

benefit of the doubt to white-appearing litigants who closely resembled them.

Gross boldly embraces the contemporary implications of her historically grounded study. Indeed, Gross demonstrates that race remains on trial in the United States. After centuries, the process continues in performances of whiteness and blackness in popular culture, de facto segregation of public education, circles of intimacy and sociability, contests over the status of Cherokee Freedmen, debates over sovereignty and self-determination in Hawai'i, the World War II-era internment of Japanese Americans, and the exclusion of Latinos from juries. *What Blood Won't Tell* equips researchers to confront these examples of racial formation in our midst. Neither law nor race is made from above, Gross urges. Instead, through confrontations in local courts and with administrative apparatuses race has been and continues to be made in the United States. Gross's final thought—that only through understanding race-making can one dismantle injustice—is both a well-argued conclusion and a high-aiming aspiration.

References

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Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity. By J. Kēhaulani Kauanui. Durham, NC: Duke University Press, 2008. 264 pp. \$22.95 paper.

Reviewed by Nicholas Buchanan, Massachusetts Institute of Technology

In 1921, the Hawaiian Homes Commission Act (HHCA) defined a “‘native Hawaiian’ as a ‘descendant with at least one-half blood quantum of individuals inhabiting the Hawaiian Islands prior to 1778’” (p. 2). The HHCA set aside 200,000 acres of land and made parcels available to native Hawaiians for long-term leases. In *Hawaiian Blood*, J. Kēhaulani Kauanui examines the authoring of the HHCA, the historical origins of the one-half blood criterion, and its legacy for Hawaiian identity and sovereignty struggles.

As conceived and promoted by Hawaiian elites, the goal of the HHCA was to “rehabilitate” (p. 2) Hawaiians suffering from depopulation, poverty, and urbanization by returning them to the land. But because of opposition from the islands' large sugar

plantations, Kauanui argues that “in the end the HHCA served as a policy of broad land dispossession” (p. 8) and that blood quantum served to undermine legal claims to land and sovereignty. She further argues that the HHCA continues to do this work today by falsely fracturing Kanaka Maoli—the Hawaiian people—into native Hawaiians *with* legal standing and non-native Hawaiians *without*. In doing so, blood quantum undercuts united Kanaka Maoli claims by limiting the number of people with the legal standing to make such claims.

Kauanui begins by comparing culturally Hawaiian genealogical practices to blood quantum. The differences are dramatic. Hawaiian practices establish belonging through lineage and kinship and are, as a result, inclusive and integrative. Blood quantum, on the other hand, purports to quantify one’s distance from a supposedly pure-blood ancestor through a fractional accounting of the mixing of that bloodline with others. Unlike culturally Hawaiian practices, blood quantum is an exclusive and hierarchical ranking. In addition, because blood quantum conceives of identity as biologically inherited, one who is born without membership cannot gain it.

Although the HHCA ultimately defined native Hawaiians through blood quantum, Kauanui suggests this was not inevitable. In fact, initial hearings on the Act considered Hawaiian people as a whole, without making distinctions among them. Concerned that such an expansive definition would lead to the loss of lucrative land, plantation interests pushed to limit eligibility. The ensuing debate ranged from a one-thirty-second blood criterion to a “full blood” requirement. The ultimate tragedy of the final one-half blood criterion was its arbitrariness: “The compromise of redefining ‘native Hawaiian’ [in this way] . . . seems to have been a last-ditch effort to contain the bill’s impact on the part of its opponents and a desperate attempt, by its supporters, to salvage *some* legislative action” (p. 166; emphasis in original).

The establishment of the blood quantum criterion was intertwined with a shift in how land and sovereignty claims were framed in the HHCA. The original inclusivity was premised on the idea that the Hawaiian people in general were entitled in some way to lands lost to the United States. Eager to circumscribe the Act’s effects, plantation interests argued that only some Hawaiians should be eligible because only some were in need of the HHCA’s benefits. The terms of debate were therefore shifted from entitlement to charity, simultaneously limiting eligibility and undermining the very premise of sovereignty claims.

Kauanui’s book is of value not only to scholars focused on indigenous legal issues, but also to those interested in how imposed legal categories become naturalized and in the interplay between identity and law more generally. Indeed, the role of law in the

formulation of indigenous identity remains an understudied area. For native peoples, colonial legal definitions of belonging are simultaneously centrally important and fundamentally intrusive. However, the intrusiveness of blood quantum is complicated by the fact that some American Indian tribes themselves choose blood quantum as a way of defining tribal membership. Why do they do so, especially since they have the legal authority to set their own criteria for membership? While Kauanui locates her study within broader debates over blood quantum, readers may be left wanting to know more about how the Hawaiian case could help answer such questions and inform these debates. In addition, the tension between the legal framings of indigenous entitlement versus charity is a recurring theme in the legal history of indigenous people, with many parallels in U.S. history. In this way, indigenous identity (in both legal and popular contexts) becomes problematically entangled with being poor, and this association has had far-reaching and detrimental effects. The impact of Kauanui's account would be strengthened by a broader consideration of these parallels. In sum, her book vividly shows the origins and effects of blood quantum in Hawaii, but I was left feeling as if Hawaii were somewhat disconnected from indigenous history and politics in the continental United States and elsewhere in the world.

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What Comes Naturally: Miscegenation Law and the Making of Race in America. By Peggy Pascoe. New York: Oxford University Press, 2009. 404 pp. \$34.95 cloth.

Reviewed by Taunya Lovell Banks, University of Maryland

In this important book, historian Peggy Pascoe invites readers to look more closely at how miscegenation laws facilitated the construction and reinforcement of racial categories in the United States following the Civil War, when the term "miscegenation" was coined, through the mid-twentieth century. The result is a complex historical narrative that links together race, sexuality, and gender in a way that should appeal to a broad multidisciplinary audience. Laws banning interracial marriages were the last visible symbols of America's Jim Crow era, surviving more than a decade after *Brown v. Board of Education* (1954) signaled the end of legalized racial segregation.

Since many Americans bought into the false notion that interracial unions were "unnatural," periodically Pascoe reminds readers that some early interracial unions were permitted when their existence facilitated the property interests of white men.