).

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disaster,⁴⁷¹ one that—like the environment or nuclear war—endangered the world by its very nature.⁴⁷²

Ditto the cousin to the kaiju, the giant. The fifteenth century book series by monk and author Francois Rebelais, *Gargantua and Pantagruel*, features two titular giants whose flatulence and urination generate earthquakes and floods.⁴⁷³ Rebelais' stories were meant to celebrate more base "vital functions," rather than the "higher functions" of thinking and feeling,⁴⁷⁴ so like the modern kaijus, these giants, too, are dangerous by their nature. Rebelais' thoughtless-but-deadly "vital functions" are also reflected in twentieth-century "creature feature" cinema, like *Them!* (1954), *Tarantula* (1955), or *Eight Legged Freaks* (2002),⁴⁷⁵ whose titular giants kill because they are merely following their instinct to eat.⁴⁷⁶ Herman Melville's huge white whale similarly represents "brute, indifferent nature."⁴⁷⁷

If kaiju and giants warn us of the indifferent destruction only unthinking nature can dispense, then zombies warn us about the kind of utterly non-thinking devastation that only a corpse could commit. The zombie⁴⁷⁸ has been called "the most important mythic monster at the present time,"⁴⁷⁹ since they reveal insights about capitalism,⁴⁸⁰ gender,⁴⁸¹ colonialism,⁴⁸² ableism,⁴⁸³ as well as race.⁴⁸⁴

⁴⁷¹ *Gojira* (Toho Co. 1954); Barr, *supra* note 465, at 49.

⁴⁷² Barr, *supra* note 465, at 37.

⁴⁷³ WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 245-47; see Francois Rabelais, *Gargantua and Pantagruel* (2006).

⁴⁷⁴ WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 247.

⁴⁷⁵ *THEM!* (Warner Bros. 1954); *TARANTULA* (Universal Pictures 1955); *EIGHT LEGGED FREAKS* (Warner Bros. 2002).

⁴⁷⁶ Some super-size kaiju are even as big or bigger than mountains further underscoring their civilization-destroying nature. See, e.g., *MEGA MONSTER BATTLE: ULTRA GALAXY* (Warner Bros. 2009) (featuring mountain-sized "Belvudra"); *THE CLOVERFIELD PARADOX* (Netflix 2018) (featuring monsters so huge they tower above the clouds).

⁴⁷⁷ See Toni Morrison, *On Herman Melville*, in *BLACK ON WHITE*, *supra* note 9, at 211.

⁴⁷⁸ SARAH J. LAURO, *Part V. New Life for the Undead*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 353. One traditional definition of the zombie has long been "a body without a soul." *Id.*

⁴⁷⁹ Jon Stratton, *Zombie Trouble*, in *THE MONSTER THEORY READER*, *supra* note 12, at 407.

⁴⁸⁰ See, e.g., McNally, *supra* note 15; *SKIN SHOWS: GOTHIC HORROR AND THE TECHNOLOGY OF MONSTERS*, *supra* note 19, at 147 (analyzing cannibalism as representative of capitalism in horror).

⁴⁸¹ See, e.g., Barry Grant, *Taking Back the Night of the Living Dead: George Romero, Feminism, and the Horror Film*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 212-21.

⁴⁸² See, e.g., Jean Comaroff & John Comaroff, *Alien-Nation: Zombies, Immigrants, and Millennial Capitalism*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 149; Lars B. Larsen, *Zombies of Immaterial Labor: The Modern Monster and the Consumption of the Self*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 162.

⁴⁸³ See, e.g., Anna May Duane, *Dead and Disabled: The Crawling Monsters of The Walking Dead*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 237-44; Susan Behuniak, *The Living Dead? The Construction of People with Alzheimer's Disease as Zombies*, 31 *AGING & SOC'Y* 7 (2011).

⁴⁸⁴ See *supra* notes 68-69.

Relevant here is what zombie stories say about the danger of mindless power,⁴⁸⁵ something relatively unique to them.⁴⁸⁶ The traditional zombie of Haitian folklore—and this is no less true for its Hollywood descendant—“cannot formulate thoughts,”⁴⁸⁷ and, as Zora Neale Hurston describes in her ethnography of Zombie folklore, the creature is “a body without a soul.”⁴⁸⁸ They are what folklorist Peter Dendle calls “supplanted, stolen or effaced consciousness,”⁴⁸⁹ or mindless eating machines who threaten humanity with extinction *precisely because* they are unthinking.⁴⁹⁰ In Max Brooks’ fictionalized oral history of the Zombie apocalypse, *World War Z*, the full force of the U.S. military is helpless against the undead, partly because zombies “not just won’t, but biologically can’t” be frightened or intimidated.⁴⁹¹ In Justina Ireland’s horror novel *Dread Nation*, it is the zombie’s lack of even as much as survival instinct that makes them so relentless.⁴⁹² The zombie’s unthinking nature is the source of its power.

But thoughtless-zombie fiction is not limited to organic corpses, and its themes arguably feature in stories about mechanical zombie-like beings as well.⁴⁹³ Narratively, a robot’s “programming” sometimes functions as an absence of thought. In James Cameron’s *Terminator*, one character describes the titular killer robot as one that “can’t be bargained with . . . can’t be reasoned with; it doesn’t feel pity, or remorse, or fear.”⁴⁹⁴ Indeed, in Karel Čapek’s 1920 play *Rossum’s Universal Robots* (“R.U.R.”)—the very story that gives us the word “robot”—a character describes the original robots, much like their zombie counterparts, as having “no will of their own. No passion. No soul.”⁴⁹⁵ R.U.R. was itself anticipated by Jane C. Loudon’s 1827 novel *The Mummy!*, which speculates about mindless mechanical prison guards,

⁴⁸⁵ Steven Shaviro, *Contagious Allegories: George Romero*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 9 (“Zombies . . . are in a sense all body; they have brains but not minds.”).

⁴⁸⁶ See also Sarah Juliet Lauro & Karen Embry, *A Zombie Manifesto: The Nonhuman Condition in the Era of Advanced Capitalism*, in *ZOMBIE THEORY: A READER*, *supra* note 51, at 397 (noting that unlike the vampire or werewolf, “the zombie has completely lost its mind, becoming a blank – animate, but wholly devoid of consciousness”).

⁴⁸⁷ Larsen, *supra* note 482, at 163.

⁴⁸⁸ ZORA NEALE HURSTON, *TELL MY HORSE: VODOO AND LIFE IN HAITI AND JAMAICA* (1938) 179.

⁴⁸⁹ Peter Dendle, *The Zombie as Barometer of Cultural Anxiety*, in *MONSTERS AND THE MONSTROUS: MYTHS AND METAPHORS OF ENDURING EVIL* 54 (Niall Scot ed., 2007).

⁴⁹⁰ Other cultures have created unthinking monsters like the Haitian/American zombie as well. See, e.g., SIMON BACON, *Introduction to the Handbook of the Vampire*, in *THE PALGRAVE HANDBOOK OF THE VAMPIRE* 1-21 (Simon Bacon, ed. 2024) (noting that the Jiangshi is a mindless zombie-like being).

⁴⁹¹ MAX BROOKS, *WORLD WAR Z* 104 (2006). In an earlier work, *The Zombie Survival Guide*, Brooks writes, “Every form of psychological warfare, from attempts at enraging the undead to provoking pity, have all met with disaster.” MAX BROOKS, *THE ZOMBIE SURVIVAL GUIDE* 15 (2003).

⁴⁹² JUSTINA IRELAND, *DREAD NATION* 44 (2018).

⁴⁹³ See *TERMINATOR*, *supra* note 221. In this film the “T-100” robots are not just thoughtless, but even look like skeletons, underscoring their zombie-like essence. *Id.*

⁴⁹⁴ *Id.*

⁴⁹⁵ ČAPEK, *supra* note 139, at 18.

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judges, and lawyers.⁴⁹⁶ One is reminded of Assata Shakur’s condemnation of “all the mindless, heartless robots who protect,” and enable the rich and powerful to exploit peoples of color.⁴⁹⁷ Notably, both the zombies of Haitian folklore and the “robots,” as described by Čapek, are monsters meant to represent the oppressed worker, monstered by capitalism.⁴⁹⁸ Their “mindlessness” speaks to the way in which capital alienates people from their own humanity.⁴⁹⁹ So, it should not be lost on us that these stories mirror race as well as class because whiteness, too, alienates “white” people from their humanity.⁵⁰⁰

The destructive capacity of white thoughtlessness can be conceptualized in two ways that are informed by the kaiju and the zombie. First, white people can destroy without intention or simply by existing in a space. Second, white people are alienated both from the death that their privilege causes and the understanding of *how* their privilege causes it. Even if white people intend to do good, the dangers of white unthought leave their efforts nonetheless harmful.

2. Monsters Without Intentions

The refusal to think about right and wrong can be a greater evil than the intention to do harm. “Evil comes,” as the philosopher Hannah Arendt writes, “from a failure to think.”⁵⁰¹ Of the “sheer thoughtlessness”—to which Arendt attributed the evil committed by Nazi leader Adolph Eichmann, who organized the mass murder of millions during World War II—“can wreak more havoc than all the evil instincts taken together.”⁵⁰² Arendt’s description of the “failure to think”⁵⁰³ evokes the apocalyptic thoughtlessness of the zombie.⁵⁰⁴ In fact, Eichmann himself, referred to “the vices of blind obedience,” as *Kadavergehorsam*, or “the ‘obedience of corpses.’”⁵⁰⁵ Arendt was referring to the mindless following of orders, but the

⁴⁹⁶ JANE C. LOUDON, *THE MUMMY!* (1827). Interestingly, Loudon’s automoton’s were themselves anticipated by *An Allegory from the Arabian Nights*. See Andras Hamori, *An Allegory from the Arabian Nights: The City of Brass*, 34 BULLETIN OF THE SCH. OF ORIENTAL AND AFRICAN STUDIES, 9 (1971) (describing an early mention of automata, robot guards, and a robot horseman who points the heroes in the direction of *The City of Brass*, a story within *One Thousand and One Nights*).

⁴⁹⁷ Assata Shakur, *To My People*, 46 WOMEN’S STUD. Q. 217-21 (2019).

⁴⁹⁸ See Larsen, *supra* note 482, at 161-62; Lance Eaton, *Robots*, in THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 493.

⁴⁹⁹ See Jenn Webb & Samuel Bernard, *Some Kind of Virus: The Zombie as Body and as Trope*, in ZOMBIE THEORY: A READER, *supra* note 51, at 111.

⁵⁰⁰ See, e.g., Bérubé, *How Gay Stays White*, *supra* note 415, at 259 (“I want to find an antidote to the ways that whiteness numbs me, makes me not see what is right in front of me, takes away my intelligence, divides me from the people I care about.”)

⁵⁰¹ HANNAH ARENDT, *EICHMANN IN JERUSALEM: A REPORT ON THE BANALITY OF EVIL* xiv, 49 (1963) [hereinafter *EICHMANN IN JERUSALEM*]; See also Hannah Arendt, *Thinking and Moral Consideration: A Lecture*, 38 SOC. RSCH. 417, 427 (1971).

⁵⁰² *EICHMANN IN JERUSALEM*, *supra* note 501, at xiv, 287-88.

⁵⁰³ *Id.* at xiv, 49.

⁵⁰⁴ *Id.* at xiv, 49. See *supra* Part V.B.1.

⁵⁰⁵ *EICHMANN IN JERUSALEM*, *supra* note 501, at xiv, 135.

thoughtless following of one’s own social appetites—for nice homes, better jobs, “safer” communities—is not narratively unlike the mindless eating of zombies or giant radioactive insects. “One of the greatest vices of the white bourgeoisie,” James Baldwin once observed, “is its reluctance to think.”⁵⁰⁶

White people can bring mass destruction without intention, that is, simply by existing in a space. Gentrification is a salient example. To do real economic damage to communities, whites need not consciously leave neighborhoods to avoid Black neighbors,⁵⁰⁷ or consciously pay only lower prices for neighborhoods near Black schools, therefore reducing property values there.⁵⁰⁸ White people need not deliberately move to Black neighborhoods to raise property values and push Black families into homelessness in those communities,⁵⁰⁹ or intentionally buy up the Black homes that do appreciate in value to further displace other potential Black owners.⁵¹⁰ Also thoughtlessly, white neighborhoods are treated materially differently by municipal services,⁵¹¹ financial institutions, and police.⁵¹² These blind white choices add up to concentrate white wealth in certain neighborhoods, inversely concentrating Black poverty into economically hobbled ghettos.⁵¹³ This translation of whiteness into greater financial value has been called “white capital,”⁵¹⁴ and it depletes Black schools and hollows out Black job markets—generating an “education gap” or “opportunity gap.”⁵¹⁵ The resulting poverty also subtracts healthcare,⁵¹⁶ childcare,⁵¹⁷ and mental health⁵¹⁸ from communities of color. Thus, simply by

⁵⁰⁶ JAMES BALDWIN, *The Dangerous Road Before Martin Luther King*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 267.

⁵⁰⁷ ELIJAH ANDERSON, *BLACK IN WHITE SPACE: THE ENDURING IMPACT OF COLOR IN EVERYDAY LIFE* 82 (2022).

⁵⁰⁸ Davison M. Douglas, *The Quest for Freedom in the Post-Brown South*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 122.

⁵⁰⁹ ANDERSON, *supra* note 507, at 217-231. Notably, while whites moving into Black neighborhoods raises the property value, there is no evidence that the reverse – that Black people moving into white neighborhoods will lower the property value - is true. See e.g., ROTHSTEIN, *supra* note 298, at 93-95.

⁵¹⁰ ANDERSON, *supra* note 507, at 220.

⁵¹¹ *Id.* at 221.

⁵¹² *Id.* at 219-221.

⁵¹³ See *Id.* at 2, 219 (“[T]he ghetto would serve as a place reminiscent of a reservation, where black people would reside”; “Black people repeatedly sought better housing for their families, the iconic ghetto followed them.”); Mahoney, *Segregation, Whiteness and Transformation*, *supra* note 344, at 655 (discussing that gentrification “perpetuate[s] the processes that concentrate black poverty and continue to reproduce race and racism.”).

⁵¹⁴ ANDERSON, *supra* note 507, at 227.

⁵¹⁵ PICOWER, *supra* note 47, at 101.

⁵¹⁶ See *THE COLOR OF WEALTH*, *supra* note 459, at 276.

⁵¹⁷ See Cristina Novoa, *How Child Care Disruptions Hurt Parents of Color Most*, *CTR. FOR AM. PROGRESS* (Jun. 29, 2020), <https://www.americanprogress.org/article/child-care-disruptions-hurt-parents-color> [<https://perma.cc/MQ9D-7EDL>].

⁵¹⁸ See Thomas G. McGuire & Jeanne Miranda, *New Evidence Regarding Racial and Ethnic Disparities in Mental Health Care: Policy Implications*, 27 *HEALTH AFFS.* 393 (2008),

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moving to a particular neighborhood and sleeping in that new apartment, a white person is gentrifying, evicting, and causing violence that leads to premature death among “non-whites.”⁵¹⁹ Kaiju-like, that person’s whiteness can destroy a whole city of people without them ever having intended to do so.

The opposite of Du Bois’ double consciousness,⁵²⁰ being forced to live with the constant awareness of how others think about you,⁵²¹ is not one consciousness, but none. A great deal has been written about unconscious bias against “people of color” that, by definition, “whites” cannot think about.⁵²² Some scholars have described the motivation to invent whiteness to justify slavery as an “unthinking decision,” because the exploitation it enabled was so profitable to “whites,” that it took no conscious effort to enact.⁵²³ Behaviors such as gentrification, policies like prisons, and rules within anti-discrimination laws that require a showing of intent are racist not because any one person intends them to be (although those carrying them out may be), but because they automatically exclude and harm without any intention at all.⁵²⁴ As if invoking the zombie, the theologian Howard Thurman wrote, in his 1965 *The Luminous Darkness*, “Hate . . . does not have a mind. All hate knows to do is hate.”⁵²⁵ Echoing Thurman’s observation of mindlessness, Baldwin once referred to white people as “sleepwalkers,” and to their “somniaambulation.”⁵²⁶ Like zombies, white privilege allows people to be driven by their appetites alone without considering anything beyond them, and that alone is the means to devour the world. Whiteness exhibits—even when it intends no malice—the lethal indifference of the kaiju and the deadly appetite-driven unthought of the zombie.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC3928067/pdf/nihms554566.pdf> [<https://perma.cc/XQ4A-JS2B>].

⁵¹⁹ ALCOFF, *supra* note 165, at 117 (“Decisions that whites make about where to live and where to go to school . . . can change the real world meaning, and the status, of whiteness.”); ANDERSON, *supra* note 507, at 231 (“White people move into Black neighborhoods, they raise the property value *just by living there.*” (italics added)).

⁵²⁰ The scholar Adolph L. Reed has pointed out that Du Bois was not the first to use this term, despite employing it to memorable effect. See ADOLPH L. REED, W.E.B. DU BOIS AND AMERICAN POLITICAL THOUGHT 105 (1997).

⁵²¹ W.E.B. DU BOIS, *Of Our Spiritual Strivings*, in W.E.B. DU BOIS: A READER, *supra* note 161, at 29.

⁵²² ALCOFF, *supra* note 165, at 88-89 (discussing unconscious racial bias).

⁵²³ Campbell & Oakes, *supra* note 291, at 148-49.

⁵²⁴ PATRICIA ROBERTS-MILLER, SPEAKING OF RACE: HOW TO HAVE ANTI-RACIST CONVERSATIONS THAT BRING US TOGETHER 29 (2021) (using the analogy of a building built without ramps as ableist “it was designed to exclude people, even if unconsciously or thoughtlessly. . . . Indifference is as much a problem as hatred.”); D. Marvin Jones, *Darkness Made Visible: Law, Metaphor, and the Racial Self*, in CRITICAL WHITE STUDIES, *supra* note 42, at 73 (describing the effortlessness of racial oppression, explaining that “[t]he process at work here is neither the individual desire for domination or aversion, nor a problematic of ethos or morality.”)

⁵²⁵ HOWARD THURMAN, *THE LUMINOUS DARKNESS* 27 (1965) (emphasis added).

⁵²⁶ JAMES BALDWIN, *Dark Days*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 666.

The law constructs, and is constructed by, non-intentionality in at least two ways. First, as discussed above, the law protects and incentivizes non-thinking by treating the segregation and ghettoization that results from structural white supremacist phenomena, such as gentrification and inherited wealth disparities, as the “de facto” result of “personal choices” that cannot be challenged in law.⁵²⁷ The Supreme Court decision in *Freeman v. Pitts* is just one example.⁵²⁸ In that case, the Court reviewed a District Court’s supervision over the decades-long dismantling of de jure segregation in a Georgia school district.⁵²⁹ Without expounding on too much of the granular detail of that supervision, suffice it to say the Court ruled that the District Court was not responsible for dismantling any *de facto* segregation in the school district that was the product of “private choices.”⁵³⁰ In other words, the Court said that federal courts could not, or should not, think about the “kinds of continuous and massive demographic shifts”—i.e., ghettoization, gentrification, Black unemployment, etc.—that keep schools racially segregated today.⁵³¹ In this way, *Freeman* enabled and reinforced the concentration of poverty among people of color and wealth among white people.⁵³² The courts, therefore, precisely because they consciously intend nothing, enforce a white “right” to geographic and economic segregation.⁵³³

Second, the law protects legal institutions that—like giant ants⁵³⁴ or Pantagruel⁵³⁵—are dangerous by their very *nature*. Policing,⁵³⁶ incarceration,⁵³⁷ and citizenship⁵³⁸ are principal examples, inflicting the mass destruction of “premature death” against the millions killed, caged, or deported.⁵³⁹ Laws and policies which

⁵²⁷ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 45, 61 (citing to, *inter alia*, *Freeman v. Pitts*, 503 U.S. 467, 495 (1992)).

⁵²⁸ *Freeman v. Pitts*, 503 U.S. 467.

⁵²⁹ *Id.* at 467-68.

⁵³⁰ *Id.* at 495.

⁵³¹ *Id.*

⁵³² See Richard Thompson Ford, *The Boundaries of Race: Political Geography in Legal Analysis*, 107 HARV. L. REV. 1841, 1845, 1852 (1994); see also ROTHSTEIN, *supra* note 298, at 190 (the low-income housing tax credit and Section 8), 188-89 (the underfunding of public transportation).

⁵³³ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 53.

⁵³⁴ See THEM (Warner Bros. 1954).

⁵³⁵ See FRANCOIS RABELAIS, GARGANTUA AND PANTAGRUEL (2006, Penguin Classics).

⁵³⁶ ALEX S. VITALE, THE END OF POLICING 14-15 (2017).

⁵³⁷ MICHELLE ALEXANDER, THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS 7 (2012).

⁵³⁸ See Sacco, *supra* note 390, at 695.

⁵³⁹ *Criminal Justice Factsheet*, NAACP, <https://naacp.org/resources/criminal-justice-fact-sheet> (last visited Oct. 1, 2024) [<https://perma.cc/8AG4-6APJ>] (identifying the number of Black Americans in prison, or harmed or killed by police, or whose mental health suffer as a result); Muzaffar Chishti & Kathleen Bush-Joseph, *The Biden Administration is on Pace to Match True Deportation Numbers - Focusing on the Border, not the U.S. Interior*, MIGRATION POL’Y INST. (June 27, 2024), <https://www.migrationpolicy.org/article/biden-deportation-record> [<https://perma.cc/8AG4-6APJ>] (identifying the numbers of people deported from the United States over the last thirty years).

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seek to make these institutions less violent or more “humane,” such as body cameras,⁵⁴⁰ oversight committees,⁵⁴¹ and a “path to citizenship,”⁵⁴² further entrench and legitimize the inherently white supremacist projects they each embody.⁵⁴³ Sociologist Alex Vitale explains that body cameras, rather than limiting state violence through accountability, actually expanded state violence by providing a new way to gather evidence against people, increasing prosecutions.⁵⁴⁴ The problem, as Vitale argues, is not the way policing is performed, but policing itself.⁵⁴⁵ No cage can make the loss of freedom liberatory any more than a fifty-ton tarantula⁵⁴⁶ can be made innocuous. Rather, the opposite is true: that when the police officer, prison warden, or immigration judge intends nothing in particular, like that building-sized spider, they will retain the capacity to act out, obliviously, their institution’s greatest potential for violence.

3. Monsters Without Understanding

In addition to not having to think about whiteness or privilege, white people also do not have to think about the consequences or history of these. As discussed above, “white” people don’t think about whose housing options they limit or how they limit them, especially if they need never travel to “non-white” neighborhoods.⁵⁴⁷ “White” people need not think about: how their privileged job acceptance or university attendance disproportionately limits someone else’s employment and education prospects or the disproportionate unemployment or underemployment these produce as a result;⁵⁴⁸ how their privileged voices can silence or disappear other less-privileged ones with more to say;⁵⁴⁹ or how everything their privilege purchases for them, it takes from someone else.⁵⁵⁰

As a white person, I have as much insight into how I influence the lives of “people of color” as Godzilla does into the lives of the people whose city he destroys. I do not even notice that those I am harming are there. The white kaiju is oblivious

⁵⁴⁰ VITALE, *supra* note 536, at 14-15.

⁵⁴¹ VICTORIA LAW, PRISONS MAKE US SAFER: AND 20 OTHER MYTHS ABOUT MASS INCARCERATION 153-157 (2021) (explaining the prison abolitionist critique of prison reform).

⁵⁴² See Sacco, *supra* note 390, at 695.

⁵⁴³ LAW, *supra* note 541, at 153-157.

⁵⁴⁴ VITALE, *supra* note 536, at 23.

⁵⁴⁵ *Id.* at 221-228.

⁵⁴⁶ See TARANTULA (Universal-International 1954).

⁵⁴⁷ ANDERSON, *supra* note 507, at 13-16 (distinguishing “white space,” from “Black space”).

⁵⁴⁸ See, e.g., JENSEN, *supra* note 213, at 22-24 (framing his education, employment and other economic opportunities—despite whatever hard work he put into them—as products of his white privilege and the disadvantages of people of color around him, unknown to him at the time); WISE, *supra* note 46, at 89, 97 (discussing how advantages like family home ownership made higher education accessible to him and inaccessible to others because of racist policies that made home ownership inaccessible to people of color).

⁵⁴⁹ See EDDO-LODGE, *supra* note 46, at 97-98.

⁵⁵⁰ See IRVING, *supra* note 46, at 59.

to the lives it alters beneath its feet. I do not need to intend or think to hurt. It is enough that I am. But I cannot escape my white monstrosity any more than Godzilla can escape his size. All “whites” are captured by complicity in this process.⁵⁵¹ It puts almost too fine a point on the city-smashing kaiju metaphor when we consider the ways white people have unknowingly benefited from the razing of whole Black communities to make room for highways or white suburbs,⁵⁵² or for that matter, that were burned to the ground during white supremacist pogroms.⁵⁵³ Unthinking privilege is casual mass destruction, which, like the kaiju or zombie, has “brought humanity to the edge of oblivion.”⁵⁵⁴

The kaiju and zombie’s non-knowing are reflected in a monstrous white epistemology. White people are alienated, by means of segregation⁵⁵⁵ and self-interest, from the death that their privilege causes and an understanding of *how* their privilege causes it. Whiteness relies upon an ahistorical and misinformed understanding of the past and the present in order to sustain the mythology of white superiority and innocence.⁵⁵⁶ This aspect of non-thinking allows white people to accept the status quo, misconceptions, and false assumptions about the world without criticism,⁵⁵⁷ which professor of education Joyce E. King classifies as “dysconscious” racism.⁵⁵⁸ This dysconsciousness allows white people to ignore history, to not see the advantages which economic disparity purchases for them, or to lose all awareness of their own culpability in these advantages.⁵⁵⁹ Even assuming a superficial knowledge of slavery, genocide, or segregation—which many people lack in any event⁵⁶⁰—

⁵⁵¹ MILLS, *supra* note 4, at 107 (“By ‘unquestioningly going along with things’ . . . one can be said to have consented to whiteness”); WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 21 (“[A]ll whites are racist . . . because we benefit from systemic white privilege.”).

⁵⁵² See, e.g., JENSEN, *supra* note 213, at 22-24; IRVING, *supra* note 46, at 59.

⁵⁵³ See, e.g., Yuliya Parshina-Kottas, Anjali Singhvi, Audra D.S. Burch, Troy Griggs, Mika Gröndahl, Lingdong Huang, Tim Wallace, Jeremy White & Josh Williams, *What the Tulsa Race Massacre Destroyed*, N.Y. TIMES (May 24, 2021) <https://www.nytimes.com/interactive/2021/05/24/us/tulsa-race-massacre.html> (describing the 1921 white supremacist pogrom that resulted in the burning of much of the Black neighborhood in Tulsa and the mass murder of hundreds).

⁵⁵⁴ Baldwin, *On Being “White” . . . and Other Lies*, *supra* note 27, at 180.

⁵⁵⁵ See Paul Street, *The White Fairness Understanding Gap*, Z MAGAZINE (Oct. 2001) <https://znetwork.org/zmagazine/the-white-fairness-understanding-gap-by-paul-street> [<https://perma.cc/2MDD-4GLU>].

⁵⁵⁶ For example, that inequality is decreasing or that discrimination is extinct. See, e.g., BUSH, *supra* note 356, at 119-20, 176-77; Frankenberg, *The Mirage of an Unmarked Whiteness*, *supra* note 26, at 84-85. Annual polls find that substantial majorities of whites and Latinos misapprehend that Black Americans have “as good a chance as whites” to do as well in work, education, health, etc., despite this belief being demonstrably false. See THE COLOR OF WEALTH, *supra* note 459, at 2-5.

⁵⁵⁷ MILLS, *supra* note 4, at 18-19; JAMES BALDWIN, *A Fly in the Buttermilk*, in THE PRICE OF THE TICKET, *supra* note 16, at 178 (arguing that segregation “allowed white people, with scarcely any pangs of conscience whatever, to create, in every generation, only the Negro they wished to see”).

⁵⁵⁸ Joyce E. King, *Dysconscious Racism: Ideology, Identity, and Miseducation*, in CRITICAL WHITE STUDIES, *supra* note 42, at 128.

⁵⁵⁹ *Id.* at 131; SULLIVAN, *supra* note 2, at 18.

⁵⁶⁰ MILLS, *supra* note 4, at 121.

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many white people still do not know the details, say, of how the law and the state directly enforced exclusive white access to money,⁵⁶¹ land,⁵⁶² and gainful employment,⁵⁶³ or how this has shaped, and continues to shape, the present. Scholars have described this un-education as “social amnesia,”⁵⁶⁴ “white denial,”⁵⁶⁵ “white ignorance,”⁵⁶⁶ or the “white fairness understanding gap.”⁵⁶⁷ Other scholars have argued that this is a deliberate process of “willful blindness”⁵⁶⁸ motivated both by the desire to preserve privileges⁵⁶⁹ and to prevent an understanding that brings guilt and shame,⁵⁷⁰ referred to as a “white double consciousness.”⁵⁷¹ Philosopher Shannon Sullivan explains that unconscious habits of white racism “involves active mechanisms and strategies for blocking access to them by conscious inquiry.”⁵⁷² Baldwin said it this way: “[P]eople who imagine that history flatters them, are impaled on their history like a butterfly on a pin and become incapable of seeing or changing themselves, or the world.”⁵⁷³ As long as it is in white people’s material interest to remain ignorant of the history and consequences of their power, many will remain motivated to not think about them.⁵⁷⁴ Ultimately, nothing can motivate a zombie to *think* about its prey.

⁵⁶¹ ROTHSTEIN, *supra* note 298, at 154, 170-73 (racist tax policy).

⁵⁶² *Id.* at 12-13, 45-48, 65, 81, 64, 95, 99, 125, 127-31, 137 (federally insured mortgages; racial zoning; racial covenants; redlining; blockbusting; the demolition of integrated neighborhoods); Homestead Act of 1862, 43 U.S.C. § § 161 et seq. (repealed 1976) (granting 250 million acres of tribal land to settlers for as little as one dollar per acre); General Allotment (Dawes) Act, ch. 119, 24 Stat. 388 (1887) (allowing tribal land to be held by and sold to private individuals); THE COLOR OF WEALTH, *supra* note 459, at 11.

⁵⁶³ ROTHSTEIN, *supra* note 298, at 137, 160-61, 168-69, 179 (union and job segregation). Additionally, whiteness further developed new strategies of maintaining racial caste that modern anti-discrimination law had no effect on—such as reverse redlining and biased federal tax credits, among other things. *Id.* at 180, 169, 109-113.

⁵⁶⁴ Peter McLaren, *Whiteness Is . . . The Struggle for Postcolonial Hybridity*, in WHITE REIGN, *supra* note 30, at 66.

⁵⁶⁵ See, e.g., EDDO-LODGE, *supra* note 46, at xiv.

⁵⁶⁶ Charles W. Mills, *White Supremacy as Sociopolitical System*, in WHITE OUT: THE CONTINUING SIGNIFICANCE OF RACISM 45 (Ashley W. Doane & Eduardo Bonilla-Silva eds., 2003) [hereinafter Charles W. Mills, *White Supremacy as Sociopolitical System*]. See also Charles W. Mills, *White Ignorance*, in RACE AND EPISTEMOLOGIES OF IGNORANCE 20 (Shannon Sullivan & Nancy Tuana eds., 1997) [hereinafter Charles W. Mills, *White Ignorance*].

⁵⁶⁷ Street, *supra* note 555.

⁵⁶⁸ MILLS, *supra* note 4, at 97.

⁵⁶⁹ See MICHAEL REICH, RACIAL INEQUALITY: A POLITICAL ECONOMIC ANALYSIS (1981) at 269.

⁵⁷⁰ Charles W. Mills, *White Supremacy as Sociopolitical System*, *supra* note 566, at 45. Charles W. Mills, *White Ignorance*, *supra* note 566, at 20; WATSON, *supra* note 48 at 15-57.

⁵⁷¹ WATSON, *supra* note 48 at 15-57.

⁵⁷² SULLIVAN, *supra* note 2, at 22.

⁵⁷³ JAMES BALDWIN, *White Man’s Guilty*, in THE PRICE OF THE TICKET, *supra* note 16, at 414. See also RICHARD WRIGHT, BLACK POWER: THREE BOOKS FROM EXILE: BLACK POWER, THE COLOR CURTAIN, AND WHITE MAN, LISTEN! 692 (2008) (“It is almost impossible for a white Westerner to realize some of the facts that make non-Westerners angry and resentful.”).

⁵⁷⁴ DIANGELO, *supra* note 11, at 50.

Even for those white people who make an effort to learn and to think, there is doubt that many can ever materially understand what they cannot experience and will never have to.⁵⁷⁵ The distance between white experience and the lives of everyone else may just sanitize the gore of oppression that much.⁵⁷⁶ Antiracist writer Mab Segrest draws on the work of the likes of Sigmund Freud and Georg Wilhelm Friedrich Hegel, among others, to describe a “high state of unconsciousness” or mental “anesthesia” of others’ pain that forms in the person who dominates and subjugates other people.⁵⁷⁷ That is why even the best intentioned efforts to help may produce paternalistic, harmful results.⁵⁷⁸ The fact that many white people are both cognizant of their racism, while simultaneously wanting to be free from it, only underscores this reality.⁵⁷⁹ Considering white people who are motivated to think and learn reminds one of writer Tre Johnson’s stinging quip that “while Black people are in pain, white people just join book clubs.”⁵⁸⁰ White people come to understand disparities in education, employment, wealth, and health the way the audience typically watches Tokyo residents get crushed under Godzilla’s slow gait—from a distance and without intimacy.⁵⁸¹ In giant monster movies, as author Jason Barr puts it, there is “little true *death*, only *destruction*, and this sanitization of death is the hallmark of the kaiju film.”⁵⁸² White people may experience gentrification, Black poverty, and other white effects, as if viewing a small model of the world—like a kaiju.⁵⁸³ It is likewise the hallmark of the relationship between white subjectivity and white devastation.

White memoirs often read as confessions⁵⁸⁴ (if they are not explicitly labeled that way already⁵⁸⁵) of this kind of unthought and misunderstanding—and with good

⁵⁷⁵ See RICHARD DELGADO, *Rodrigo’s Eleventh Chronicle: Empathy and False Empathy*, in CRITICAL WHITE STUDIES, *supra* note 42, at 615 [hereinafter RICHARD DELGADO, *Rodrigo’s Eleventh Chronicle*].

⁵⁷⁶ See generally *id.*

⁵⁷⁷ Mab Segrest, “*The Souls of White Folks*,” *supra* note 347, at 55-59.

⁵⁷⁸ See RICHARD DELGADO, *Rodrigo’s Eleventh Chronicle*, *supra* note 575, at 615; Martha R. Mahoney, *What Should White Women Do?*, in CRITICAL WHITE STUDIES, *supra* note 42, at 643; SULLIVAN, *supra* note 2, at 164.

⁵⁷⁹ FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 164; JAMES BALDWIN, *The Devil Finds Work*, in THE PRICE OF THE TICKET, *supra* note 16, at 600.

⁵⁸⁰ Tre Johnson, *While Black People Are in Pain, White People Just Join Book Clubs*, WASH. POST (June 11, 2020), https://www.washingtonpost.com/outlook/white-antiracist-allyship-book-clubs/2020/06/11/9edcc766-abf5-11ea-94d2-d7bc43b26bf9_story.html.

⁵⁸¹ See RICHARD DELGADO, *Rodrigo’s Eleventh Chronicle*, *supra* note 575, at 615; STEVE BIKO, I WRITE WHAT I LIKE: SELECTED WRITINGS 68-69 (1978).

⁵⁸² Barr, *supra* note 465, at 127.

⁵⁸³ See *supra* note 581-582. See also GRIFFIN, *supra* note 46, at 2, where the well-intentioned white author poses as a Black man because it was “the best way to find out if we had second-class citizens and what their plight would be to become one of them” apparently unable to see far enough past his own internalized racism to consider that the “best way” might be the testimony of Black people themselves.

⁵⁸⁴ See, e.g., JENSEN, *supra* note 213, at 67.

⁵⁸⁵ See generally, CONFESSIONS OF A WHITE RACIST, *supra* note 46.

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reason. They are filled with admissions of misapprehensions about what racism is, its history, and how it works;⁵⁸⁶ about learning, usually through clumsy, harmful trial-and-error; about the author's privilege to ignore and to be ignorant.⁵⁸⁷ These memoirs contain admissions of the good intentions behind the author's white saviorism that justified their imposition of white cultural values or blame upon people of color;⁵⁸⁸ of their lack of insight into their own performative racial enlightenment;⁵⁸⁹ and of intrusive racist thinking⁵⁹⁰ or implicit bias against non-white people.⁵⁹¹ One author even admits to twice moving into neighborhoods of color without any consciousness or understanding of the gentrification he was advancing.⁵⁹²

This author can make the same confessions. I, too, have broadcast my misapprehensions about racism through comments hurtful or grossly misinformed. I grew up in a white neighborhood that was crafted by redlining and whatever benefit accrued to me as a result of living in this segregated neighborhood came at the cost of the families of color living in the ghettoized counterpart neighborhood across my hometown. As an adult, I, too, once moved into a neighborhood of color without understanding the potential consequences. I will remain forever ignorant of the people that did not get accepted into my undergraduate or law school alma maters *because I was accepted*. I learned only years after the fact that I was offered a job I held for years only because a woman of color was turned down for the same position on a technicality that was historically only enforced against non-white employees. My whiteness—as unconsciously and unintentionally as any indifferent kaiju or mindless ghoul—harmed my neighbors and my colleague of color by destroying or devouring the homes, careers, lives that were rightfully theirs. One can read about white monstrosity in the abundant non-fiction literature describing it or one can hear it, as it were, straight from the monster's mouth.

Of course, white people do not understand what the law encourages them to misunderstand. In the law's efforts to protect unintentionality, it also promotes ahistorical comprehensions of racism and white supremacy.⁵⁹³ In law professor Neil Gotanda's words, describing the "color-blind" approach of anti-discrimination law, "the issues are discussed [by the courts] as though they have no history of context at

⁵⁸⁶ IRVING, *supra* note 46, at 56, 78, 127; JENSEN, *supra* note 213, at 10; HILL, *supra* note 46, at 74, 85; CONFESSIONS OF A WHITE RACIST, *supra* note 46, at 12, 52, 57; WISE, *supra* note 46, at 49; GRIFFIN, *supra* note 46, at 12.

⁵⁸⁷ DIANGELO, *supra* note 11, at 82; CONFESSIONS OF A WHITE RACIST, *supra* note 46, at 37, 112, 122; WISE, *supra* note 46, at 123-124.

⁵⁸⁸ IRVING, *supra* note 46, at 48, 107-08.

⁵⁸⁹ HILL, *supra* note 46, at 129; WISE, *supra* note 46, at 121.

⁵⁹⁰ IRVING, *supra* note 46, at 90; WISE, *supra* note 46, at 213.

⁵⁹¹ DIANGELO, *supra* note 11, at 90; JAMES, *supra* note 410, at 87.

⁵⁹² JAMES, *supra* note 410, at 123-34.

⁵⁹³ See Gotanda, *supra* note 407.

all.”⁵⁹⁴ The “intentional discrimination,” standard under Title VII rejects the understanding of the historical and social processes that made and make the racial disparities in wealth, health, and death the underpinning of such cases.⁵⁹⁵ Title VII’s “disparate impact” standard has also been interpreted in ways that significantly limit a court’s ability to address that history and remedy it.⁵⁹⁶ For example, in *Ricci v. DeStefano*,⁵⁹⁷ the New Haven, Connecticut fire department, which had a long history of excluding firefighters of color,⁵⁹⁸ was sued by twenty “white and Hispanic” firefighter applicants, when it took steps to eliminate their entrance exam results that, as they often did, disparately disfavored Black applicants.⁵⁹⁹ It did so to avoid being sued by the Black applicants for disparate impact.⁶⁰⁰ The Supreme Court ruled “that action taken to avoid disparate-impact liability and integrate the workforce is a form of presumptively impermissible race-based action,” establishing that this provision might actually work to *prohibit* policies that aim to alleviate racial subordination, such as integration.⁶⁰¹ Thus this provision too is divorced from historical understanding of how white supremacy works.⁶⁰² Courts may also treat “economic interests,” such as arguments about property value, as devoid of all racial meaning and content,⁶⁰³ although historically economic interests have *always* been racialized.⁶⁰⁴ In the absence of the law’s understanding or acknowledgement of history, there is instead the reaffirmation and reinforcement of false and ahistorical narratives of poverty as the product of merit and character.⁶⁰⁵ Similarly, even social programs that attempt to “lift all boats” regardless of race often end up helping white people more, since they attempt nothing to temper the advantages they already

⁵⁹⁴ *See id.*

⁵⁹⁵ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 45-46; DERRICK BELL, RACE, RACISM, AND AMERICAN LAW 73 (5th ed. 2008) (“[T]he Supreme Court [in *Parents Involved in Community Schools v. Seattle School District No. 1*, 551 U.S. 701 (2007)] declared unconstitutional race-conscious admission and transfer plans that for the past five decades had been vital to eradicating segregation, facilitating integration, and preventing resegregation.”).

⁵⁹⁶ *See* Cheryl I. Harris & Kimberly West-Faulcon, *Reading Ricci: Whitening Discrimination, Racing Test Fairness*, 58 UCLA L. Rev. 73 (2010); Cedric Merlin Powell, *Post-Racial Constitutionalism and the Roberts Court*, NBA Nat’l Bar Ass’n Mag. (Aug.–Dec. 2011) (“As exemplified in these cases [interpreting Title VII’s disparate impact standard], the preservation of white privilege is the touchstone of the Court’s race jurisprudence.”).

⁵⁹⁷ *Ricci v. DeStefano*, 557 U.S. 557 (2009).

⁵⁹⁸ Harris & West-Faulcon, *supra* note 596, at 88 (“[T]he City had been repeatedly and successfully sued by African Americans and Latinos over its hiring and promotional practices—virtually all facially race neutral—that operated to shut nonwhites out.”).

⁵⁹⁹ *Ricci*, 557 U.S. 557.

⁶⁰⁰ *Id.*

⁶⁰¹ Michelle Adams, *Is Integration a Discriminatory Purpose?*, 98 IOWA L. REV. 837, 841 (2011).

⁶⁰² Harris & West-Faulcon, *supra* note 596, at 81-83 (explaining that *Ricci* limits “disparate impact” in a “colorblind” way, making it more a vehicle for white grievance than a tool for uprooting racism).

⁶⁰³ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 54, 59.

⁶⁰⁴ Gotanda, *supra* note 407.

⁶⁰⁵ WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 49-51; Freeman, *supra* note 421, at 1052-53.

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have⁶⁰⁶ and projects that reject material reparations for historically oppressed groups only reinforce these persistent disparities.

The *Plyler* decision became a stark example of the kind of juridical elision of historical context typical of white non-thinking when it accepted as genuine wholly apocryphal arguments from Texas.⁶⁰⁷ The State argued that the Tyler school district was only excluding Mexican children from its schools to save money on school budgets by excluding these children from education and discouraging their migration to the state.⁶⁰⁸ Plaintiffs, in their brief, described these arguments as an “after thought,”⁶⁰⁹ and the Court even candidly admitted in its opinion that these “ludicrous[.]” excuses did not make sense.⁶¹⁰ But instead of noting the obvious daylight between Tyler’s history of school racial segregation and these nonsensical arguments,⁶¹¹ the Justices simply accepted them as sincere.⁶¹² The Court could have expressly considered the history of Mexican segregation in East Texas (provided to the Court by amici⁶¹³) to conclude that plaintiffs, as undocumented Mexicans, were members of a class subject to invidious discrimination.⁶¹⁴ In fact, the Court had considered that history in an earlier 1954 case, *Hernandez v. State of Texas*, in which it held that excluding Mexican individuals from jury selection in Jackson County, Texas, violated the Equal Protection Clause.⁶¹⁵ It could have similarly applied a higher standard of scrutiny to pronounce Tyler’s arguments obvious (politically palatable) pretenses for its historically demonstrable motivation to segregate Mexican children from “white” schools.⁶¹⁶ Only an ahistorical and willfully blind approach toward Tyler’s conspicuous commitment to racial apartheid can answer the question of how such little scrutiny was applied to the *Plyler* controversy before the

⁶⁰⁶ THE COLOR OF WEALTH, *supra* note 459, at 17.

⁶⁰⁷ The Court dismisses the argument that excluding plaintiff children from public school (or forcing them to pay tuition) was motivated by fiscal concerns as not an effective method of saving money and “ludicrously ineffectual” at stopping unlawful migration. But it does not take the next logical step to conclude that these reasons are as nonsensical as they are because they are an obvious subterfuge for racial animus. *Plyler v. Doe*, 457 U.S. 202, 228-29 (1982).

⁶⁰⁸ Oral Argument at 5:39, 13:13, *Plyler*, 457 U.S. 202.

⁶⁰⁹ Brief for Appellants at *42, *Plyler v. State of Texas*, 102 S. Ct. 2382 (1982) (No. 80-1538).

⁶¹⁰ *Plyler*, 457 U.S. at 228.

⁶¹¹ Steven G. Calabresi & Lena M. Barsky, *An Originalist Defense of Plyler v. Doe*, 2017 BYU L. REV. 225, 304 (2017) (“As demonstrated by the pointed comments from the Justices [during oral argument], both advocates for the appellants in *Plyler v. Doe* struggled to provide truly valid reasons for section 21.031.”).

⁶¹² *Plyler*, 457 U.S. at 228 (characterizing these arguments as a “doubtful assumption,” implying that the Justices are taking appellants at their word that saving money and deterring immigration were actually the justifications and rationales behind the policy).

⁶¹³ Specifically, an amicus brief filed by the American Friends Service Committee. See Brief of Am. Friends Serv. Comm. et al. as Amici Curiae Supporting Respondents at *17-21, In Re: Alien Child. Educ. Litig. v. U.S., 1981 WL 389637 (1981) (No. 80-1934).

⁶¹⁴ See, e.g., *Hernandez v. Texas* 347 U.S. 475, 479-80 (1954).

⁶¹⁵ *Hernandez*, 347 U. S. at 479-80.

⁶¹⁶ *Plyler*, 457 U.S. 528-29.

Court. In this way, the *Plyler* court erased the history of white segregation and subjugation of Mexican people in East Texas by thoughtlessly trampling over logic to reach its conclusion, with all the reflection of a walking corpse or a loping Godzilla.

4. The Limits of White Monster Thinking

Thoughtless monsters are sometimes unbeatable in their stories. In zombie fiction, the walking, cannibal corpses persist, perhaps in smaller numbers, but persist they do. Residents of those worlds simply learn to live with them. They build higher walls, they wear bite-proof clothes, and they carry on with their lives. For example, in the Robert Kirkman's graphic novel series *The Walking Dead*, zombies remain even decades after the world has moved past the apocalypse and rebuilt society.⁶¹⁷ Kaiju are also rarely defeated for good.⁶¹⁸ Cities in these stories just do their best to Godzilla-proof their shores, build emergency shelters, and hope he passes them by.⁶¹⁹ In the 2013 Guillermo Del Toro film, *Pacific Rim*, governments, resigned to a world where kaiju emerge perennially from the ocean, just build giant robots to police their shores.⁶²⁰ Thoughtless dangers, these stories seem to tell us, are undying, unending threats. The best we can hope for is to minimize their harm.

Only by thinking about one's whiteness, can a white person even begin to minimize the destructive power of that whiteness. Thinking requires white people's awareness of the impact of their destructive power. It requires that white people consider what kaiju and zombies cannot—that their own existence has consequences for others. This requires, not just deliberative learning, but also listening to the people on the receiving end of white violence. But as alluded to earlier, even with the greatest effort in thinking, there are limits to how much white people can understand about their destructive impact and thus how much they can blunt it. There will always be some part of the lived experience of others, or about one's own power, that one cannot learn, know, or understand. Like living with the walking dead, or Sea monster-proofing our cities,⁶²¹ we have to find some way of solving the problem of whiteness despite white (un)thinking. More on this *infra*, Part VI.

⁶¹⁷ ROBERT KIRKMAN, *WALKING DEAD VOLUME 32: REST IN PEACE* (2019).

⁶¹⁸ See, e.g., *MOTHRA* (Toho 1961), *GORG* (British Lion-Columbia 1961), *REPTILICUS* (Saga Studies 1961), *GODZILLA VS. MEGALON* (Toho 1973), *CLOVERFIELD* (Paramount Pictures 2008), *GODZILLA: MINUS ONE* (Toho 2024).

⁶¹⁹ See, e.g., *PACIFIC RIM* (Warner Bros. Pictures 2013); *GODZILLA X KONG* (Legendary 2024); ZANDER CANNON, *KAIJUIMAX* (2015-2022)(graphic novel series).

⁶²⁰ *PACIFIC RIM* (Warner Bros. Pictures 2013).

⁶²¹ *Id.*

C. The Shapeshifting White Monster

1. Shapeshifting Monsters

Shapeshifters are beings that can control or change their physical form.⁶²² Folklore traditions around the world are stocked with shapeshifters,⁶²³ from the ancient cave drawings of human-animal hybrids,⁶²⁴ to the skinwalkers of Dine (Navajo) tradition,⁶²⁵ the jinn of pre-Islamic western Asian traditions,⁶²⁶ and the common werewolf of European lore.⁶²⁷ They are similarly re-occurring in literature, from the Monkey King of Wu Cheng'en's 1592 novel *Journey to the West*,⁶²⁸ who can become any animal or object, to Robert Lewis Stevenson's infamous novella *The Strange Case of Dr Jekyll and Mr Hyde*.⁶²⁹ Shapeshifters also populate modern media, from the nameless creature capable of infinite mimicry in John Carpenter's *The Thing* (1982)⁶³⁰ to the *Marvel* comics shape-changing extraterrestrials the Skrulls, who are "one of the pillars of Marvel's cosmology."⁶³¹

Such morphing monsters fall into two categories: the "dual-bodied" and the "multi-bodied" shapeshifters,⁶³² respectively, those that can oscillate between two shapes (e.g., werewolves or Dr. Jekyll), and those that can take any shape at all (e.g., Carpenter's thing or Cheng'en's Monkey King).⁶³³ These eminently mutable characters are bearers of many metaphors, including class and aristocracy,⁶³⁴ racial

⁶²² WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 508. *But see* KACHUBA, *supra* note 140, at 21 ("[S]ome researchers define shapeshifters more narrowly, only as humans capable of transforming at will into animals and back again while maintaining their human consciousness.").

⁶²³ *See, e.g.*, IOAN LEWIS, ECSTATIC RELIGION: AN ANTHROPOLOGICAL STUDY OF SPIRIT POSSESSION AND SHAMANISM (1971); MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 1.

⁶²⁴ KACHUBA, *supra* note 140, at 8, 16, 10, 14 (noting stories of shapeshifting gods and monsters from Greek mythology, Arthurian legend, and Voodoo theology).

⁶²⁵ *Id.* at 15, 38-39.

⁶²⁶ Emily Golson, *Shifting Shapes and Unknown Spirits at Play on the Borders of the Human Imagination: A Critical Reading of the Serpent-Woman*, 5 J. HUM. & APPLIED SOC. SCIS. 241 (2023).

⁶²⁷ MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 1.

⁶²⁸ WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 424.

⁶²⁹ ROBERT LEWIS STEVENSON, THE STRANGE CASE OF DR. JEKYLL AND MR. HYDE (1886).

⁶³⁰ THE THING (Universal Pictures 1982).

⁶³¹ DOUGLAS WOLK, ALL OF THE MARVELS: A JOURNEY TO THE ENDS OF THE BIGGEST STORY EVER TOLD (2021) 62.

⁶³² MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 10.

⁶³³ *See supra* notes 623-630.

⁶³⁴ SHELLEY BESS CHAPPELL, WEREWOLVES, WINGS AND OTHER WEIRD TRANSFORMATIONS: FANTASTIC METAMORPHOSIS IN CHILDREN'S AND YOUNG ADULT FANTASY LITERATURE (2007).

caste,⁶³⁵ human adolescence,⁶³⁶ sexuality,⁶³⁷ and gender.⁶³⁸ The capacity to become something else grants these characters tremendous power to hide, deceive, and adapt.⁶³⁹ It complicates humanity's ability to identify, confront, and defeat them.⁶⁴⁰ But it is what the shapeshifter represents about the threat of deception and adaptability that says a great deal about the dangers of whiteness.

Dual-bodied shifters are often threatening because they are warnings about the dangers of duplicity, particularly the ability to disguise belligerence as benignity.⁶⁴¹ For example, the folklore of many cultures features a shapeshifting monster that presents itself as something benign, often (if misogynistically) a beautiful woman, but only for the purpose of luring unsuspecting humans (often men) within eating or killing range of its true monstrous form. The British selkie water creature,⁶⁴² the rackshasa of Hindu and Buddhist mythology,⁶⁴³ the rusalki of Slavic folklore,⁶⁴⁴ and the Kawaso of Japanese yokai folklore⁶⁴⁵ all behave like this.⁶⁴⁶ The changeling of European folklore, a monstrous imposter that abducts and replaces a baby or child by assuming that child's form, is another example.⁶⁴⁷ In Stephen King's novel *It* (1986), the shapeshifting Pennywise regularly changes into a clown in order to lure children close enough to be eaten.⁶⁴⁸ In Francis Ford Coppola's 1992 film, *Bram Stoker's Dracula*, the famous vampire transforms from an old, frail man, to a young, debonair gentleman in order to seduce victims.⁶⁴⁹ In the *X-Men* films, the character

⁶³⁵ Shelley Bess Chappell, *Contemporary Werewolf Schemata: Shifting Representations of Racial and Ethnic Difference*, 2 INT'L RSCH. IN CHILDREN'S LITERATURE 21 (July 2009).

⁶³⁶ MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 15-16.

⁶³⁷ *Id.* at 8.

⁶³⁸ See Chantal Bourgault Du Coudray, *The Cycle of the Werewolf: Romantic Ecologies of Selfhood in Popular Fantasy*, 18 AUSTRALIAN FEMINIST STUDS. 40, 57 (2003).

⁶³⁹ KACHUBA, *supra* note 140, at 175 ("Shapeshifters should not be taken at 'face-value,' since their very nature leaves their true face always in doubt.").

⁶⁴⁰ See generally STEVENSON, *supra* note 629; THE THING, *supra* note 630; TERMINATOR 2, *supra* note 221.

⁶⁴¹ FOSTER, *supra* note 22, at 88 ("One creepy thing about shapeshifters is that . . . they are never fully what they appear to be.").

⁶⁴² KACHUBA, *supra* note 140, at 62.

⁶⁴³ *Id.* at 29.

⁶⁴⁴ *Id.* at 62-63.

⁶⁴⁵ FOSTER, *supra* note 22, at 165.

⁶⁴⁶ See also KACHUBA, *supra* note 140, at 68, 85-86 (the lange wappe of Dutch urban legend, can present as a beautiful woman, but also as a puppy, kitten, poor beggar or crying baby; the adze of Ghana transforms into a harmless firefly, but can suck blood or turn people into witches; La Patasola of Venezuela, also a beautiful woman).

⁶⁴⁷ KATHARINE BRIGGS, AN ENCYCLOPEDIA OF FAIRIES, HOBGOBLINS, BROWNIES, BOOGIES, AND OTHER SUPERNATURAL CREATURES 71 (1976).

⁶⁴⁸ STEPHEN KING, *IT* (1986).

⁶⁴⁹ BRAM STOKER'S DRACULA (Columbia Pictures 1992).

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Mystique changes into people her enemies trust as a means of disarming them, making her exceptionally suited to espionage.⁶⁵⁰

Alternatively, multi-bodied shifters are menacing because they are warnings about unlimited power. Speaking about the elder god, Nyarlathotep, imagined by H.P. Lovecraft,⁶⁵¹ Paul T. Beattie writes “[t]hat this powerful being is immune to definition or delineation makes it all the more terrifying.”⁶⁵² The large wapper of Dutch urban legend “can be anything as small as a mouse or as tall as a building.”⁶⁵³ Both the sentient ooze in Dean Koontz’s novel *Phantoms*⁶⁵⁴ and the extraterrestrial of John Carpenter’s 1982 film *The Thing*, which “imitate[] other life forms, imitate[] them perfectly,”⁶⁵⁵ can appear as anything or anyone imaginable by consuming them first.⁶⁵⁶ Carpenter’s film, based on the 1938 novella *Who Goes There?* by John W. Campbell,⁶⁵⁷ deftly demonstrates why the threat that can change its form is so dangerous.⁶⁵⁸ The film does this so well, in fact, that it has been read as an allegory for many things,⁶⁵⁹ including fear of the spread of communism⁶⁶⁰ and vulnerable masculinity.⁶⁶¹ The shapeshifter’s ability to hide in plain sight grants it impunity, much like the practically invisible monster. In Carpenter’s film, the monster often consumes people off-screen, underscoring the multi-bodied shifter’s secretive and unaccountable violence. “The chameleon strikes in the dark,”⁶⁶² as one of Carpenter’s characters puts it.

⁶⁵⁰ See X-MEN (20th Century Fox 2000); X2 (20th Century Fox 2003); X-MEN: THE LAST STAND (20th Century Fox 2006).

⁶⁵¹ H.P. LOVECRAFT, *Nyarlathotep* (1920), in *THE COMPLETE TALES OF H.P. LOVECRAFT* 138-140 (2019).

⁶⁵² WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 513.

⁶⁵³ KACHUBA, *supra* note 140, at 68.

⁶⁵⁴ DEAN KOONTZ, *PHANTOMS* (1983).

⁶⁵⁵ *THE THING*, *supra* note 630.

⁶⁵⁶ *Id.*

⁶⁵⁷ JOHN W. CAMPBELL, *WHO GOES THERE?* (1938).

⁶⁵⁸ *THE THING*, *supra* note 630.

⁶⁵⁹ See, e.g., ANNE BILLSON, *THE THING*, 8 (1997).

⁶⁶⁰ See, e.g., JEFF SMITH, *FILM CRITICISM, THE COLD WAR, AND THE BLACKLIST: READING THE HOLLYWOOD REDS*, 9 (2014).

⁶⁶¹ See Tracy Moore, *Everything I Know About Men, I learned from The Thing*, MEL MAG. (2019), <https://melmagazine.com/en-us/story/the-thing-horror-masculinity> (last visited Oct. 22, 2024) [<https://perma.cc/HX6R-CRKY>].

⁶⁶² *THE THING*, *supra* note 630.

2. Shapeshifting Category

Whiteness as a category has shapeshifted since its inception centuries ago.⁶⁶³ The category grew to incorporate people of Irish,⁶⁶⁴ Italian,⁶⁶⁵ Jewish,⁶⁶⁶ and Armenian identities,⁶⁶⁷ when such individuals began identifying as white or participating in violence against people of color.⁶⁶⁸ Some “became white” merely because the law recognized them this way.⁶⁶⁹ When U.S. naturalization was legally limited to “free white persons,” a federal District Court of Oregon determined that Tatos O. Cartozian, an man of “Armenian blood and race,”⁶⁷⁰ was white because he was “of Alpine stock.”⁶⁷¹ Sixteen years earlier the federal District Court of Massachusetts came to the same conclusion about another Armenian man.⁶⁷² This change in status increased Armenian American access to land, and with it economic prosperity, confirming their whiteness.⁶⁷³ These and similar “groups” were thereafter allowed to reap the political and economic benefits of whiteness.⁶⁷⁴ Laws and policies that did not target these identities by excluding them from citizenship or depriving them of land and assets contributed to their construction as white.⁶⁷⁵ Other “groups” once considered “white,” were moved out of the category over time, for example, people identifying as Arab, South Asian,⁶⁷⁶ or Mexican.⁶⁷⁷ For example, the notorious Supreme Court decision in *Thind v. United States* (1923), in which the Court pronounced Mr. Bhagat Singh Thind ineligible for naturalization because “the

⁶⁶³ OMI & WINANT, *supra* note 53, at 4; HANEY LOPEZ, *supra* note 110, at 76; MILLS, *supra* note 4, at 78.

⁶⁶⁴ NOEL IGNATIEV, *HOW THE IRISH BECAME WHITE*, 40-41 (1995).

⁶⁶⁵ Brent Staples, *How Italians Became White*, NY TIMES (Oct. 12, 2019), <https://www.nytimes.com/interactive/2019/10/12/opinion/columbus-day-italian-american-racism.html>.

⁶⁶⁶ KAREN BRODKIN, *HOW JEWS BECAME WHITE FOLKS AND WHAT THAT SAYS ABOUT RACE IN AMERICA* (1998).

⁶⁶⁷ See *In Re Halladjian* 174 F. 834, 841 (D.Ma. 1909) (“For all these reasons the Armenians are not to be excluded from naturalization by reason of their race . . . they are to be classed as Caucasian or white.”).

⁶⁶⁸ See Baldwin, *On Being “White”... and Other Lies*, *supra* note 27, at 178-79; W.E.B. DU BOIS, *The Negro Problem* (1903), in W.E.B. DU BOIS: A READER, *supra* note 161, at 49.

⁶⁶⁹ See generally HANEY LOPEZ, *supra* note 110.

⁶⁷⁰ *U.S. v. Cartozian*, 6 F.2d 919, 919 (D.Or. 1925).

⁶⁷¹ *Cartozian*, 6 F.2d at 922 (1925).

⁶⁷² *Halladjian*, 174 F. at 845.

⁶⁷³ HANEY LOPEZ, *supra* note 110, at 91-92.

⁶⁷⁴ See ROEDIGER, *THE WAGES OF WHITENESS*, *supra* note 3, at 141, 180; IGNATIEV, *supra* note 664, at 69, 87, 166; PAINTER, *supra* note 14, at 107, 201.

⁶⁷⁵ *THE COLOR OF WEALTH*, *supra* note 459, at 246, 249.

⁶⁷⁶ HANEY LOPEZ, *supra* note 110, at 20.

⁶⁷⁷ See LAURA E. GOMEZ, *INVENTING LATINOS: A NEW STORY OF AMERICAN RACISM*, 126, 129 (2020); *Hernandez v. Texas* 347 U.S. 475, 479 (1954) (“[T]he testimony of responsible officials and citizens contained the admission that residents of the community distinguished between ‘white’ and ‘Mexican.’”).

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common man” would not regard him as white.⁶⁷⁸ Decisions like *Thind* contributed to the construction of people with geographic ancestry in continental Asia as racially “Asian,” and perpetually foreign.⁶⁷⁹ Historian Nell Irving Painter even describes a time when the people we would today call poor whites were outside of the “white” category.⁶⁸⁰ The social hierarchy of racial groups in the United States—with new groups periodically invented⁶⁸¹ or erased (Italians were subsumed into “white” for example⁶⁸²)—has continued to shift, although “white” has always been at the top and “Black” at the bottom.⁶⁸³

Similar to the incorporation of new “groups,” of people into whiteness, there has been social and legal fluidity of the category for people with “mixed” heritage,⁶⁸⁴ sometimes called “racial migration.”⁶⁸⁵ Judy Scales-Trent, in her memoir *Notes of a White Black Woman*, even compares herself, a Black woman often mistaken for a white woman,⁶⁸⁶ to a Navajo (Dine) Skinwalker, when she discusses how her racial identity can be fluid, even “during the course of a day.”⁶⁸⁷ This category shifting complicates our (white and non-white people’s) ability to identify who has power and privilege in a given context. As Scales-Trent’s memoir makes clear: power and privilege changes according to the social context in which it is perceived.⁶⁸⁸ This fluidity complicates one’s ability to navigate whiteness in a given situation, which empowers whiteness further by making it less predictable or even identifiable.⁶⁸⁹

3. Shapeshifting Practices

The machinations on which whiteness relies to preserve its power can also shift. “[T]he sheer volume of historical and sociological analyses of Whiteness,” writes author and professor of literature Veronica Watson, “demonstrate the ways

⁶⁷⁸ *Thind v. U.S.*, 261 U.S. 204, 214 (1923).

⁶⁷⁹ See Andrew Parayil Boge, *U.S. v. Thind and the Rhetorical Labors of “Where are you From?”*, 46 ETHNIC STUDS. REV. 69, 74 (2023).

⁶⁸⁰ PAINTER, *supra* note 14, at 107, 264.

⁶⁸¹ Herbert George A. Martinez, *Mexican-Americans and Whiteness*, in CRITICAL WHITE STUDIES, *supra* note 42, at 210 (“[L]egal actors—courts and others—constructed the race of Mexican-Americans.”).

⁶⁸² Staples, *supra* note 665.

⁶⁸³ HANEY LOPEZ, *supra* note 110, at 37, 114 (noting that in the mid-nineteenth century, courts considered “Black” an umbrella term including all “non-whites”).

⁶⁸⁴ See Dalton Conley, *Universal Freckle, or How I Learned to be White*, in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 29, 37 (discussing the fluctuation of the “one-drop” rule in nineteenth-century U.S. law); Howard Winant, *White Racial Projects*, in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 101-124 [hereinafter Winant, *White Racial Projects*] (discussing the fluctuation of the “one-drop” rule in twentieth and twenty-first century U.S. law).

⁶⁸⁵ See Daniel J. Sharfstein, *Crossing the Color Line: Racial Migration and the One-Drop Rule, 1600-1860*, 91 MINN. L. REV. 592 (2007).

⁶⁸⁶ JUDY SCALES-TRENT, NOTES OF A WHITE BLACK WOMAN 127 (1995).

⁶⁸⁷ *Id.* at 127.

⁶⁸⁸ *Id.* 127-32.

⁶⁸⁹ See *infra* Part V.C.3, Shifting Practices.

that Whiteness adapts, changes, and rearticulates itself to retain its social ascendancy and minimize the challenge to its supremacy”⁶⁹⁰ This *strategy*-shifting occurs on both personal and societal levels.⁶⁹¹ It is because of this shifting that, as one scholar put it, “no operational definition of whiteness is possible.”⁶⁹² Such a description would be just as appropriately applied to formless shifters like Koontz’s ooze⁶⁹³ or Carpenter’s Thing.⁶⁹⁴

On an interpersonal scale, a white person can shift the ways they perform their whiteness. Sociologist Troy Duster, describing whiteness as “Janus-faced”⁶⁹⁵ in reference to the two-faced Roman god of beginnings, endings, transitions, and duality, tells the story of a white police officer who transforms before his eyes.⁶⁹⁶ While waiting for his mother outside a grocery store, the officer “morphs” from “an occupying force of domination,” (harassing Duster for being Black in a white neighborhood) to someone there to “serve and protect” (when Duster’s mother intervenes and presumably informs the officer that Duster is a distinguished Sociologist at U.C. Berkley).⁶⁹⁷ The anti-colonial writer Albert Memmi, writing about white French colonizers occupying his native Tunisia, was similarly “horrified to see peaceful servants and teachers” who, activated by their status as white colonial superiors, “suddenly change into vociferous monsters for trifling reasons.”⁶⁹⁸ William Gardner Smith’s 1963 novel *The Stone Face* is so named to describe the sudden appearance of a cold, demonic expression on the face of a white person that accompanies their act of racial violence.⁶⁹⁹ These descriptions of sudden social metamorphosis are reminiscent of werewolf folklore, in which a benign or trusted person suddenly metamorphoses into something horrible.⁷⁰⁰ Among the most ancient and enduring of shapeshifters,⁷⁰¹ the fear of werewolves, according to one scholar, “seems to be about . . . the mental capacity to shed one’s identity so

⁶⁹⁰ WATSON, *supra* note 48 at 12.

⁶⁹¹ KINCHELOE & STEINBERG, *supra* note 75, at 5; HAMAD, *supra* note 85, at 48-49.

⁶⁹² RODRIGUEZ, *supra* note 30, at 38.

⁶⁹³ KOONTZ, *supra* note 654.

⁶⁹⁴ THE THING, *supra* note 630.

⁶⁹⁵ Troy Duster, *The “Morphing” Properties of Whiteness*, in THE MAKING AND UNMAKING OF WHITENESS, *supra* note 8, at 115.

⁶⁹⁶ *Id.* at 123-124.

⁶⁹⁷ *Id.* at 123-124.

⁶⁹⁸ THE COLONIZER AND THE COLONIZED, *supra* note 166, at 67.

⁶⁹⁹ WILLIAM GARDNER SMITH, *THE STONE FACE* 28, 205 (1963).

⁷⁰⁰ *See, e.g.*, GAIAS PETRONIUS, *THE SATYRICON* 62 (1st century C.E.) (a man witnesses his friend, a brave soldier, transform into a werewolf that attacks him); ANGELA CARTER, *The Werewolf*, in *THE BLOODY CHAMBER* (1979) (the girl’s ill grandmother is actually a ferocious werewolf); *SILVER BULLET* (Paramount Pictures 1985) (the trusted town priest is revealed to be the murderous werewolf).

⁷⁰¹ LESLIE A. SCONDUTO, *THE METAMORPHOSES OF THE WEREWOLF: A LITERARY STUDY FROM ANTIQUITY THROUGH THE RENAISSANCE* 7 (2008) (describing a werewolf story in the *Epic of Gilgamesh*).

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dramatically, into another body or persona that seems more monstrous.⁷⁰² So it is with the Janus-faced,⁷⁰³ werewolf persona of “white” people.

At the macro level, whiteness can transform its socio-political strategies for maintaining power and subordination of non-white others.⁷⁰⁴ Michelle Alexander famously argued that the invention and mass policing of “drug crimes” (accomplished in part through federal courts eroding Fourth Amendment rights⁷⁰⁵) was a new strategy designed to reproduce the subjugation once accomplished by Jim Crow segregation and white terrorism.⁷⁰⁶ The law preserved the power of whiteness, and the death it could exact, by changing its shape from explicitly mandating apartheid to implicitly mandating cages⁷⁰⁷ to the same effect.⁷⁰⁸ For example, whereas legal apartheid once explicitly mandated physical segregation of Black people into neighborhoods away from white people, contemporary laws excluding people with certain criminal drug convictions from public housing or allowing landlords and employers to discriminate on this basis, accomplishes the same neighborhood segregation.⁷⁰⁹

Further examples are easy to identify: when explicitly racial social engineering was removed from the “immigration” laws in 1952 and 1965,⁷¹⁰ it was replaced by a color-blind system.⁷¹¹ The new system replaced explicit racial, national, or geographic limitations (e.g., special immigration limits upon Southern Europeans and Asians) with the same migration restrictions enforced against every non-citizen (e.g., offering the same number of visas to citizens of Mexico and Canada, thus placing the greater burden on the country sending far more immigrants (Mexico)).⁷¹² That new “color-blind” system was thusly designed to make sure “the ethnic mix of

⁷⁰² Emily Zarka, *The Killer Origins of the Werewolf [Monstrum]*, YOUTUBE (Oct. 21, 2021), <https://www.youtube.com/watch?v=6xPFdX5qEyk> [<https://perma.cc/95LB-P8T9>].

⁷⁰³ Duster, *supra* note 695, at 115.

⁷⁰⁴ MILLS, *supra* note 4, at 72.

⁷⁰⁵ ALEXANDER, *supra* note 537, at 61-72 (describing precedent which reduced Fourth Amendment rights to empower police enforcement of drug crimes).

⁷⁰⁶ *Id.* at 2, 13, 17, 94, 103, 140-67 (“Like Jim Crow, mass incarceration marginalizes large segments of the African American community, segregates them physically (in prisons, jails and ghettos), and then authorizes discrimination against them in voting, employment, housing, education, public benefits, and just service.” “Barred from public housing by law, discriminated against by private landlords, ineligible for food stamps . . . people whose only crime is drug addiction or possession of a small amount of drugs.”).

⁷⁰⁷ *Id.* at 31, 109-137. See also ROTHSTEIN, *supra* note 298, at 34-37, 39, 107.

⁷⁰⁸ ALEXANDER, *supra* note 537, at 1, 228 (“[T]he arguments and rationalizations that have been trotted out in support of racial exclusion and discrimination in its various forms have changed and evolved, but the outcome has remained largely the same.” “African Americans as a group, are no better off than they were in 1968 in many respects.”).

⁷⁰⁹ See ALEXANDER, *supra* note 537, at 17, 94.

⁷¹⁰ NGAI, *supra* note 182, at 24-29; Immigration and Nationality Act of 1952, 8 U.S.C. § 1422; Immigration and Nationality, 8 U.S.C. §§ 1104-1401 (Suppl. 2 1964).

⁷¹¹ NGAI, *supra* note 182, at 237, 238, 265; Kevin R. Johnson, *The Intersection of Race and Class in U.S. Immigration Law and Enforcement*, 72 L. & CONTEMP. PROBS. 1, 15 (2009).

⁷¹² See Sacco, *supra* note 390, at 698-714.

this country will not be upset”⁷¹³ and preserve the “white republic.”⁷¹⁴ When generations of extralegal genocide and deportation against Native Americans became politically inexpedient,⁷¹⁵ the Supreme Court, as it did with naturalization, announced Congress’s “plenary” power—one beyond judicial review—over all Native American peoples,⁷¹⁶ allowing it unchallenged control over Native American land and wealth thereafter.⁷¹⁷ Legal scholar Reva Siegal describes these processes of legal shapeshifting as “preservation through transformation,” in the sense that whiteness preserves its social supremacy by taking on new forms in the law.⁷¹⁸

Regarding this process of “preservation through transformation,” *Plyler* has a great deal in common with the decision in *Brown v. Board of Education*. The *Plyler* litigators even thought of *Plyler* at “the *Brown v. Board of Education* for undocumented children.”⁷¹⁹ Both resisted subjugation at the intersection of education and white supremacy, and both made great strides toward equality, albeit without striding far enough.⁷²⁰ Honoring the spirit of the *plaintiffs’* struggles in both cases demands that we examine the role the resulting *decisions* played in the monstrous transformation of racial segregation from a *de jure* to *de facto*.⁷²¹ Despite

⁷¹³ TYLER ANBINDER, *CITY OF DREAMS: THE 400-YEAR EPIC HISTORY OF IMMIGRANT NEW YORK* 466, 514 (2016).

⁷¹⁴ See ALEXANDER SAXTON, *THE RISE AND FALL OF THE WHITE REPUBLIC: CLASS, POLITICS AND MASS CULTURE IN NINETEENTH-CENTURY AMERICA* (2003).

⁷¹⁵ See, e.g., WEINER, *supra* note 182, at 24 (referring to this as an “era of ‘conquest by kindness,’” in which the direct mass murder and dispossession of Native Americans became disfavored by “Christian social reformers” who wanted to exchange that history for more indirect policies of assimilation and cultural genocide).

⁷¹⁶ See *Ex parte Crow Dog*, 109 U.S. 556, 568-69 (1883) (“They [Native Americans] were nevertheless to be subject to the laws of the United States, not in the sense of citizens, but, as they had always been, as wards, subject to a guardian.”); *United States v. Kagma*, 118 U.S. 375, 384 (1886) (“[R]emnants of a race once powerful, now weak and diminished in numbers From their very weakness and helplessness there arises the duty of protection, and with it the power.”); *Lone Wolf v. Hitchcock*, 187 U.S. 553, 565 (1903) (“Plenary authority over the tribal relations of the Indians has been exercised by Congress from the beginning, and the power has always been deemed a political one, not subject to be controlled by the judicial department of the government.”).

⁷¹⁷ See WEINER, *supra* note 182, at 23, 36-37 (explaining that Supreme Court cases establishing Congress’s “plenary power” over Native American communities “clear[ed] the way” for laws such as the Dawes Act, which further dispossessed Native Americans of seventy-five percent of their land).

⁷¹⁸ Reva Siegal, *Why Equal Protection No Longer Protects: The Evolving Forms of Status-Enforcing State Action*, 49 STAN. L. REV. 1111 (1997); see also SULLIVAN, *supra* note 2, at 42 (referring to this process as “flexible tenacity”).

⁷¹⁹ Williams, *supra* note 258.

⁷²⁰ For criticism of *Brown* by anti-racist authors, see, e.g., Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988); JACK M. BALKIN, *WHAT BROWN V. BOARD OF EDUCATION SHOULD HAVE SAID* (2001).

⁷²¹ See e.g., Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest Convergence Dilemma*, 93 HARV. L. REV. 518 (1980), reprinted in THE DERRICK BELL READER, *supra* note 92, at 37 [hereinafter Bell, *The Interest Convergence Dilemma*] (“The remedies set forth in the major school cases following *Brown* . . . have not in themselves guaranteed Black children better schooling than they received in the pre-*Brown* era.”); Ebony Williams, *Brown v. Board Struck Down de jure Segregation, but Gentrification*

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an “equal right” to elementary and secondary public education, equal access to education generally for “undocumented” and Latine children faces de facto white resistance. For example, certain “color-blind” laws indirectly place barriers between unaccompanied (coming to the United States without a parent or guardian) non-citizen children and their access to public school education.⁷²² One such Texas statute⁷²³ says children living apart from their parent or guardian will be denied tuition-free admission effectively bars unaccompanied immigrant children from attending school.⁷²⁴ The Supreme Court upheld that statute in *Martinez v. Bynum*,⁷²⁵ less than a year after striking down the statute in *Plyler*.⁷²⁶ The Court said that the statute was not discriminatory against the Mexican-American child whose parents lived in Mexico, because the rule was applied against all children, whether their parents were in Mexico or Idaho.⁷²⁷ But like the statute in *Plyler*, this one too was designed and intended to exclude Mexican children from Texas schools, as plaintiffs in the case argued.⁷²⁸

Additional legal shapeshifting that has followed *Martinez* indirectly accomplishes school segregation. Some educational institutions have been able to discourage the attendance of “undocumented” students (typically students of color) by requiring them to provide identifying information (e.g., a social security number) or to register their immigration status.⁷²⁹ While some of these rules have been struck down,⁷³⁰ others, particularly regarding post-secondary education, have been upheld.⁷³¹ In many jurisdictions, “undocumented” non-U.S. citizens are denied access to universities because they are prohibited from receiving in-state tuition or

Poses a Barrier to School Integration, GEO. J.L. & MOD. CRITICAL RACE PERSPS. (Feb. 13, 2024), <https://www.law.georgetown.edu/mcrp-journal/blog/brown-v-board-struck-down-de-jure-segregation-but-gentrification-poses-a-barrier-to-school-integration> [<https://perma.cc/7H5B-GEST>].

⁷²² Kate Rheume, *Unaccompanied, Unnoticed, and Undereducated: An Analysis of the Administrative Challenges of Education Unaccompanied Children in Federal Custody*, 34 GEO. IMMIGR. L.J. 159, 165-170 (2019); Catalina V. Visico, “Appropriate” Education: Educating Undocumented Children in Detention, 54 U.S.F. L. REV. 339 (2020).

⁷²³ TEX. EDUC. CODE ANN. §21.031(d) (West 1995).

⁷²⁴ Rheume, *supra* note 722, at 166-67; *Martinez v. Bynum*, 461 U.S. 321, 333 (1983) (upholding this Texas law as constitutional).

⁷²⁵ *Martinez*, 461 U.S. at 333.

⁷²⁶ *Plyler* was decided on June 15, 1982, and *Martinez* on May 2, 1983. *Plyler*, 457 U.S. 202; *Martinez*, 461 U.S. at 321.

⁷²⁷ *Martinez*, 461 U.S. at 328.

⁷²⁸ The plaintiff in *Martinez* was also Mexican and argued in their brief that “the explicit motivation for the legislation was to discriminate against Mexican-Americans. . . it was designed to keep persons of Mexican origin out of the State.” Brief for Petitioners at *45, *Martinez v. Brockette*, 457 U.S. 1131 (1982) (No. 81-857) 1982 WL 1044666.

⁷²⁹ Udi Ofer, *Protecting Plyler: New Challenges to the Right of Immigrant Children to Access a Public School Education*, 1 COLUM. J. RACE & L. 187, 204-05 (2012).

⁷³⁰ *Hispanic Interest Coal. of Alabama v. Governor of Alabama*, 691 F.3d 1236 (11th Cir. 2012).

⁷³¹ *Estrada v. Becker*, 917 F.3d 1298 (11th Cir. 2019).

financial aid.⁷³² Undocumented children may face barriers to education related to being legally excluded from healthcare or public assistance.⁷³³ Even beyond immigration status, disparities in wealth and neighborhood poverty between white people and Latine people maintain a consequential de facto segregation in schools.⁷³⁴ Policies that disproportionately cut the wealth and income out from underneath Latine communities—such as prohibitions against employment of “undocumented” parents and families—reinforce these disparities.⁷³⁵ One 2019 report from the American Educational Research Association concluded that “children of immigrant parents remain in starkly isolated schools.”⁷³⁶ Thus *Plyler*, like *Brown*, was part of the legal metamorphosis from de jure to de facto white segregation.

In each of these instances listed above, and many others like them, when the law changed and shifted the shape of whiteness, it often pretended to be something it wasn't: an assurance of real equality and liberty or a watershed moment in the story of American progress.⁷³⁷ In *Plyler*'s case, the decision was presented as a landmark decision advancing the rights of children.⁷³⁸ In doing so, the law repeatedly gave whiteness an ostensibly benign form, just as a changeling might appear as one's own baby or *The Thing* might appear as a helpless dog.⁷³⁹ Wearing this non-threatening appearance allows whiteness to strike more devastatingly by shielding it from

⁷³² See Ofer, *supra* note 729.

⁷³³ See WARNER, *supra* note 277, at 8.

⁷³⁴ See *School Segregation Worsens for Latino Children Compared with a Generation Ago*, AM. EDUC. RSCH. ASS'N, (July 30, 2019), <https://www.aera.net/Newsroom/School-Segregation-Worsens-for-Latino-Children-Compared-with-a-Generation-Ago> [<https://perma.cc/4LJW-WGFW>].

⁷³⁵ Dedrick Asante Muhammad & Dylan Gardner, *Racial Wealth Snapshot: Latino Americans and the Racial Wealth Divide*, NAT'L CMTY. REINVESTMENT COAL. (Sept. 18, 2023), <https://ncrc.org/racial-wealth-snapshot-latino-americans-and-the-racial-wealth-divide> [<https://perma.cc/L6BR-UNWQ>] (discussing the disproportionate impact of undocumented status upon the income and wealth of Latine communities, versus the general population, in the U.S.).

⁷³⁶ *Id.*

⁷³⁷ See, e.g., Bell, *The Interest Convergence Dilemma*, *supra* note 721, at 519-20 (explaining that early critics of *Brown* who, despite praising its outcome, criticized the reasoning it used to get there and upset many who were working hard to defend the moral victory of the decision against racist critics who did not like its outcome); WEINER, *supra* note 182, at 41 (explaining that the outcome of *Matter of Kangi-shun-ca* was viewed at the time by his community as a victory over American power, despite the reasoning in the decision nonetheless laying the groundwork for the plenary power doctrine); NGAI, *supra* note 182, at 228-29 (explaining that the passage of the 1965 changes to the immigration laws is often told as a watershed moment of “growing political support for cultural pluralism,” and a step forward on the road to a more inclusive democracy, when in fact these reforms “only hardened the distinction between citizen and alien”).

⁷³⁸ *Public Education for Immigrant Students: Understanding Plyler v. Doe*, AM. IMMIGR. COUNCIL (Oct. 2016), https://www.americanimmigrationcouncil.org/sites/default/files/research/public_education_for_immigrant_students_understanding_plyer_v_doe.pdf [<https://perma.cc/NHM3-NA4X>] (describing *Plyler* as a “landmark” case; “For more than thirty years, *Plyler* has ensured equal access to education for children regardless of status.”).

⁷³⁹ THE THING, *supra* note 630. In *The Thing*, the alien first appears as a lost dog. *Id.*

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identification, criticism, and counterattack.⁷⁴⁰ Whiteness “doesn’t want to show itself, it wants to hide inside an imitation,” as one character says of the shapeshifting alien in *The Thing*.⁷⁴¹ Whiteness’s legal mutability and shapelessness allows it to continually thwart equality unaccountably,⁷⁴² that is, like Carpenter’s alien, off-camera. Therefore, it is anticipated that the legal enforcement of whiteness will take on yet new and as-of-now unimaginable forms in the future, with similarly racially differentiated outcomes.⁷⁴³

It is telling that when describing the formless, shifting nature of whiteness in the law and society, scholars often reach for language that evokes descriptions of shapeshifters in fiction and folklore with a startling similitude,⁷⁴⁴ even listing its multiple forms.⁷⁴⁵ One author even conceptualizes whiteness as water—moving from ice to liquid and then to gas⁷⁴⁶—which is also a literal description of several shapeshifter monsters of fiction (e.g., *Terminator 2*’s liquid-to-solid T-1000 robot,⁷⁴⁷ or *Star Trek: Deep Space Nine*’s head of security Odo,⁷⁴⁸ or Stoker’s Dracula who can transform into mist⁷⁴⁹). This linguistic and metaphoric mirroring reveals a very real danger expressed in narrative form. Ultimately, however, it is what does not change about whiteness, its production of premature death, that points us toward how to combat a shapeshifter.

4. The Changeless Trait

Despite their wily nature, shapeshifters *are* often defeated in their narratives when the protagonist or humans identify some changeless characteristic of the

⁷⁴⁰ Patricia J. Williams, *Metro Broadcasting, Inc. v. FCC: Regrouping in Singular Times*, 104 HARV. L. REV. 525, 544 (1990), reprinted in CRITICAL RACE THEORY, *supra* note 43, at 191, 198 (“Racial discrimination is powerful precisely because of its frequent invisibility, its felt neutrality.”).

⁷⁴¹ THE THING, *supra* note 630.

⁷⁴² See *supra* notes 664-689.

⁷⁴³ See MILLS, *supra* note 4, at 133; ALEXANDER, *supra* note 537, at 19, 258.

⁷⁴⁴ See, e.g., Frankenberg, *The Mirage of an Unmarked Whiteness*, *supra* note 26, at 76 (“[M]alleable and intractable.”); Peter McLaren, *supra* note 564, at 65 (“[A]lways in a state of flux and fibrillation.”); DYER, *supra* note 31, at 48 (“[I]nternally variable and unclear at the edges.”); Frances Maher & Mary Kay Thompson Tetreault, *They Got the Paradigm and Painted It White*, in WHITE REIGN, *supra* note 30, at 140 (“[M]ore than one thing and never the same thing twice.”); WATSON, *supra* note 48 at 119 (stating it responds to threats with “rearticulation . . . on a different front”).

⁷⁴⁵ Frankenberg, *The Mirage of an Unmarked Whiteness*, *supra* note 26, at 76 (providing an eight point definition of whiteness, underscoring its multiplicity); Mathew W. Hughey, *Hegemonic Whiteness*, in THE CONSTRUCTION OF WHITENESS, *supra* note 237, at 212-213 (“The meaning of whiteness varies spatially . . . temporarily . . . contextually . . . differentially . . . and intersectionally.”); Harris, *supra* note 1, at 1725 (“[S]ignifies and is deployed as identity, status, and property, sometimes singularly, sometimes in tandem.”).

⁷⁴⁶ Duster, *supra* note 695, at 114-115, 123, 128.

⁷⁴⁷ TERMINATOR 2, *supra* note 221.

⁷⁴⁸ See *Star Trek: Deep Space Nine: Necessary Evil* (Paramount Pictures television broadcast Nov. 15, 1993).

⁷⁴⁹ STOKER, *supra* note 446.

monster. This changeless aspect—which can be learned, usually through trial and error—becomes a source of the monster’s identification, and thus its vulnerability. For example, in the movie *The Blob*, when the tenacious monster Blob that can take any shape to squeeze under doors or through vents, refuses to follow the protagonist teenagers into a freezer, the killer gelatin’s one weakness is revealed: the cold.⁷⁵⁰ The teenagers subsequently fight the monster off with the icy spray of a fire extinguisher, until it is ultimately neutralized when it is deposited in Antarctica.⁷⁵¹ The Blob changes shape, but its reaction to cold does not. This changeless quality makes it vulnerable to attack. Conversely in Carpenter’s movie *The Thing*, the alien is vulnerable to extreme heat.⁷⁵² The characters deduce this through trial-and-error and use this knowledge to identify who among them is the monstrous imposter.⁷⁵³ A common trope in werewolf folklore and fiction is that an injury sustained in wolf-form inevitably betrays the monster’s identity when the werewolf exhibits the same injury in human-form (e.g., a bleeding wound or a missing eye).⁷⁵⁴ The werewolf can change its form, but never its injuries.⁷⁵⁵ In European folklore, a changeling can be identified by, curiously, boiling egg shells, which will cause the imposter to give itself away.⁷⁵⁶ The changeling’s reaction to boiling eggs shells will not change, no matter who it impersonates. These stories express a theory of power that is as true in human relations as it is for fictional bogeymen: even a threat that can change its form cannot also change its nature.

Whiteness may change, its definition and practices may be moving targets, but one thing about it never changes: violence, or, more to the point, “group-differentiated vulnerability to premature death,”⁷⁵⁷ as Ruth Wilson Gilmore has defined racism. Whiteness’s capacity to cause mass death never changes.⁷⁵⁸ That is why people writing about historical white supremacy typically compare the kinds of death older racist institutions caused to the kind of death contemporary racist institutions cause, in order to make the point that even though the shape of the monster has changed, its nature has not. Book titles alone illustrate this.⁷⁵⁹ As

⁷⁵⁰ THE BLOB (Fairview Productions 1958).

⁷⁵¹ *Id.*

⁷⁵² THE THING, *supra* note 630.

⁷⁵³ *Id.*

⁷⁵⁴ *See, e.g.* MONTAGUE SUMMERS: THE WEREWOLF IN LEGEND AND LORE 156 (1933); PETRONIUS, *supra* note 700, at 62; SILVER BULLET, *supra* note 700.

⁷⁵⁵ *See also* AMELIA ATWATER-RHODES, THE SHAPESHIFTERS: THE KIESHA’RA OF THE DEN OF SHADOWS (2010) 325. The avian shapeshifters in the story also retain their injuries as humans if they sustained them when they were birds. *Id.*

⁷⁵⁶ *See, e.g.*, GRIMM & GRIMM, *supra* note 145, at 109; W. B. YEATS, FAIRY AND FOLK TALES OF THE IRISH PEASANTRY, IN A TREASURY OF IRISH MYTH, LEGEND, AND FOLKLORE (1986) 48-50.

⁷⁵⁷ WILSON GILMORE, *supra* note 53, at 28.

⁷⁵⁸ WATSON, *supra* note 48 at 108; hooks, *supra* note 358, at 170.

⁷⁵⁹ A number of book titles describe one form of contemporary white violence by comparing it to an earlier form of that violence. *See, e.g.*, ALEXANDER, *supra* note 537; DOUGLAS BLACKMON, SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD

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Michelle Alexander put it bluntly in her book, *The New Jim Crow*: “Today’s lynching is incarceration. Today’s lynch mobs are professionals. They have a badge; they have a law degree.”⁷⁶⁰ For example, acclaimed scholar Dorothy Roberts, in *Killing the Black Body*, has shown how the legacy of violent control over Black women’s reproduction during slavery⁷⁶¹ influences efforts to control the same through late twentieth century criminal law and welfare reform.⁷⁶² This contributes to lower life expectancy for Black women,⁷⁶³ and higher infant mortality for their babies, then, and now.⁷⁶⁴ Measuring and understanding this premature death—which is the project of most of the aforementioned writing on institutional or structural racism—identifies the point at which whiteness is changeless and thus vulnerable.⁷⁶⁵

To defeat whiteness, we must begin at death. In Carpenter’s movie *The Thing*, the characters are only able to identify that there is an alien antagonist at all by watching how it kills.⁷⁶⁶ Similarly, whiteness becomes vulnerable only when the manner in which it kills can be made conspicuous. The solutions to whiteness can be found by working backwards from death to identify those institutions, policies, and economic conditions which cause it. The abolitionist call to transform society so as to make prisons and police obsolete,⁷⁶⁷ is perhaps the most salient example of policy that effectively begins at death.⁷⁶⁸ Reparations, and their potential to eliminate the economic disparities that cause death,⁷⁶⁹ are another.⁷⁷⁰ I revisit these kinds of policies *infra* in Part VI below.

WAR II (2008); DAVID OSHINSKY, *WORSE THAN SLAVERY* (1996); CHRIS HAYES, *A COLONY IN NATION* (2017).

⁷⁶⁰ ALEXANDER, *supra* note 537, at 164.

⁷⁶¹ ROBERTS, *supra* note 17, at 22-24, 29.

⁷⁶² *Id.* at 152, 180-81, 192, 202-07 (criminalization and welfare reform).

⁷⁶³ See generally Deirdre Cooper Owens & Sharla M. Fett, *Black Maternal and Infant Health: Historical Legacies of Slavery*, 109 AM. J. OF PUB. HEALTH 1342 (Oct. 2019).

⁷⁶⁴ ROBERTS, *supra* note 17, at 36, 42, 184.

⁷⁶⁵ See, e.g., ALEXANDER, *supra* note 537; BLACKMON, *supra* note 759; OSHINSKY, *supra* note 759; HAYES, *supra* note 759.

⁷⁶⁶ *THE THING*, *supra* note 630. Specifically, earlier in the film, the characters witness it killing dogs. *Id.*

⁷⁶⁷ See, e.g., KABA, *supra* note 29; DERECKA PURNELL, *BECOMING ABOLITIONISTS: POLICE, PROTESTS AND THE PURSUIT OF FREEDOM* (2021); VITALE, *supra* note 536.

⁷⁶⁸ PURNELL, *supra* note 767, at 48, 116, 123, 146 (demonstrating the connections between racial capitalism, colonialism, environmental destruction through the violence and death that results from policing); Mariame Kaba & Andrea J. Ritchie, *We Want More Justice for Breonna Taylor than the System That Killed Her Can Deliver*, in *WE DO THIS ‘TIL WE FREE US*, *supra* note 29, at 63-67 (recognizing that reproducing the death and violence of incarceration, even to punish killer cops, only reproduces oppressive systems, rather than deconstructing them).

⁷⁶⁹ See, e.g., BORIS I. BITTKER, *THE CASE FOR BLACK REPARATIONS* 131 (1972); CHARLES OGLETREE & RANDALL ROBINSON, *THE DEBT: WHAT AMERICA OWES TO BLACKS* 107-08 (2000); Patrisse Cullors, *Abolition and Reparations: Histories of Resistance, Transformative Justice, and Accountability*, 132 HARV. L. REV. 1684, 1692 (2019).

⁷⁷⁰ A. KIRSTEN MULLEN & WILLIAM A. DARITY, JR., *FROM HERE TO EQUALITY: REPARATIONS FOR BLACK AMERICANS IN THE TWENTY-FIRST CENTURY* 233 (2020) (noting that “the high mortality rates the

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WHITE MONSTERS

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D. The Suffering White Monster

1. Suffering Monsters

Monsters are often tragic figures, so it is not unusual for them to come to pitiful ends. Within this tradition there is a recurring theme that monsters often suffer precisely because of their monstrosity. Perhaps familiar to most, werewolves undergo typically painful transformations when becoming their monstrous selves.⁷⁷¹ *The Martian*, a 1946 short story by Ray Bradbury, tells the tale of a shapeshifting Martian who shifts its shapes so many times that it melts to death from the effort of maintaining too many forms.⁷⁷² A 1966 *Star Trek* episode featured a very similar shapeshifting alien that met a similar end.⁷⁷³ A common motif in stories about the shapeshifting tanuki of Japanese folklore is that the monster will be accidentally killed by humans who do not notice it because it has transformed into something mundane.⁷⁷⁴ Rural Pennsylvanian folklore tells the sad story of the Squonk, an ugly creature that weeps acidic tears over its grotesque appearance until it ultimately dissolves itself.⁷⁷⁵ Similar to the Squonk's death-by-shame, a number of movie monsters, overcome by the horror of their character or visage, succumb to suicide, including *The Fly* films (in both the original (1958) and remake (1986)), *The Amazing Colossal Man* (1954), or the zombie film trope of the bitten hero who sacrifices themselves to save friends.⁷⁷⁶ Sometimes monstrosity can be dangerous to the monster.

2. White Suffering

A great deal has been said about the harm that whiteness causes to white people. This is what James Baldwin ominously referred to as the “price of the ticket,” as in, the price of identifying with whiteness is the white person's moral and spiritual bankruptcy.⁷⁷⁷ Others have written about the lost connections to other human

convict laborers suffered [in the late nineteenth century] demonstrated clearly that the horrors of southern plantation agriculture continued after slavery ended,” in their argument for reparations for Black Americans); KATHERINE FRANKE, REPAIR: REDEEMING THE PROMISE OF ABOLITION 109-110 (2019) (arguing that meaningful legal personhood is accessible only through property, in her argument for reparations for Black Americans).

⁷⁷¹ MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 120-22.

⁷⁷² RAY BRADBURY, *THE MARTIAN CHRONICLES* 198 (1946).

⁷⁷³ WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 513.

⁷⁷⁴ FOSTER, *supra* note 22, at 187, 190.

⁷⁷⁵ Gerard O'Neil, *The Squonk: A Small tale From Franklin County*, in *THE SUPERNATURAL LORE OF PENNSYLVANIA: GHOSTS, MONSTERS AND MIRACLES* (Thomas White, ed., 2014).

⁷⁷⁶ See William J. C. McKeown, *Self-Sacrifice in the Zombie Apocalypse: Survive or Die Surviving!* (March 2021) (doctoral thesis, University of Birmingham), <https://etheses.bham.ac.uk/id/eprint/11978/7/McKeown2021PhD.pdf> [<https://perma.cc/JS6D-U89T>].

⁷⁷⁷ Baldwin, *On Being “White”... and Other Lies*, *supra* note 27, at 178-79; JAMES BALDWIN, *Introduction*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 12. See also Sartre, in *THE COLONIZER AND*

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beings.⁷⁷⁸ Writer and scholar Mab Segrest explains that even though “the pain of dominance is always qualitatively different from the pain of subordination,” it is still the case that “there is a pain, a psychic wound, to inhabiting and maintaining domination.”⁷⁷⁹ This emotional pain is often characterized as guilt, shame, or alienation⁷⁸⁰ or pathologized as “white racial trauma.”⁷⁸¹ Like the Squonk dissolved by its own tears, whiteness corrosively eats away at the emotional wellbeing of white people. The price of the ticket to be admitted into monsterdom is high.

Of course, the price of whiteness is not just psychic pain, but also material harm. As Derrick Bell summarizes the problem, “even those whites who lack wealth and power are sustained in their sense of racial superiority and more willing to accept a lesser share, by an unspoken but no less certain property right in their ‘whiteness.’”⁷⁸² This loyalty to race before class galvanizes poor whites in opposition to policies and programs that have been “raced” as Black or brown, like food stamps or Medicaid.⁷⁸³ The result is that white people—poorer white people in particular—support political positions against their own interests, such as opposition to universal healthcare or living wages.⁷⁸⁴ That is perhaps why Baldwin wrote that the “moral bankruptcy suggested by” white poverty “is of the bitterest, most terrifying kind.”⁷⁸⁵ This phenomenon explains the United States’ lag behind much of the rest of the wealthy world in measures such as infant mortality, life expectancy and education.⁷⁸⁶ The title of Dr. Jonathan Metzel’s 2019 book, *Dying of Whiteness*, says it all.⁷⁸⁷ White wealth and health are diminished by the cost of white monstrosity.

Others have pointed out the ways in which whiteness, by economically oppressing poor and working white people, also limits poorer white people’s ability to imagine improving upon, or even realize, democracy.⁷⁸⁸ Author and organizer Harry Haywood observed in 1948 that “every measure passed to curb the Negro has

THE COLONIZED, *supra* note 175, at xvii (“For if colonization destroys the colonized, it also rots the colonizer.”).

⁷⁷⁸ See, e.g., WATSON, *supra* note 48 at 135.

⁷⁷⁹ Mab Segrest, “*The Souls of White Folks*,” *supra* note 347, at 45.

⁷⁸⁰ See, e.g., JENSEN, *supra* note 213, at 45-52; HILL, *supra* note 46, at 102 -109; .

⁷⁸¹ Thompson & Watson, *supra* note 413, at 234-36.

⁷⁸² See Bell, *White Superiority*, *supra* note 295, at 596.

⁷⁸³ Mahoney, *Segregation, Whiteness and Transformation*, *supra* note 344, at 657.

⁷⁸⁴ JONATHAN M. METZL, *DYING OF WHITENESS: HOW THE POLITICS OF RESENTMENT IS KILLING AMERICA’S HEARTLAND* 124, 168-70, 185 (2019) (“[M]any white men . . . voiced a willingness to die, literally, rather than embrace a law that gave minority or immigrant persons more access to care, even if it helped them as well.”).

⁷⁸⁵ JAMES BALDWIN, *Fifth Avenue, Uptown*, in *THE PRICE OF THE TICKET*, *supra* note 16, at 214.

⁷⁸⁶ See Frances Lee Ansley, *A Civil Rights Agenda for the Year 2000*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 651.

⁷⁸⁷ METZL, *supra* note 784 at 9, 17.

⁷⁸⁸ FIELDS & FIELDS, *supra* note 88, at 283.

resulted in destroying the civil rights of the poor whites.”⁷⁸⁹ The anti-colonial writer Aime Cesaire memorably warned that fascism was a consequence of colonialism,⁷⁹⁰ so that “a civilization that justifies colonization . . . calls for its Hitler, I mean its punishment.”⁷⁹¹ White liberty, too, is part of the price of the ticket.

Power comes at a cost; whites pay, have paid, and will continue to pay for their insistence on their place at the top of their folkloric hierarchy.⁷⁹² Mary Shelley warns us through her quintessential mad scientist Victor Frankenstein and his monster, that “[d]anger and unhappiness,” awaits “he who aspires to become greater than his nature will allow.”⁷⁹³ Shelley’s lesson follows from Baldwin’s own warning: “White man, hear me! . . . You cannot endure the things you acquire.”⁷⁹⁴ But this also means, to paraphrase Baldwin, that the liberation for the oppressed means liberation for the oppressor as well.⁷⁹⁵

VI. THE PRODUCTION AND DESTRUCTION OF WHITE MONSTERS

A. *Monsters Make Monsters*

Monsters must come from somewhere. If they are not supplied by a supernatural realm or outer space, then they must be made. Enter the mad scientist, who is often more the monster than his or her (it is usually his) creation.⁷⁹⁶ In Mary Shelley’s novel *Frankenstein*, many have argued the real monster is Victor, rather than his creature⁷⁹⁷ (in addition to breaking the laws of nature, Victor is less well read and thus less sophisticated than the monster⁷⁹⁸). Less well known, but no less

⁷⁸⁹ Harry Heywood, *Shadow of the Plantation*, in BLACK ON WHITE, *supra* note 9, at 128. See, e.g., Butler, *supra* note 278, at 245 (demonstrating how the judicial scaling back of Fourth Amendment protections to disproportionately punish Black people in the “war on drugs” has eroded the constitutional protections of everyone against government search and seizure); CESAIRE, *supra* note 17, at 19-20 (arguing that the brutality and the mass murder of colonialism fueled European fascism and equipped it with the political and moral depravity used to perpetuate the Holocaust).

⁷⁹⁰ CESAIRE, *supra* note 17, at 36.

⁷⁹¹ *Id.* at 39.

⁷⁹² See CESAIRE, *supra* note 17, at 732-750.

⁷⁹³ MARY SHELLEY, FRANKENSTEIN; OR, THE MODERN PROMETHEUS 47 (1831 ed.).

⁷⁹⁴ JAMES BALDWIN, *White Man’s Guilt*, in THE PRICE OF THE TICKET, *supra* note 16, at 417.

⁷⁹⁵ JAMES BALDWIN, *The Fire Next Time*, in THE PRICE OF THE TICKET, *supra* note 16, at 382.

⁷⁹⁶ ASMA, *supra* note 22, at 199-200 (discussing the “deranged scientist character”); Jeanette N. Tran, *Mad Science Theater: Shakespeare’s The Tempest*, MAKE LITERARY MAG. (July 28, 2020), <https://www.makemag.com/mad-science-theater-shakespeares-the-tempest-by-jeanette-n-tran> (identifying Prospero as a forerunner to Victor Frankenstein in his relationship to Caliban in Shakespeare’s *The Tempest*).

⁷⁹⁷ See, e.g., Marianne Sadowski, *In an Evil Hour; confessions, narrative framing, and cultural complicity in law and literature*, 34 CONN. L. REV. 695, 708 (Winter 2002); Wood, *supra* note 35, at 153; GREENAWAY, *supra* note 35, at 60.

⁷⁹⁸ ASMA, *supra* note 22, at 153, n.26. (“Frankenstein reads Paracelsus, Agrippa and other ‘dubious’ sources, while the monster educates himself on Milton, Goethe, and Plutarch.”).

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monstrous, literary and popular mad scientists bear mentioning, such as Dr. Herbert West in H.P. Lovecraft's short story "The Reanimator" (1922),⁷⁹⁹ the eponymous mad man in H.G. Wells' *The Island of Dr. Moreau* (1896)⁸⁰⁰ and Professor Maggie Walsh in the television series *Buffy the Vampire Slayer*,⁸⁰¹ among others.⁸⁰² Sometimes the mad scientist becomes the literal monster, as when Dr. Jekyll becomes Mr. Hyde,⁸⁰³ or Dr. Delambre becomes the half-human/half-fly beast in George Langelaan's short story "The Fly" (1957).⁸⁰⁴ The mad scientist stands for the proposition that monsters make monsters.

But of course, before the scientific revolution, the role of the monster-maker was not the implicitly monstrous scientist, but the explicitly monstrous sorcerer.⁸⁰⁵ In much folklore and fiction, the witch,⁸⁰⁶ defined generally as "someone who causes harm to others by mystical means,"⁸⁰⁷ is the character who summons and produces monstrosities, even as, like her descendant the mad scientist, she (it is usually a 'she'⁸⁰⁸) is often fashioned as a monster herself.⁸⁰⁹ In folklore, witches are able to shapeshift into animals;⁸¹⁰ project their spirit or ghost into the world;⁸¹¹ make

⁷⁹⁹ H.P. LOVECRAFT, *Herbert West-Reanimator* (1922), in *THE COMPLETE TALES OF H.P. LOVECRAFT*, *supra* note 651, at 196.

⁸⁰⁰ H.G. WELLS, *The Island of Dr. Moreau* (1896), in *THE WAR OF THE WORLDS*, *supra* note 242, at 65.

⁸⁰¹ *See Buffy the Vampire Slayer: The Freshman* (WB television broadcast Oct. 5, 1999).

⁸⁰² *See, e.g.,* ČAPEK, *supra* note 139, at 9 (Dr. Rossum); Lucy Hamilton Hooper, *Carnivore*, *PETERSON'S MAG.*, Oct. 1889 (scientist Julius Lamber); KEN AKAMATSU, *NEGIMA! MAGISTER NEGI MAGI* (2003-2012) (Satomi Hakase); *M3GAN* (Universal Pictures 2022) (Gemma).

⁸⁰³ STEVENSON, *supra* note 629.

⁸⁰⁴ George Langelaan, *The Fly*, *PLAYBOY MAG.*, June 1957, at 16. Langelaan's short story was retold in a number of subsequent films. *THE FLY* (20th Century Fox 1958); *THE RETURN OF THE FLY* (20th Century Fox 1959); *CURSE OF THE FLY* (20th Century Fox 1965); *THE FLY* (20th Century Fox 1986); *THE FLY II* (20th Century Fox 1989).

⁸⁰⁵ WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 602 ("Mary Shelley's *Frankenstein* . . . reframes the wizard as a scientist."); Peter Weingart, *Of Power Maniacs and Unethical Geniuses: Science and Scientists in Fiction Film*, 12 *PUB. UNDERSTANDING SCI.* 279, 283(2003) (describing the mad scientist as "the Faustian who trespasses ethical boundaries in order to gain forbidden knowledge and fame.").

⁸⁰⁶ The term "sorcery" is generally considered to be more broad than "witchcraft," the former being the umbrella term for all magic and the latter describing the use of magic for evil only. *See* HUTTON, *supra* note 145, at 99.

⁸⁰⁷ HUTTON, *supra* note 145, at ix-x (author's note).

⁸⁰⁸ *Id.* at 64.

⁸⁰⁹ *See Index*, in *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at xiv (listing seven different entries in this Encyclopedia define the "witch/wizard" as a monster).

⁸¹⁰ HUTTON, *supra* note 145, at 63, 93, 195, 264-268 (e.g., wolves, hyenas, owls, snakes, etc.); JACOB GRIMM & WILHELM GRIMM, *Jorinda and Joringel*, in *GRIMMS' FAIRY TALES*, *supra* note 145, at 159 (featuring a witch who changes herself into a "cat or a screech-owl").

⁸¹¹ HUTTON, *supra* note 145, at 88.

themselves or others into werewolves⁸¹² (among other were-animals⁸¹³) and vampires⁸¹⁴; and summon ghosts,⁸¹⁵ trolls,⁸¹⁶ fairies,⁸¹⁷ demons, the Devil,⁸¹⁸ as well as familiars—evil spirits that take the form of animals.⁸¹⁹ Shakespeare’s *The Tempest*’s monstrous Caliban is born of a witch,⁸²⁰ and Baba Yaga, the great witch of Russian folklore, sometimes births monsters.⁸²¹ This monster-making quality—indicative of her ability to alter reality or our perception of reality—remains a hallmark of the evil magician in fiction, from the witch Circe who transforms Odysseus’s men into pigs in Homer’s *Odyssey*⁸²² and gives Scylla her monstrous form in Ovid’s *Metamorphoses* (first century C.E.),⁸²³ to Tolstoy’s short story *Count Cagliostro* (1921), whose titular wizard raises another character from the dead, zombie-like,⁸²⁴ to the wicked witch of the west Elphaba who makes her flying monkeys in Gregory Maguire’s novel *Wicked* (1995)⁸²⁵ and so on.⁸²⁶ Together, storytelling about mad scientists and witches asserts that one cannot make monsters without being monstrous oneself.

Monster makers of fiction and folklore have something to tell us about reification—the process of transforming (fictional) social beings into (real) social conditions.⁸²⁷ A central theme to this Article, as exemplified by the decision in *Plyler v. Doe*, has been the role of law in the reification of white monstrosity.⁸²⁸

⁸¹² SUMMERS, *supra* note 754, at 21, 118, 151; KACHUBA, *supra* note 140, at 96-100 (“[T]here was little distinction in those days between witch and werewolf . . .”).

⁸¹³ SUMMERS, *supra* note 754, at 21 (e.g., weretigers, werehyenas, werebadgers, etc.); KACHUBA, *supra* note 140, at 38; JACOB GRIMM & WILHELM GRIMM, *Brother and Sister*, in GRIMMS’ FAIRY TALES, *supra* note 145, at 29.

⁸¹⁴ GROOM, *supra* note 140, at 15.

⁸¹⁵ HUTTON, *supra* note 145, at 125, 222.

⁸¹⁶ *Id.* at 95.

⁸¹⁷ *Id.* at 238.

⁸¹⁸ *Id.* at 122.

⁸¹⁹ *Id.* at 262.

⁸²⁰ WEINSTOCK, THE ASHGATE ENCYCLOPEDIA, *supra* note 33, at 69.

⁸²¹ *Id.* at 606.

⁸²² *Id.* at 97.

⁸²³ *Id.* at 98.

⁸²⁴ ALEXEI TOLSTOY, *COUNT CAGLIOSTRO* (1921).

⁸²⁵ GREGORY MAGUIRE, *WICKED: THE LIFE AND TIMES OF THE WICKED WITCH OF THE WEST* (1995). Made into the Broadway musical of the same name. Stephen Schwartz (Music, Lyrics), *Wicked*. Premiered at the Curran Theatre, San Francisco (May 28, 2003).

⁸²⁶ See, e.g., MURGATROYD, *supra* note 33, at 116-17 (the witch Circe makes the woman Scylla into a monster); *SPIRITED AWAY* (Toho 2001) (a witch transforms the main character Chihiro Ogino’s parents into pigs).

⁸²⁷ FIELDS & FIELDS, *supra* note 88, at 41. Racecraft “permit[s] the consequences to masquerade as the causes.” *Id.* Racecraft “transforms the act of a subject into an attribute of the object.” *Id.* at 96. See also Harris, *supra* note 1, at 1730 (citing GEORG LUKACS, *HISTORY AND CLASS CONSCIOUSNESS* 83 (1971)).

⁸²⁸ HANEY LOPEZ, *supra* note 110, at 3, 7, 35, 82 (“[T]o say that race is socially constructed is to conclude that race is at least partially legally produced”; demonstrating how courts shaped the definition

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Historically, the law has also played a role in the reification of other monsters, particularly witches, but also werewolves and vampires.⁸²⁹ The “pageantry”⁸³⁰ of “witch” and “werewolf” trials, and the regulation of “vampire” exhumation⁸³¹ contributed to the transformation of social conditions into a vivid belief in the alleged reality of these monsters.⁸³² These beliefs resulted in the torture, murder or other harm of people accused of being these monsters,⁸³³ such as in the notorious witch trials of Salem, Massachusetts.⁸³⁴ In folklore studies, this process is called “legend ostension,”⁸³⁵ when the belief in lore motivates violence such that a legend “creates a reality of its own.”⁸³⁶ Sociologist Karen E. Fields and historian Barbara J. Fields, in their book *Racecraft*, compare folkloric witchcraft with the production of race,⁸³⁷ both zealous and arresting beliefs that “dump[] factitious evidence of [themselves] into the real world.”⁸³⁸ They argue—in what doubles as an argument for this Article itself—that “by not comparing [witchcraft and racecraft] we conceptualize neither as sharply as we might.”⁸³⁹ Thus, trials against witches become evidence that witches are real, prompting further persecutions,⁸⁴⁰ and the juridical texts and statutes discussed above which create disproportionate white wealth, health, and power⁸⁴¹ become evidence that “whites” are real, prompting further such law and policy.⁸⁴² A

of “white” by attaching to it both the alleged physical phenotypical features and alleged values and abilities of white people); OMI & WINANT, *supra* note 53, at 82-83 (“Every state institution is a racial institution”); MARTINEZ, *supra* note 681, at 210 (“[L]egal actors – courts and others – constructed the race of Mexican-Americans.”); WEINER, *supra* note 182, at 1, 9 (calling the legal construction of race “juridical racialism”).

⁸²⁹ FIELDS & FIELDS, *supra* note 88, at 22.

⁸³⁰ *Id.* at 24.

⁸³¹ See GROOM, *supra* note 140, at 50, 79, 97 (discussing the impact of law and legal thinking concerning “vampire” exhumation); KACHUBA, *supra* note 140, at 6-97, 100 (discussing werewolf trials and confessions as evidence).

⁸³² FIELDS & FIELDS, *supra* note 88, at 22 (“The very pageantry of witchcraft trials yielded more evidence [of the reality of witches], and drastic executions of ‘accursed’ people still more of it”); GROOM, *supra* note 140, at 26 (“Contemporary thinking in science, law and politics directly confronted superstition and out of this clash emerged the vampire.”).

⁸³³ HUTTON, *supra* note 145, at 28-33, 180 (“Between those two dates [1424 and 1782] between forty and sixty thousand people were legally put to death for the alleged crime of witchcraft”; discussing witch trials in Africa).

⁸³⁴ JOHN DEMOS, *THE ENEMY WITHIN: A SHORT HISTORY OF WITCH-HUNTING* 241-51 (2008).

⁸³⁵ LINDA DÉGH & ANDREW VAZSONYI, *Does The Word “Dog” Bite? Ostentive Action: A Means of Legend-Telling*, in *NARRATIVES IN SOCIETY: A PERFORMER-CENTERED STUDY OF NARRATION* 247 (1st ed., 1995).

⁸³⁶ Bill Ellis, *Death by Folklore: Case Closed?* 41 *ETHNOLOGIES* 99, 101 (2019).

⁸³⁷ FIELDS & FIELDS, *supra* note 88, at 19, 198 (“Racecraft invokes witchcraft,” they write, because each, despite being a set of baseless beliefs, “presents itself in the mind and imagination as vivid truth.”).

⁸³⁸ FIELDS & FIELDS, *supra* note 88, at 22.

⁸³⁹ *Id.* at 195.

⁸⁴⁰ *Id.* at 22, 41, 96.

⁸⁴¹ See, e.g., *supra* notes 368, 369, 597, 678, 710, 725.

⁸⁴² FIELDS & FIELDS, *supra* note 88, at 24, 26, 128 (For example, “[t]o spectators deceived by the trick, segregation seemed to be a property of black people, not something white people imposed on them.”)

case like *Plyler*, despite its liberatory consequences for school children, reinforces the guilt of their non-citizen parents, so that escalating punitive exclusion and deportation policy appears increasingly rational and self-evident.⁸⁴³ The appearance of non-citizens in cages and in chains then becomes evidence of their guilt, dangerousness and undesirability, beginning the cycle anew. “Ghettos,” writes the sociologist Elijah Anderson, “helped to fuse inferior status to Black skin,”⁸⁴⁴ and the opposite can be said of gleaming suburbia to the monstrously “superior” status of white skin.⁸⁴⁵ Anticipating the work of Fields and Fields, Baldwin even observed that “the spirit of medieval times which sought to exorcise evil by burning witches . . . is not different from the terror which activates a Lynch mob.”⁸⁴⁶ Both witch lore and white “racial folklore”⁸⁴⁷—when constituted by law we might call it legal folklore⁸⁴⁸—change the world and then count those changes as evidence of the fantasy that produced them in a folkloric cycle of mythology and violence.⁸⁴⁹ For example Fields and Fields argue that segregation (de jure or de facto) became a property of non-white people, rather than something whiteness imposed upon them, and thus became evidence of their inferiority and of white superiority.⁸⁵⁰ Or, as notable folklorists have put it, “fact can become narrative and narrative can become fact.”⁸⁵¹ Thus, as long as a material difference between “races” is distinguishable, white monsters will remain alive in our minds.⁸⁵² In the parlance of white

“People are more readily perceived as inferior by nature when they are already seen as oppressed.”) See also Harris, *supra* note 1, at 1741 (“In transforming white to whiteness, the law masked the ideological content of racial definition and the exercise of power required to maintain it: ‘It convert[ed] [an] abstract concept into [an] entity.’”) (citing to STEPHEN J. GOULD, *THE MISMEASURE OF MAN* 56 (1981)).

⁸⁴³ Some fourteen years after *Plyler* came down, reform in 1996 made more severe the deportation consequences of unlawful entry into the U.S. and criminal convictions. See generally PL 104–208—SEPT. 30, 1996, The Illegal Immigration Reform and Immigrant Responsibility Act (enacted Apr. 1, 1997).

⁸⁴⁴ ANDERSON, *supra* note 507, at 254.

⁸⁴⁵ HANEY LOPEZ, *supra* note 110, at 10 (stating that race “while originally only ideas, gain force as they are reproduced in the material conditions of society”); KENDI, *supra* note 110, at 68 (“The resulting white property was then attributed to white superiority.”); Martha R. Mahoney, *Residential Segregation and White Privilege*, in *CRITICAL WHITE STUDIES*, *supra* note 42, at 274 (stating that white neighborhoods become associated with, “attractiveness, safety and financial security”).

⁸⁴⁶ BALDWIN, *Everybody’s Protest Novel*, *supra* note 38.

⁸⁴⁷ W.E.B. DU BOIS, *DUSK OF DAWN: AUTOBIOGRAPHY OF A RACE CONCEPT* 205 (1st ed. 1940); see also GILROY, *supra* note 89, at 11 (“[T]he lore that brings us the virtual realities of ‘race.’”).

⁸⁴⁸ Others have written about the law as folklore. See, e.g., JOHANN CHAPOUTOT, *THE LAW OF BLOOD: THINKING AND ACTING AS A NAZI* 61 (2018). Chapoutot shows how “the convictions of the people” were an authoritative source of (deeply racist and genocidal) Nazi law and quotes legal historian Eberhard von Künssberg, who argued that “legal science and folklore share the same substance.” *Id.* See also Marcel Kahan & Edward B. Rock, *Symbolic Corporate Governance Politics*, 94 B.U. L. REV. 1997, 2029 (2014) (noting that the scholar Thurman Arnold thought of the law as folklore).

⁸⁴⁹ FIELDS & FIELDS, *supra* note 88, at 24, 26, 128.

⁸⁵⁰ *Id.* at 24, 26, 128.

⁸⁵¹ DÉGH & VAZSONYI, *supra* note 835, at 261.

⁸⁵² PAINTER, *supra* note 14, at xii (“So long as . . . statistics can be arranged to support racial difference, the American belief in races will endure.”).

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monstrosity, racecraft (or, if you will, racial ostension) describes where and how white fission happens.⁸⁵³ It is where monsters are made.

A succinct term is warranted to describe the law's role in this ostensive, creative (and ultimately destructive) process. Monster law is a fitting appellation to describe jurisprudence, statutes, policy and legally mandated institutions which reify fictional, but dangerous entities, be they witches or whites. Monster law—which activates or furthers a category crisis—preserves these entities' mythology, by dumping and/or sustaining factious evidence of these entities in the real world in the form of social and economic conditions.⁸⁵⁴ “If race lives on today,” Fields and Fields tell us, “it does not live on because we have inherited it from our forebears of the seventeenth century . . . but because we continue to create it today.”⁸⁵⁵ Monster law is epistemic violence—harmful ideas, speech, and writing.⁸⁵⁶ For example, the *Plyler* decision, the Fourth Amendment jurisprudence described by Paul Butler, or the prison industrial complex itself (its disproportionate incarceration of Black and brown people is busy constructing white people as innocent and civilized by contrast). These and other laws and policies like them endow white people with superhuman abilities (innocence, civilization, moral superiority, etc.) that enable their socially destructive capacity. Thus, much in the way certain monster story texts can be monstrous themselves in their ability to unsettle categories,⁸⁵⁷ so can the text of statutes and judicial opinions be monstrous in and of themselves. Whiteness is, like a witch panic, a kind of *folie à plusieurs*, or a single madness shared among many,⁸⁵⁸ one driven by monster law. To say that law constructs race⁸⁵⁹ is to say that it makes monsters.

We know how monster law makes and preserves white monsters, but how can white monstrosity be unmade? *Can* white monstrosity be unmade? The final section, drawing on the conclusions above, considers three implications of understanding these phenomena as monster law. To wit, must white monsters stay white monsters? Can white monsters defeat white monsters? And can white monstrosity end? Each of these is relevant to imagining a world beyond monster law and white monsters. I conclude in the final section that a white monster theory compels the conclusion that reparations and the abolition of certain institutions (i.e., prisons, police, borders) are necessary (even if insufficient) to ending whiteness.

⁸⁵³ See *supra* Part IV.a.

⁸⁵⁴ FIELDS & FIELDS, *supra* note 88, at 33-34.

⁸⁵⁵ *Id.* at 146.

⁸⁵⁶ GAYATRI CHAKRAVORTY SPIVEK, CAN THE SUBALTERN SPEAK? IN MARXISM AND THE INTERPRETATION OF CULTURE 280 (1988) (defining “epistemic violence”).

⁸⁵⁷ SHARLA HUTCHINSON & REBECCA A. BROWN, *Introduction*, in MONSTERS AND MONSTROSITY, *supra* note 39, at 5.

⁸⁵⁸ See, e.g., Emad Salib, *Suicide Terrorism: A Case of Folie à Plusieurs?*, 182 BRIT. J. PSYCH. 475 (2003) (defining *folie à plusieurs*).

⁸⁵⁹ See CRITICAL RACE THEORY, *supra* note 43, at xxv.

B. *Unmaking White Monsters: Resolving the Category Crisis*

In 1860, writer and social critic William J. Wilson (“Ethic”) asked: “What shall we do with white people?”⁸⁶⁰ Unmaking white monsters demands many solutions, not just one. Many strategies may be necessary, but none of them alone is sufficient.⁸⁶¹ Using monsters to understand these paths to a post-whiteness world, provides lessons—or at least models for how to think about—what might be some of the necessary components.

1. Monsters Stay Monsters?

Once a monster, always a monster. That is the message of some monster storytelling. In the 1956 film *The Creature Walks Among Us*, the third installment of Universal’s popular *Creature from the Black Lagoon* franchise, scientists attempt to modify the titular Gill-man, a humanoid fish creature, into an air-breathing human being, but of course their efforts collapse into a disastrous Gill-man murder spree.⁸⁶² Similarly, Dr. Jekyll tries many potions to banish Mr. Hyde for good, but in the end the only reform the two will know is death.⁸⁶³ Modern pages and screens are well populated with vegetarian vampires and self-medicating werewolves struggling to suppress their monstrosity, who, at best, manage a chronic problem without actually changing their nature.⁸⁶⁴ It is a recurring theme that monsters cannot change who they are.

The nature of whiteness cannot be changed and cannot be made benign. Primarily, because, as I have tried to demonstrate, it is the partitioning of the human category itself which is so devastating.⁸⁶⁵ The limitations of white seeing (invisible monsters), white thinking (non-thinking monsters) and the seemingly limitless capacity of white evasion (white shapeshifting) would seem to reveal the irredeemable character of whiteness.⁸⁶⁶

There is every indication from the work referenced in the section above that white seeing and white knowing can never match the ability to see and know of those on the receiving end of its violence.⁸⁶⁷ White monstrosity, it would seem from this

⁸⁶⁰ William J. Wilson (“Ethiop”), *What Shall We Do with White People?*, in BLACK ON WHITE, *supra* note 9, at 63.

⁸⁶¹ ALCOFF, *supra* note 165, at 89 (stating “[t]he circle can be broken, dislodged, challenged and so on at multiple entry points” and giving affirmative action as one example).

⁸⁶² THE CREATURE WALKS AMONG US (Universal Pictures 1956).

⁸⁶³ STEVENSON, *supra* note 629.

⁸⁶⁴ See, e.g., MEYER, *supra* note 140 (the Cullens are “vegetarians” because they feed on animals instead of people); BRIAN MEEHL, SUCK IT UP (2008) (featuring a vegan vampire); MCMAHON-COLEMAN & WEAVER, *supra* note 74, at 140-60 (discussing themes of addiction and recovery in werewolf and other shapeshifter fiction).

⁸⁶⁵ See *supra* Part V.A.3, 5.

⁸⁶⁶ See *supra* Part V.A-C.

⁸⁶⁷ See *supra* Part V.A-C.

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analysis, will always cloud white ability to see through human eyes.⁸⁶⁸ Without an accurate vision of one's privilege, one cannot always know when one's words or actions or those of other white people, are harmful.⁸⁶⁹ This necessarily limits white ability to hold themselves and other white people accountable.⁸⁷⁰ This "white moral cognitive dysfunction,"⁸⁷¹ as Charles Mills described it, prevents white people from "seeing and doing the right thing."⁸⁷² Learning the most possible about what one can't otherwise see or know and listening to "people of color"⁸⁷³ represent the bare minimum of white responsibility to minimize harm, but cannot alone overcome these limits. For these reasons, without a full understanding of the problem, it is unlikely that even the best of intentions will fix white domination, though they may add to it.⁸⁷⁴

In any event, for whiteness to become benign would require white people to act against their own interests, an expectation that, for a majority of white people anyway, is ahistorical.⁸⁷⁵ Derrick Bell argued that it was futile to ask white people to hold themselves accountable and willingly sacrifice their own power: "[w]hites simply cannot envision the personal responsibility and the potential sacrifice inherent in the conclusion that true equality for blacks will require the surrender of racism-granted privileges for whites."⁸⁷⁶ Even the most profound guilt will not change this. "No useful movements for change," author and activist Reni Eddo-Lodge reminds us, "have ever sprung out of fervent guilt."⁸⁷⁷ This question evokes for this author the scene in *The Thing From Another World* (1951) in which the misguided scientist attempts to reason with the plant-based extraterrestrial monster and gets only a clawed hand to the face for his effort.⁸⁷⁸ In most fiction and folklore, monsters cannot be convinced to give up their power. And in fact, as it has often been shown, many white people will even go *against* their own interests to preserve their white identity and white power.⁸⁷⁹

⁸⁶⁸ See *supra* Part V.A-C.

⁸⁶⁹ See *supra* Part V.A-C.

⁸⁷⁰ See *supra* Part V.A-C.

⁸⁷¹ MILLS, *supra* note 4, at 95.

⁸⁷² *Id.* at 93.

⁸⁷³ Baker, *supra* note 238 ("When people of color have been telling us forever, . . . [h]ow can you manage not to know?"; directing people to listen to what people of color are asking for).

⁸⁷⁴ Consider the work of radical white groups like *Young Patriots*, *Rising Up Angry* and *White Lightening*. Even with militantly anti-racist agendas, they too had limited insight in their approaches. See ALCOFF, *supra* note 165, at 18.

⁸⁷⁵ See Bell, *The Interest Convergence Dilemma*, *supra* note 721, at 522.

⁸⁷⁶ *Id.*

⁸⁷⁷ EDDO-LODGE, *supra* note 46, at 221.

⁸⁷⁸ THE THING FROM ANOTHER WORLD (RKO Pictures 1951).

⁸⁷⁹ METZL, *supra* note 784 at 124, 153.

None of this is to say that whites are more homogenous than any other invented category, but rather, only restates the old axiom that power corrupts.⁸⁸⁰ White monstrosity means people raced white or white-proximate cannot be trusted to have the right intentions or to know well enough to execute those intentions properly or to accept accountability in any event. Our very (albeit constructed) existence is dangerous. This of course does not portend well for the ability of any white adjudicator or legislator to make non-monstrous decisions and policy. The ahistorical and context-deprived character of the *Plyler* decision, and the anemic precedent it established, as discussed above, provide just one example which certainly implies as much.⁸⁸¹

But, if white monstrosity precludes the ability of white monsters to do right by humanity, what does it say about white people's ability to at least interrupt the monstrosity of each other?

2. Monsters Defeat Monsters?

Occasionally, in fiction, the way to defeat one monster, is by throwing another one at it. "Let them fight," is what Dr. Ichiro Serizawa, says in Garath Edward's *Godzilla* (2014)—urging the authorities to accept that the only way to defend themselves from one menacing kaiju was to pit it against another.⁸⁸² Interestingly, Watanabe's character is named after the mad scientist in the original *Godzilla* ("Gojira") (1954), in which *that* Dr. Serizawa develops a new weapon to defeat that *Godzilla*, again using one monster (a mad scientist) to defeat another.⁸⁸³ Modern films in which one monster neutralizes the threat of another are plentiful, if not hokey, such as *Frankenstein Meets the Wolfman* (1943),⁸⁸⁴ *King Kong vs. Godzilla* (1963)⁸⁸⁵ and *Freddy vs. Jason* (2003),⁸⁸⁶ to name a few. But these monster v. monster battles are not solely a modern phenomenon. In Ovid's *Metamorphoses* (first century C.E.), the hero Perseus turns the Titan Atlas to stone with the head of the gorgon Medusa.⁸⁸⁷ And in Homer's *Iliad* (eighth century B.C.E.), the winged horse Pegasus assists in the defeat of the fire-breathing Chimera.⁸⁸⁸ At bottom, these stories assume a compelling notion, that to defeat one power, another comparable power will do, fighting fire with fire, as it were. Many have implied the same regarding white supremacy.

⁸⁸⁰ DIANGELO, *supra* note 11, at 93 ("A majority of whites, in both the expression of their beliefs and the practice of their lives, do not want to integrate with [B]lacks.").

⁸⁸¹ See *supra* *Plyler v. Doe*, 457 U.S. 202 (1982).

⁸⁸² GODZILLA (Legendary Pictures 2014).

⁸⁸³ GODZILLA (Toho 1954).

⁸⁸⁴ FRANKENSTEIN MEETS THE WOLFMAN (Universal Pictures 1943)

⁸⁸⁵ KING KONG VS. GODZILLA (Toho 1962).

⁸⁸⁶ FREDDY VS. JASON (New Line Cinema 2003).

⁸⁸⁷ MURGATROYD, *supra* note 33, at 108.

⁸⁸⁸ *Id.* at 57, 138; HOMER, THE ILIAD VI. 155–203 (8th century B.C.E.).

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It is argued implicitly and often that whiteness can defeat whiteness. A cottage industry of books,⁸⁸⁹ websites,⁸⁹⁰ and podcasts⁸⁹¹—often, but not always,⁸⁹² written by white people for other white people—advises their audience on how to use their own white privilege to combat white supremacy. In other words, how to fight white monsters with their own white monstrosity. Probably the most well-known of these is Robin DiAngelo’s *White Fragility*,⁸⁹³ but there are many others.⁸⁹⁴ Such works generally direct white people to hold themselves and each other accountable for engaging in racially oppressive behavior.⁸⁹⁵ A sub-genre are those works that encourage teachers and parents to raise white children with these values.⁸⁹⁶ Inasmuch as any white person draws from them the inspiration to minimize the effects of their monstrosity, these are vital, estimable books and projects. However, occasionally these works smack of white saviorism, particularly if they describe white privilege as a “superpower.”⁸⁹⁷ Critic and author Maya Phillips, in her analysis of the same white (often explicitly monstrous) comic book superheroes that this terminology invokes, warns that many such white characters are “glorified vigilantes,” who “are either the institution itself, or free to act outside it.”⁸⁹⁸ Such

⁸⁸⁹ See, e.g., DIANGELO, *supra* note 11.

⁸⁹⁰ See, e.g., Jay Smooth, *How to Tell Someone They’re Racist*, YOUTUBE (posted July 21, 2008) <https://www.youtube.com/watch?v=b0Ti-gkJiXc>.

⁸⁹¹ See, e.g., Serial Production & The New York Times, *Nice White Parents Podcast*, N.Y. TIMES (Jul. 30, 2020 - Feb. 25, 2022) <https://podcasts.apple.com/us/podcast/nice-white-parents/id1524080195> [<https://perma.cc/2RE7-BNMM>]; John Scalzi, *Straight White Male: The Lowest Difficulty Setting There is*, SCALZI (May 15, 2012) <https://whatever.scalzi.com/2012/05/15/straight-white-male-the-lowest-difficulty-setting-there-is> [<https://perma.cc/WCE2-DQ5G>].

⁸⁹² See, e.g., IJEOMA OLUO, *SO YOU WANT TO TALK ABOUT RACE* (1st ed. 2018); EDDO-LODGE, *supra* note 46; IBRAM X. KENDI, *HOW TO BE AN ANTI-RACIST* (2019) [hereinafter KENDI, *HOW TO BE AN ANTI-RACIST*].

⁸⁹³ DIANGELO, *supra* note 11.

⁸⁹⁴ See *infra* note 895.

⁸⁹⁵ See, e.g., ROBERTS-MILLER, *supra* note 524, at 25, 83, 119-123 (by engaging in self-reflection on the whiteness of their own thoughts and actions; by challenging racist speech; and by receiving criticisms with appreciation and without defensiveness); OLUO, *supra* note 892, at 59-60 (by checking one’s privilege); BLANCHARD & SUZUKI GRAHAM, *supra* note 344, at 26 (by “owning” ones white identity); PICOWER, *supra* note 47, at 124 (by “calling-in” other white people); DIANGELO, *supra* note 11, at 144-46 (by accountability through apology, restorative interventions, and self-education); JAMES, *supra* note 410, at 228 (“I decided not to check any of the race categories on the form.”); SOPHIE WILLIAMS, *ANTI-RACIST ALLY: AN INTRODUCTION TO ACTIVISM & ACTION* 150-55 (2012) [hereinafter *ANTI-RACIST ALLY*] (by supporting Black-owned businesses); BRITT HAWTHORNE & NATASHA YGLESIAS, *RAISING ANTIRACIST CHILDREN: A PRACTICAL PARENTING GUIDE* 36-37 (2022) (by teaching children to adhere to these practices).

⁸⁹⁶ See BLANCHARD & SUZUKI GRAHAM, *supra* note 344, at 90-97. See generally HAWTHORNE & YGLESIAS, *supra* note 895. See generally, PICOWER, *supra* note 47.

⁸⁹⁷ BLANCHARD & SUZUKI GRAHAM, *supra* note 344, at 35 (describing as “superpowers” the privilege of being in a position to acknowledging one’s own whiteness “and encouraging others to do the same”). See also FRANKENBERG, *WHITE WOMEN, RACE MATTERS*, *supra* note 47, at 182 (“I didn’t have a choice to be born what I am But . . . I have a choice about how I use the privilege I have”).

⁸⁹⁸ MAYA PHILIPS, *NERD: ADVENTURES IN FANDOM FROM THE UNIVERSE TO THE MULTIVERSE* 134 (1st ed. 2022).

references thus lean dangerously into white impunity.⁸⁹⁹ The full scope of such writing, from important commentary on how to minimize the damage of living white to under-informed white saviorism, collectively reflect the “monsters defeat monsters” premise, or as Robin DiAngelo put it “using my insider status to challenge racism.”⁹⁰⁰ These arguments urge us, like Dr. Serizawa, to “let them fight.”

To ask whether monsters defeat monsters is to get a dubious answer. Even assuming interpersonal accountability were possible (and “monsters stay monsters” implies that it is often not), ending interpersonal discrimination alone will not end whiteness⁹⁰¹ because these changes affect only individualized acts of white supremacy, not systemic ones.⁹⁰² While these kind of monsters-defeat-monsters arguments may neglect discussion of structural and institutional whiteness⁹⁰³ (leaving credible the ludicrous fiction of meritocracy⁹⁰⁴), many of these same authors nevertheless argue that white people should also use their privileged position to advocate for systemic change through legal reform or social activism.⁹⁰⁵ However, the limited capacity of past reforms to materially diminish, let alone end, systemic white hegemony (e.g. the individual-over-structural Fourteenth Amendment itself,⁹⁰⁶ the “White Fourth Amendment,”⁹⁰⁷ or the Supreme Court decisions in *Brown*⁹⁰⁸ or *Plyler*⁹⁰⁹) underscores our limited ability to defeat whiteness even through the law.⁹¹⁰

⁸⁹⁹ SULLIVAN, *supra* note 2, at 161.

⁹⁰⁰ DIANGELO, *supra* note 11, at xv.

⁹⁰¹ OMI & WINANT, *supra* note 53, at 131 (“Discrimination never derived its main strength from individual actions or prejudices Its most fundamental characteristic was always its roots in the racially organized *social* order.”); WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 28 (“But attacking discrimination alone cannot end subordination, because systems of privilege regenerate the discriminatory patterns that maintain the existing hierarchies of oppression.”); FRANKENBERG, WHITE WOMEN, RACE MATTERS, *supra* note 47, at 189, 232; DAVID ROEDIGER, TOWARDS THE ABOLITION OF WHITENESS 16 (1994) (“[W]hites cannot fully renounce whiteness, even if they want to.”); Winant, *White Racial Projects*, *supra* note 684, at 107 (“But is whiteness so flimsy that it can be repudiated . . . even by widespread and repeated acts aimed at rejecting white privilege? I think not.”).

⁹⁰² JENSEN, *supra* note 213, at 17-18.

⁹⁰³ See, e.g., NOEL IGNATIEV & JOHN GARVEY, RACE TRAITOR 274 (1996) (featuring a letter to the editor which argues that the “Race Traitor” journal’s stated goal “to abolish the white race” is an ideological/psychological goal that insufficiently addresses a problem that is also a product of “structural relations”); ANTI-RACIST ALLY, *supra* note 895; EDDO-LODGE, *supra* note 46, at 215.

⁹⁰⁴ See CRITICAL RACE THEORY, *supra* note 43, at xxix.

⁹⁰⁵ See, e.g., KENDI, HOW TO BE AN ANTI-RACIST, *supra* note 892, at 237 (advocating anti-racist policies); JAMES, *supra* note 410, at 240 (expressing support for reparations for historically oppressed people to combat white supremacy); JENSEN, *supra* note 213, at 53 (expressing support for “the redistribution of wealth” to combat white supremacy).

⁹⁰⁶ See *supra* notes 421-426 and accompanying text.

⁹⁰⁷ See *supra* note 278 and accompanying text.

⁹⁰⁸ See *supra* note 737.

⁹⁰⁹ See *supra* Part IV.C.

⁹¹⁰ See Derrick A. Bell Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470, 514 (1976) (quoting Leroy Clark, “major social and economic obstacles are not easily amenable to the legal process . . . vigilance and continued activity by the disadvantaged are the crucial elements in social change”); Gotanda, *supra* note 407, at 44 (“These

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If we have any hope today that whiteness can end, in addition to the many non-white thinkers and doers who have given expression to that vision,⁹¹¹ we also have partly to thank the historically extraordinary work of innumerable “race traitors,” from John Brown to Mab Segrest.⁹¹² Without diminishing their critical importance to defeating whiteness, one must acknowledge the limitations of white anti-racist activism, that individual heroics alone cannot overturn the ubiquitous, enduring mythology—and conditions—of white monsters. Their activism, like their interpersonal and legal counterparts, appear necessary but insufficient to the task of ending white monstrosity.

While the premise that monsters defeat monsters is compelling, it often does not work out that way in narrative. Familiar to many is the horror movie trope of the monster that won’t die.⁹¹³ Neither Godzilla nor King Kong is defeated at the end of either of their brawls (in 1963 and 2021, respectively).⁹¹⁴ And new Godzilla and King Kong films and television shows inevitably sustain these characters.⁹¹⁵ Likewise, neither Jason Voorhees nor Freddy Kruger stories ended with *Jason vs. Freddy*; new films for each monster followed their match-ups.⁹¹⁶ Even for Medusa and Atlas, neither was truly defeated in Ovid’s poem, because they featured again in the poetry of Lucan decades later.⁹¹⁷ Medusa would then return in Renaissance art, in Johan Wolfgang von Goethe’s celebrated eighteenth century play *Faust*, and in twentieth century film.⁹¹⁸ “No matter how many times King Arthur killed the ogre of Mount Saint Michael,” Jeffery Jerome Cohen observed, commenting on this trope, “the monster reappeared in another heroic chronicle.”⁹¹⁹ As any sequel aficionado knows, the only way Godzilla or Jason Voorhees can ever truly die, is when we stop

extremely individualized views of racism exclude an understanding of the fact that race has institutional or structural dimensions . . .”).

⁹¹¹ See, e.g., JANET D. BELL, *LIGHTING THE FIRES OF FREEDOM: AFRICAN AMERICAN WOMEN IN THE CIVIL RIGHTS MOVEMENT* (2019); STEVEN JAMES FREDRICK JR., *NAT TURNER MALCOLM X AND MARTIN LUTHER KING JR. THREE CATALYSTS FOR CIVIL RIGHTS* (2009); NED BLACKHAWK, *THE REDISCOVERY OF AMERICA: NATIVE PEOPLES AND THE UNMAKING OF U.S. HISTORY* (Yale University Press, 1st ed. 2023); CYNTHIA E. OROZCO, *NO MEXICANS, WOMEN, OR DOGS ALLOWED: THE RISE OF THE MEXICAN AMERICAN CIVIL RIGHTS MOVEMENT* (University of Texas Press, 1st ed. 2009); Gotanda, *supra* note 407.

⁹¹² See TONY HORWITZ, *MIDNIGHT RISING: JOHN BROWN AND THE RAID THAT SPARKED THE CIVIL WAR* (1st ed. 2011); SEGREST, *supra* note 46.

⁹¹³ ASMA, *supra* note 22, at 186; SEGREST, *supra* note 46.

⁹¹⁴ KING KONG VS. GODZILLA, *supra* note 885; GODZILLA VS. KONG (Legendary Pictures 2021).

⁹¹⁵ See, e.g., GODZILLA: MINUS ONE (Toho 2023); GODZILLA X KONG (Legendary Pictures 2024); *Skull Island* (Netflix 2023) (featuring Kong); *Monarch: Legacy of Monsters* (Apple TV 2023) (featuring Godzilla).

⁹¹⁶ See, e.g., FRIDAY THE 13TH (Warner Bros. 2009); A NIGHTMARE ON ELM STREET (Warner Bros. 2010); GODZILLA: MINUS ONE (Toho 2023).

⁹¹⁷ See MURGATROYD, *supra* note 33, at 106.

⁹¹⁸ See WEINSTOCK, *THE ASHGATE ENCYCLOPEDIA*, *supra* note 33, at 405.

⁹¹⁹ Cohen, *Monster Culture (Seven Theses)*, *supra* note 44, at 38. Cohen’s second thesis is “The Monster Always Escapes,” that is, returns. *Id.*

telling their stories.⁹²⁰ Whiteness is an enduring narrative that will take more than personal redemption and legal reform to end.

Philosopher Stephen Asma, noting the trope of the undying horror movie monster, concludes that this immortal quality, “challenges our deep sense of a just moral fabric to the universe.”⁹²¹ Surely the undying nature of whiteness—with its inevitable return in history’s endless series of predictable sequels—does the same. We cannot hold our monstrosity accountable without working toward the destruction of the story itself through material redistribution of wealth and land—and razing institutional barriers to the same.

3. Ending Monster Law?

Whiteness will not die until white people take *material* responsibility for their monstrosity. There is no consensus on whether whiteness should be abolished, deconstructed or something else, or how to go about accomplishing either.⁹²² Many have argued generally, that what has been invented by people can be just as well undone.⁹²³ What seems certain from the implications of the questions before us is that white racial identity cannot be reformed or rendered benign, as some have argued.⁹²⁴ Whiteness can and must end and to do so is to end race⁹²⁵—the category crisis—itself. As I have suggested in the lessons from confronting invisibles and shapeshifters, solutions must begin at the changeless trait, premature death, and the effects of whiteness upon the world, which is in truth a great deal of premature death.⁹²⁶

⁹²⁰ See generally *id.*

⁹²¹ ASMA, *supra* note 22, at 186.

⁹²² See, e.g., BUSH, *supra* note 356, at 26 (“There is no agreement . . . about whether white racial identity should be deconstructed, reconstructed, or eliminated, or about how changes might take place.”); HANEY LOPEZ, *supra* note 110, at 22 (“dismantled”); Winant, *White Racial Projects*, *supra* note 684, at 98 (“deconstruct” instead of “abolish”); IGNATIEV & GARVEY, *supra* note 903, at 11 (“explode it”).

⁹²³ See, e.g., PAUL FREIRE, *PEDAGOGY OF THE OPPRESSED* 33 (1995) (“If humankind produce social reality . . . then transforming that reality is an historical task, a task for humanity.”); BUSH, *supra* note 356, at 34 (“[I]f race has been socially constructed, it can be socially deconstructed.”); JOEL KOVEL, *WHITE RACISM: A PSYCHOHISTORY* xlix, xl (1984) (“[I]f racism can change . . . it can be made to go away.”); IGNATIEV & GARVEY, *supra* note 903, at 51 (“[W]hat was historically constructed can be undone.”).

⁹²⁴ ALCOFF, *supra* note 165, at 20 (arguing for a reformation of white identity, and against its abolition).

⁹²⁵ GILROY, *supra* note 89, at 40 (arguing that ending white supremacy requires the end of all “raciological thought”).

⁹²⁶ See *supra*, Part V(a)(v) and (b)(iv).

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Racially differentiated premature death is a product of gross economic disparities (in income,⁹²⁷ wealth,⁹²⁸ land,⁹²⁹ etc.⁹³⁰) and inherently racializing institutions (i.e., police,⁹³¹ prisons,⁹³² borders,⁹³³ etc.) that contribute to the same. This is the product of a long past and continuing present in which “over and over again, [B]lack [and brown] people have built assets, only to have them destroyed [or stolen] by white violence or by laws created by white men.”⁹³⁴ Group-differentiated disparities in income, property, land⁹³⁵, but most critically, wealth,⁹³⁶ are the factious evidence that makes white monsters.⁹³⁷ I agree with the position that whiteness and—white monstrosity—should be abolished, but further conclude that this cannot happen without abolishing race itself through the material reunification of the human category. That material reunification will require, at a bare minimum, the redistribution of economic resources and the abolition of said institutions until the monstrous racial categories are economically indistinguishable from one another, which is to say, until we resolve the category crisis. Whiteness was and is “an effort to reorganize and redistribute resources along particular racial lines,”⁹³⁸ so it follows that it will take a correction gargantuan enough to mirror its historical antecedent.⁹³⁹

⁹²⁷ THE COLOR OF WEALTH, *supra* note 459, at 23, 32, 114, 131, 136, 169 (interest, dividends and rent income; employment income; public assistance; retirement security); ROTHSTEIN, *supra* note 298, at 185 (white people have twice the class mobility as Black people).

⁹²⁸ THE COLOR OF WEALTH, *supra* note 459, at 75, 113, 121, 132, 169-71, 226 (inheritance; assets; access to capital; business financing); ROTHSTEIN, *supra* note 298, at 184.

⁹²⁹ THE COLOR OF WEALTH, *supra* note 459, at 17, 104, 134, 135, 151, 258 (home ownership; home value; equity).

⁹³⁰ *Id.* at 113; MELVIN OLIVER & THOMAS SHAPIRO, BLACK WEALTH/WHITE WEALTH 69 (1995) (“70 percent of the difference between white and Black income, occupation and education is related to race.”); ROTHSTEIN, *supra* note 298, at 187, 196, 230 (discussing that decades of calculated white policy supply inferior schools, grocery stores, and businesses; indicating that “non-whites,” are more likely to suffer with and die from heart disease, diabetes, asthma, and lead poisoning).

⁹³¹ See KABA, *supra* note 29; VITALE, *supra* note 536; OLIVER & SHAPIRO, *supra* note 930; ROTHSTEIN, *supra* note 298.

⁹³² See ANGELA DAVIS, ARE PRISONS OBSOLETE? (2003); LAW, *supra* note 541.

⁹³³ See HARSHA WALIA, BORDER & RULE: GLOBAL MIGRATION, CAPITALISM, AND THE RISE OF RACIST NATIONALISM (2021); GRACIE MAE BRADLEY & LUKE DE NORONHA, AGAINST BORDERS: THE CASE FOR ABOLITION (2022).

⁹³⁴ THE COLOR OF WEALTH, *supra* note 459, at 78, 86, 92-95.

⁹³⁵ *Id.* at 131, 226, 258 (employment income; assets; home ownership).

⁹³⁶ OLIVER & SHAPIRO, *supra* note 930, at 86-87.

⁹³⁷ FIELDS & FIELDS, *supra* note 88, at 41, 96 (stating that racecraft “permit[s] the consequences to masquerade as the causes” and “transforms the act of a subject into an attribute of the object”); OLIVER & SHAPIRO, *supra* note 930.

⁹³⁸ See also OMI & WINANT, *supra* note 53, at 56.

⁹³⁹ See Ansley, *White Supremacy*, *supra* note 52, at 594; HANEY LOPEZ, *supra* note 110, at 132 (“[I]ts [whiteness’s] existence depends upon the mythologies and material inequalities that sustain the current racial system.”); ALCOFF, *supra* note 165, at 145 (“The only real way for whiteness to cease being a fit manner of identification, would be to transform the conditions – material, cultural, political and economic – that make it operative and explanatory.”).

None of these are new conclusions,⁹⁴⁰ rather what I hope to contribute to discussions about the problem of, and solutions to, whiteness, is a way of thinking through these using the language and ideas of monsters.

White people will be less monstrous when, as a group, they have less money and power. Typically, discussions of reparations focus on how much money, land or resources should be received by oppressed peoples to compensate for what was taken from them or the harm they suffered.⁹⁴¹ The white monstrosity frame, however, shifts the focus to ask how much should be taken *from* white people to remedy their unjust enrichment.⁹⁴² The disproportionate wealth and power that white people possess, the factious evidence itself, is the material out of which their monstrosity is socially constructed,⁹⁴³ and therefore, de-monstering white people will require a reduction in what they have accumulated from pillaging the world.⁹⁴⁴ The white monster frame thus tells us that a complete reparations project which aims to repair or reverse the harm of white supremacy must consider not just how much the oppressed must gain, but also how much the oppressor must lose.⁹⁴⁵ To summarize, it is not enough to argue that reparations must mend the injustices of the past; they must also resolve the category crisis of the present. Only then could we even hope to attain a material reunification of the human category.⁹⁴⁶ Of course, claims about how much that loss should be, how it should happen, or how to mobilize support for it as a project, are beyond the scope of this Article.⁹⁴⁷ Nevertheless, understanding whiteness as monstrosity compels us to conclude that a deliberate and systemic diminution of white wealth and power is a necessary part of the solution.

⁹⁴⁰ See e.g., GILROY, *supra* note 89, at 40 (abolishing race); OGLETREE & ROBINSON, *supra* note 769, at 107-08 (robust reparations); SULLIVAN, *supra* note 2, at 9 (“[C]hanging unconscious habits of white privilege requires altering the political, social, physical, economic, psychological, aesthetic, and other environments that ‘feed’ them.”)

⁹⁴¹ See, e.g., BITTKER, *supra* note 769, at 131; OGLETREE & ROBINSON, *supra* note 769, at 107-08; FRANKE, *supra* note 770, at 140; Christopher C. Jones, *Redemption Song: An Analysis of the Reparations Movement*, 33 U. MEM. L. REV. 449, 456–57 (2003); MULLEN & DARITY, *supra* note 770, at 260.

⁹⁴² Specifically, I’m referring here to those whites to whom the material, economic benefits of white privilege have accumulated, and thus not necessarily to poor whites.

⁹⁴³ BUSH, *supra* note 356, at 3.

⁹⁴⁴ Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 362 (1987) (discussing that reparations are a legal concept that “arises not from abstraction but from experience”).

⁹⁴⁵ THE COLOR OF WEALTH, *supra* note 459, at 129 (quoting Dr. Martin Luther King Jr.: “The poor can stop being poor if the rich are willing to become even richer at a slower rate.”).

⁹⁴⁶ Such conditions will expand what Melanie E. L. Bush calls “cracks in the wall of whiteness”—the places where racist thinking meets racist institutions and where the mutually reinforcing relationship between the two can be interrupted. BUSH, *supra* note 356, at 2, 219.

⁹⁴⁷ Many reparations programs and policies have already been proposed. See, e.g., FRANKE, *supra* note 770, at 16, 131; Cornel West & Roberto Mangabeira Unger, *The Future of American Progressivism: An Initiative for Political and Economic Reform*, in THE CORNELL WEST READER (Cornel West 1999). ROTHSTEIN, *supra* note 298, at 202, 206.

We cannot know if this will end white fission and abolish whiteness forever, but we can be certain that these ends cannot be accomplished without it.

In addition to reparations, institutions that cause the premature death of “non-white” people, directly or by contributing to economic injustice, must be eliminated. Modern abolitionists have pioneered the movement to end inherently white supremacist (read, white monstrous) institutions—those causing death and dumping into the world factious evidence—such as prisons and policing.⁹⁴⁸ Many have amply demonstrated how each of these were created to enforce the supremacy of whiteness by securing disproportionate control by white people over wealth and resources, necessitating their end if this dynamic is to change.⁹⁴⁹ Activist and philosopher Angela Davis has explained that abolition is only minimally about tearing down oppressive structures and more about building new institutions to replace them and solve the problems the old structure only claimed to address.⁹⁵⁰ For example, activist and author Mariame Kaba defines police abolition as making policing obsolete by re-directing police funding to health care, housing, education, employment, and alternative institutions that resolve problems and create the safety that police claim to create, but do not.⁹⁵¹ This is what W.E.B. Du Bois called “abolition democracy,” or the collective movement to abolish systems of racial and economic oppression by remaking society.⁹⁵² Kaba reminds us that abolition is a “practical organizing strategy,”⁹⁵³ directing our energy toward “non-reformist reforms,” or those small changes to law and society that we can work toward today but which are nevertheless consistent with a post-prison, post-police or post-citizenship world.⁹⁵⁴ Organizing around such abolitionist reforms has the benefit of building power today and gathering small victories that enhance our faculties of agency and influence over the future.⁹⁵⁵ Abolition thus provides not just the goal of a less monsterful or demonstered world, but the path for reaching it. Thus, both legal and economic

⁹⁴⁸ See, e.g., ANGELA DAVIS, *ABOLITION DEMOCRACY* (2005); WILSON GILMORE, *supra* note 53; KABA, *supra* note 29; FRANKE, *supra* note 770.

⁹⁴⁹ See, e.g., PURNELL, *supra* note 767, at 10, 34 (explaining that police are designed to protect capital and racial domination by and for those that possess them); WILSON GILMORE, *supra* note 53, at 71, 77 (explaining that prisons and borders exist to manage labor surplus in the interests of racial capitalism).

⁹⁵⁰ ANGELA DAVIS, *THE MEANING OF FREEDOM: AND OTHER DIFFICULT DIALOGUES* 114 (2012); ANGELA DAVIS, *supra* note 932, at 107.

⁹⁵¹ Mariame Kaba, *Yes, We Mean Literally Abolish the Police*, N.Y. TIMES (June 12, 2020), <https://www.nytimes.com/2020/06/12/opinion/sunday/floyd-abolish-defund-police.html>.

⁹⁵² Jenna M. Lloyd, *Prison Abolitionist Perspectives on No Borders*, in *OPEN BORDERS: IN DEFENSE OF FREE MOVEMENT* 94 (Reece Jones ed., 2019).

⁹⁵³ KABA, *supra* note 29, at 12.

⁹⁵⁴ ANDRE GORZ, *A STRATEGY FOR LABOR: A RADICAL PROPOSAL* 7-8 (1964); WILSON GILMORE, *supra* note 53, at 242.

⁹⁵⁵ GORZ, *supra* note 954, at 11, 33; Amna A. Akbar, *Demands for a Democratic Political Economy*, 134 Harv. L. Rev. F. 90, 104-106 (2020).

transformation are necessary steps on the path past monster law and white monstrosity, and neither by itself is sufficient.⁹⁵⁶

There are many lessons about abolition behind the story of *Plyler v. Doe*. There were families, teachers, and religious communities engaged in what today we might describe as abolitionist or prefigurative politics—building the world that would make racist schooling obsolete.⁹⁵⁷ After the plaintiff children were barred from school, but before the Court handed down its decision, Texas communities established ad hoc schools for the excluded children where teachers volunteered their time.⁹⁵⁸ The brave families⁹⁵⁹ that brought the *Plyler* suit certainly demanded a non-reformist reform consistent with a post-citizenship world: free education for all children, regardless of nationality, birth, descent, or anything else.⁹⁶⁰ Remarkably, they achieved that vision despite the Justice’s commitment to whiteness. But *Plyler* also illustrates the indispensability of abolition to stopping the whiteness narrative if we consider where the decision fell short of justice. Law professor María Pabón Lopez has argued compellingly that the *Plyler* holding was merely the product of the interests of illegalized children converging with racial-capitalism’s interest in maintaining a pool of cheap labor.⁹⁶¹ The abolition of citizenship or borders, as many have advocated,⁹⁶² would have radically altered the *Plyler* decision and its impact, because post-citizenship, there would be no concept of immigration status, so that the class at issue would have been “Mexican people,” rather than “*undocumented* people.”⁹⁶³ Thus the court would have applied strict scrutiny.⁹⁶⁴ Even if the outcome was the same—and likely under a strict scrutiny analysis it would have been—the application of strict scrutiny would have established stronger precedent.⁹⁶⁵ Moreover, in a post-citizenship or post-border United States, there would be no basis

⁹⁵⁶ See KIMBERLE WILLIAMS CRENSHAW, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, reprinted in CRITICAL RACE THEORY, *supra* note 43, at 109 (“A legal strategy that does not include redistribution of wealth cannot remedy . . . racial domination.”).

⁹⁵⁷ Williams, *supra* note 258, at *6.

⁹⁵⁸ *Id.*

⁹⁵⁹ *Id.* at *8. The families risked deportation by filing their suit. *Id.* In fact, the U.S. Attorney asked the INS to conduct raids in their community to intimidate them from continuing litigation, but the INS declined to do so. OLIVAS, *supra* note 252, at 15.

⁹⁶⁰ Sacco, *supra* note 390, at 742 (describing the right to primary education that came out of *Plyler* as consistent with a post-citizenship world).

⁹⁶¹ María Pabón Lopez, *Reflections on Educating Latino and Latina Undocumented Children: Beyond Plyler v. Doe*, 35 SETON HALL L. REV. 1373, 1405 (2005).

⁹⁶² See, e.g., JACQUELINE STEVENS, STATES WITHOUT NATIONS: CITIZENSHIP FOR MORTALS (2009); Bridget Anderson, Nandita Sharma & Cynthia Wright, *Editorial: Why No Borders?*, 26 REFUGE 5 (2009); WALIA, *supra* note 933, at 213.

⁹⁶³ Sacco, *supra* note 390, at 733-738 (describing a hypothetical post-citizenship legal and constitutional regime).

⁹⁶⁴ “Race” is a suspect class and challenges to racial discrimination invoke strict scrutiny. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 227 (1995).

⁹⁶⁵ See, e.g., *In re Alien Child*, Ed. Litig., 501 F. Supp. 544, at 582 (S.D. Tex. 1980) (applying strict scrutiny in a case related to *Plyler*).

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on which to register students born outside the United States or preclude them from university attendance in the first place, as there is now despite *Plyler*.⁹⁶⁶

But abolition is only part of the remedy. *Plyler* also speaks to the vitality of the redistribution of wealth to resolve white monstrosity. Reparations granted to persons identifying as Mexican, whose families have survived segregation, deportation, or other state violence—reparations mindful of how much of the unjust gains of corresponding whites as a group must be subtracted—would contribute to alleviating disproportionate poverty, and it follows, de facto school segregation as well.⁹⁶⁷ The Latine wealth gap represents assets and net worth something approaching ten percent of what whites possess.⁹⁶⁸ As argued generally above, the transfer of wealth from “white” to “Mexican” populations, which *both* repairs Mexican families *and* reduces the net worth of white families until they are economically indistinguishable, would reduce or eliminate the factious evidence of racial monstrosity which this gap currently cultivates. Critically, reparations and abolition hold our focus on the effects of invisible whiteness upon the world and upon the economic conditions that cause changeless group-differentiated premature death, rather than on intentionality or individual choices. *Plyler* thus demonstrates how individuals and the law cannot alone unmake white monsters but can be part of the process to ending their narrative.

There is no absolution for white people as a group, there is only accountability. The category crisis of white monstrosity exposes the centrality of this responsibility to ending race, whiteness, and the monster law that keeps telling their story. Those who identify with whiteness have a responsibility to support, in whatever manner they have the capacity to do so, abolitionist movements and reparations campaigns.⁹⁶⁹ There are a number of reparations funds to which white people can donate.⁹⁷⁰ There have certainly been calls to change the law (anti-discrimination and

⁹⁶⁶ Sacco, *supra* note 390, at 733-738 (describing a hypothetical post-citizenship legal and constitutional regime).

⁹⁶⁷ See, e.g., Kristopher Rios, Ashley Riegler & Allie Yang, *Mexican Americans Seek Atonement for Ancestral Lands That Were Taken Over Generations*, ABC News (Sept. 30, 2020, 6:22 PM), <https://abcnews.go.com/US/mexican-americans-seek-atonement-ancestral-lands-generations/story?id=73320792> [<https://perma.cc/4J6C-4CD2>]; Ruben Navarrette, *Who Gets Reparations?* LATINO, <https://www.latinometro.com/whogetsreparations> [<https://perma.cc/4SAE-QPV2>] (last visited Oct. 23, 2024).

⁹⁶⁸ THE COLOR OF WEALTH, *supra* note 459, at 133.

⁹⁶⁹ See, e.g., CRITICAL RESISTANCE, <https://criticalresistance.org/> [<https://perma.cc/LR78-ZWPZ>] (last visited Dec. 8, 2024); DaVita Robinson, Valerie White & Maxine Crump, *Our Ancestors Were Sold to Save Georgetown. '\$400,000 Is Not Going to Do It.'* N.Y. TIMES (Feb. 6, 2020), <https://www.nytimes.com/2020/02/06/opinion/georgetown-reparations.html>; Char Adams, *Evanston Is the First U.S. City to Issue Slavery Reparations. Experts Say It's a Noble Start.*, NBC News (Mar. 6, 2021), <https://www.nbcnews.com/news/nbcblk/evanston-s-reparations-plan-noble-start-complicated-process-experts-say-n1262096> [<https://perma.cc/E5LC-P69T>].

⁹⁷⁰ See, e.g., THE FUND FOR REPARATIONS NOW, <https://www.fundforreparationsnow.org> [<https://perma.cc/8B8L-U2TE>] (last visited Oct. 23, 2024); LIBERATED CAPITAL: THE DECOLONIZING

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equal protection law, for example) to make the effects of white power visible to courts or compel judges to think beyond intentions and ahistorical understanding.⁹⁷¹ But law is merely an expression of political and economic power⁹⁷² and it will only change materially when political and economic conditions are themselves altered.⁹⁷³ The abolitionist (“non-reformist”) reforms, discussed above, and reparations movements, are themselves legal tools, but ones extreme enough to meaningfully change economic conditions and redistribute wealth and power.⁹⁷⁴ Finally, it is worth noting that reparations and abolition may be able to play a role in resolving the category crisis, but only in conjunction with social movements that keep them sustained and consistent with abolitionist goals.

VII. CONCLUSION

Few monsters can rival the horror inspired by H.P. Lovecraft’s infamous cosmic monster Cthulhu. A “thing [that] cannot be described,”⁹⁷⁵ Cthulhu is a mountain of green slime with bat wings and a Kraken for a head, which sleeps at the deepest corner of the ocean waiting to destroy the world.⁹⁷⁶ Cthulhu is the embodiment of the most horrifying realizations imaginable: that the universe is a fundamentally unjust and meaningless place; that God is not looking out for us or interested in our wellbeing; and that the universe does not rest upon the pillars of reason and science, but of “madness and monstrosity.”⁹⁷⁷ In his 2016 Lovecraftian novella, *The Ballad of Black Tom*, author Victor Lavalle’s titular character, a Black man who has survived the worst brutality of whiteness, effectively chooses the end of the world over one where white supremacy dominates.⁹⁷⁸ Tom tells a white police officer, “I’ll take Cthulhu over you devils any day.”⁹⁷⁹ In an afterword, Lavalle explained that he was trying to show that “weaponized white fear is a hell of a lot more frightening than some giant squid-headed being who’s just taking a nap in the Pacific.”⁹⁸⁰ What concept can possibly communicate the real horrors of whiteness more effectively than the worst imagined monsters?

WEALTH FUND, <https://decolonizingwealth.com/liberated-capital> [<https://perma.cc/S4MS-NLV9>] (last visited Oct. 23, 2024).

⁹⁷¹ See, e.g., WILDMAN, ARMSTRONG, DAVIS & GRILLO, *supra* note 368, at 63.

⁹⁷² See Bell, *supra* note 910, at 514.

⁹⁷³ See CRENSHAW, *supra* note 956, at 109.

⁹⁷⁴ *Id.*

⁹⁷⁵ H.P. LOVECRAFT, *The Call of Cthulhu* (1926), in THE COMPLETE TALES OF H.P. LOVECRAFT, *supra* note 651, at 405.

⁹⁷⁶ *Id.* at 383, 405.

⁹⁷⁷ H.P. LOVECRAFT, *Pickman’s Model* (1927) in THE COMPLETE TALES OF H.P. LOVECRAFT, *supra* note 651, at 413.

⁹⁷⁸ VICTOR LAVALLE, *THE BALLAD OF BLACK TOM* (2016) at 141.

⁹⁷⁹ *Id.*

⁹⁸⁰ *Id.* at 156.

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I have argued that whiteness is a category crisis which socially cleaves the human race into categories and that from this (white) fission comes “white people” endowed with great destructive power. Persons to whom whiteness attaches therefore fit the definition of socially constructed monsters. I have read the stories about monsters in fiction and folklore as a theory of what human beings find threatening about power and used repeating themes in these stories about the danger of power as a metaphor that informs our understanding of whiteness as a social and legal danger. Looking at whiteness through a white monster lens reveals the extremely durable and barouche nature of whiteness’s capacity for invisibility, for non-thinking, and for shapeshifting, which is to say its capacity for mass death. I have characterized law that constructs whiteness as a monstrous force that makes monsters and thus aptly termed it “monster law.” I have noted how monster law sustains gross economic disparities between “white” people and everyone else. I conclude that whiteness—and the monster law that helps produce and sustain its evidence—will not end without the abolition of institutions which contribute to this status quo *and* an ambitious reparations program that centers the reduction of the white wealth, not just its redistribution to the descendants of those from whom whiteness has taken so much.

Many have framed the end of whiteness as a way for white people (and ultimately everyone else) to regain their humanity.⁹⁸¹ What I have argued here is that this is more literally true than most of us have dared imagine.

⁹⁸¹ See *supra* notes 213-214.