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978-0-521-11337-3 - *Speech and Silence in American Law*

Edited by Austin Sarat

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SPEECH AND SILENCE IN AMERICAN LAW

Rather than abstract philosophical discussion or yet another analysis of legal doctrine, *Speech and Silence in American Law* seeks to situate speech and silence, locating them in particular circumstances and contexts and asking how context matters in facilitating speech or demanding silence. To understand speech and silence we have to inquire into their social life and examine the occasions and practices that call them forth and give them meaning. Among the questions addressed in this book are: Who is authorized to speak? And what are the conditions that should be attached to the speaking subject? Are there occasions that call for speech and others that demand silence? What is the relationship between the speech act and the speaker? Taking these questions into account helps readers understand what compels speakers and what problems accompany speech without a known speaker, allowing us to assess how silence speaks and how speech renders the silent more knowable.

Austin Sarat is William Nelson Cromwell Professor of Jurisprudence Political Science at Amherst College and Justice Hugo L. Black Senior Faculty Scholar at the University of Alabama School of Law. He is author or editor of more than 60 books, including *When the State Kills: Capital Punishment and the American Condition*; *Something to Believe In: Politics, Professionalism, and Cause Lawyers* (with Stuart Scheingold); *The Blackwell Companion to Law and Society*; and most recently *The Road to Abolition?: The Future of Capital Punishment in the United States* (with Charles Ogletree, Jr.). Sarat is editor of the journal *Law, Culture and the Humanities* and of *Studies in Law, Politics and Society*. In 1997, he received the Harry Kalven Award given by the Law & Society Association for distinguished research on law and society. In 2004, he received the Reginald Heber Smith Award, given biennially to honor the best scholarship on the subject of equal access to justice. In 2006, the Association for the Study of Law Culture and the Humanities awarded him the James Boyd White Prize for distinguished scholarly achievement in recognition of his “innovative and outstanding” work in the humanistic study of law. In 2009, he received the Stan Wheeler Award from the Law & Society Association for distinguished teaching and mentoring.

This book is a product of The University of Alabama School of Law symposia series on “Law, Knowledge & Imagination.” This series explores the ways law is known and imagined in a diverse array of disciplines, including political science, history, cultural studies, philosophy, and science. In addition, books produced through the Alabama symposia will explore various conjunctions of law, knowledge, and imagination as they play out in debates about theory and policy and will speak to venerable questions as well as contemporary issues.

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To Stephanie, Lauren, Emily, and Ben

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