

Book Reviews

Joseph Bagley. *The Politics of White Rights: Race, Justice, and Integrating Alabama's Schools*. Athens: University of Georgia Press, 2018. 304 pp.

In *The Politics of White Rights*, Joseph Bagley maps the intricacies of white supremacy through a focus on how white policymakers and activists were able to work within the law in the years after *Brown v. Board of Education* to fashion a “color-masked brand of massive resistance” (p. 8). Beginning with the contemporary legacy of “lid laws,” or property tax laws that have effectively shielded whites from having to pay for mostly black public schools, Bagley assembles a multiscale accounting of school desegregation litigation in Alabama that reveals how local, state, and federal laws and policy were bent to serve white interests. While “law and order” evinces the conservatism of Richard Nixon’s silent majority, Bagley shows how white Alabamians made strategic use of the phrase nearly two decades before it would form part of a coded political rhetoric meant to conjure fear of dark urban spaces. Of interest to historians of education, Bagley’s book contributes to several historiographies, parses familiar turns of phrase, and serves as a meditation on the relationship between morality and legality.

Bagley’s narrative begins in the period directly after *Brown*, during which many southern school districts needed to be forced to comply with the law. His book is loosely organized around a chronology of shifting desegregation policies, and he draws on a wide source base that includes federal reports, board of education minutes and publications, speeches, correspondence, and a number of print media publications. Bagley’s greatest strength is his ability to speak plainly about what could be a great deal of litigation minutiae; he attends to law as a negotiated process among activist litigants, segregationist lawmakers, federal circuit court judges, and white and black students and their families. He anchors his inquiry in several key cases, the most wide-reaching of which, *Lee v. Macon*, resulted in the first statewide “structural injunction” in US history. Because of this, and due to the centralization of power in the hands of Governor George Wallace and the state board of education, it makes sense for Bagley to speak about a statewide process of school desegregation. He tells this story by zooming in and panning out, taking us from a classroom in Choctaw County to a federal courtroom, and from the governor’s house to Alabama’s Black Belt.

While the best-known responses to *Brown* summon images of armed guards and students steeling themselves against racial epithets,

Bagley looks at the chilling way in which Alabamians worked within the law to seek out legally defensible means to avoid desegregation. According to one politician who populates Bagley's book: "I don't think you will convict a man for white supremacy when he is within the law" (p. 19). Fixating on "law and order," Alabamian policymakers crafted constitutional amendments that sought to remove the state's obligation to provide any public education, passed a pupil-placement act that stated that moving students for any one reason (read: race) would be disruptive, embraced various "safety ordinances" that used interpretations of the fire code to set the capacity for public buildings in ways that prohibited desegregation, and even passed an antiguidelines bill that effectively prohibited local boards of education from complying with federal guidelines. While his book focuses on litigation, Bagley also shows how extralegal violence operated as a silent partner to the legal machinations of white supremacy. He reveals the way in which economic intimidation, threats of violence, as well as outright violence, worked with a white notion of order. Even after four girls were murdered in the 16th Street Baptist Church bombing, Bagley demonstrates how moderates clung to the importance of order and law, choosing not to see racial unrest and white terrorism as moral issues.

After Supreme Court decisions such as *Green v. County School Board* took many of the old tricks out of segregationists' repertoire, white Alabamians hoarded educational resources: they set up segregation academies that were heavily subsidized by state tuition grants; moved to newer, all white neighborhoods that then broke away from cities to avoid having to comply with desegregation orders; and turned toward the tax code to help protect their wealth and their whiteness. The nearly invisible nature of the systems of law that had been put in place to help preserve white privilege allowed whites to see their prosperity as the "natural consequence of their rise within the middle class" (p. 212).

Bagley joins historians who have reacted against the backlash thesis, and he aims to expand the notion of "massive resistance" to include not just the loud defiance of Wallace but also the quiet, and wholly legal, tactics of segregationists. Writing at the intersection of history, political science, and legal studies, Bagley contributes to two historiographies that are of interest to historians of education who study school desegregation. The first body of literature regards white, suburban conservatism. Here, Bagley adds to the work of Matthew Lassiter's *The Silent Majority* (2007), Lisa McGirr's *Suburban Warriors* (2001), and Kevin Kruse's *White Flight* (2007), whose research thinks through the emphasis on individual rights and color-blindness that helped coalesce and harden a distinct post-civil rights political

ideology of white power. Bagley also writes in complement with scholars interested in the legacies of white supremacy and in the durability of segregation. This work shows how inequality, educational and otherwise, is produced through language, law, and distribution of capital across space. Here, he writes in conversation with R. Scott Baker's *Paradoxes of Desegregation* (2006), Ansley Erickson's *Making the Unequal Metropolis* (2016), and Richard Rothstein's *The Color of Law* (2017).

In addition to deepening our historical understanding of the remedy phase of *Brown*, Bagley offers several new terms and illustrates others—this is an area that he could have further and more explicitly developed. The first term he theorizes is *color-masked*, which he differentiates from *color-blind*. Color-masked refers to laws that were “intentionally devoid of linguistic racial markers but wholly intended to protect white privilege and white rights” (p. 6). Bagley does not, however, adequately explore the distinctions between *white privilege* (a term that would not have been familiar to the people whose story he tells), *white rights*, and *white supremacy*, all of which he uses interchangeably. White privilege, in Bagley's lexicon, seems to refer to the unearned individual benefits that white Alabamians had enjoyed prior to *Brown*—such as the ease of attending well-resourced schools close to home—that were not evident to them until they were threatened with token desegregation. White supremacy, which Bagley periodically uses but does not fully define, on the other hand, moves beyond the atomized individual privileges and references the racist infrastructure of the everyday. A more explicit conversation around Bagley's use of these terms would have been beneficial.

I believe that Bagley's greatest contribution is as a teaching tool. The way he traces the flexible amorality of law is instructive to scholars and students interested in historical and contemporary social struggles. As we debate the legality of putting migrant children in cages or providing them toothpaste, Bagley's narrative should remind us that legality is not a proxy for morality. Furthermore, his book demands that we recognize that individual racism is not nearly as damaging or evil as the way in which law itself can be mobilized to disenfranchise, dispossess, and dispose of certain nonwhite bodies and rights.

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