

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

CIVIL RIGHTS IN AMERICAN LAW, HISTORY, AND POLITICS

Civil Rights in American Law, History, and Politics charts the ambiguous and contested meanings of civil rights in law and culture and confronts a variety of important questions about race in contemporary America. How important is civil rights in America's story of possibility and change? How has it transformed the very meaning of citizenship and identity in American culture? Why does the subject of race continue to haunt the American imagination and continue to play such a large role in political and legal debates? Do affirmative action and multiculturalism promise a way out of racial polarization, or do they sharpen and deepen it? Are there new and better ways to frame our commitment to equal justice? This book brings together the work of five distinguished scholars to critically assess the place of civil rights in the American story. It offers different ways of talking about civil rights and different frames through which we can address issues of civil rights in the future.

Austin Sarat is Associate Dean of the Faculty and 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 the author or editor of more than eighty books, including *The Road to Abolition?: The Future of Capital Punishment in the United States*; *The Killing State: Capital Punishment in Law, Politics, and Culture*; *When the State Kills: Capital Punishment and the American Condition*; *The Cultural Lives of Capital Punishment: Comparative Perspectives*; *Law, Violence, and the Possibility of Justice*; *Pain, Death, and the Law*; *Mercy on Trial: What It Means to Stop an Execution*; *When Law Fails: Making Sense of Miscarriages of Justice*; and the two-volume *Capital Punishment*. Sarat is the editor of the journal *Law, Culture and the Humanities* and *Studies in Law, Politics and Society*. He is currently writing a book entitled *Hollywood's Law: Film, Fatherhood, and the Legal Imagination*. His book *When Government Breaks the Law: Prosecuting the Bush Administration* was recognized as one of the best books of 2010 by the Huffington Post. In May 2008, Providence College awarded Sarat with an honorary degree in recognition of his pioneering work in the development of legal study in the liberal arts and his distinguished scholarship on capital punishment in the United States.

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

Civil Rights in American Law, History, and Politics

Edited by

Austin Sarat

Amherst College



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
978-1-107-03929-2 - Civil Rights in American Law, History, and Politics
Edited by Austin Sarat
Frontmatter
[More information](#)

CAMBRIDGE UNIVERSITY PRESS

32 Avenue of the Americas, New York, NY 10013-2473, USA

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107039292

© Austin Sarat 2014

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2014

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Civil rights in American law, history, and politics / edited by Austin Sarat.

p. cm.

Includes bibliographical references and index.

ISBN 978-1-107-03929-2 (hardback)

1. Civil rights – United States. 2. Race discrimination – Law and legislation – United States.

3. African Americans – Civil rights. I. Sarat, Austin, editor of compilation.

KF4755.C58 2014

323.0973–dc23 2013036446

ISBN 978-1-107-03929-2 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

To Ben, with gratitude for all he is

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

Contents

Contributors	<i>page</i> ix
Acknowledgments	xi
Introduction: The Civil Rights Story/The American Story <i>Austin Sarat</i>	1
1 Race Law Cases in the American Story <i>Devon W. Carbado and Rachel F. Moran</i>	16
Commentary: Race Law Cases in the American Story: <i>Adoptive Couple v. Baby Girl</i> <i>Grace Lee</i>	53
2 Race Is Evidence: (Mis)Characterizing Blackness in the American Civil Rights Story <i>Montré D. Carodine</i>	64
Commentary: Race Is Evidence of Parenting in America: Another Civil Rights Story <i>Tanya Asim Cooper</i>	103
3 Blurring the Color-Blind Line: Eroding the Dichotomy between Color-Blindness and Color-Consciousness in Civil Rights in the American Story <i>Mark Brilliant</i>	113
Commentary: What Line? <i>Fredrick E. Vars</i>	138

	Contents
viii	
4	Reframing the Civil Rights Narrative: From Compliance to Collective Impact 145
	<i>Susan Sturm</i>
	Commentary: Susan Sturm's "Reframing the Civil Rights Narrative: From Compliance to Collective Impact" 182
	<i>Steven H. Hobbs</i>
5	Civil Rights and the Myth of Moral Progress 192
	<i>Richard Thompson Ford</i>
	Commentary: The Best Time of Your Life: Reflections on the Myth of Moral Progress and the Continuing Evolution of Civil Rights Law 226
	<i>Ronald J. Krotoszynski, Jr.</i>
Index	249

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

Contributors

Mark Brilliant is Associate Professor of History and American Studies at the University of California, Berkeley.

Devon W. Carbado is Professor of Law at UCLA.

Montré D. Carodine is Associate Dean for Special Programs and Associate Professor of Law at the University of Alabama.

Tanya Asim Cooper is Assistant Professor of Clinical Legal Instruction and Director of the Domestic Violence Law Clinic at the University of Alabama.

Richard Thompson Ford is George E. Osborne Professor of Law at Stanford University.

Steven H. Hobbs is Tom Bevill Chairholder of Law at the University of Alabama.

Ronald J. Krotoszynski, Jr., is John S. Stone Chairholder of Law and Director of Faculty Research at the University of Alabama.

Grace Lee is Associate Professor of Law at the University of Alabama.

Rachel F. Moran is the Dean and Michael J. Connell Distinguished Professor of Law at UCLA School of Law.

Austin Sarat is Associate Dean of the Faculty and William Nelson Cromwell Professor of Jurisprudence and Political Science at Amherst

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

x

Contributors

College and Justice Hugo L. Black Visiting Senior Scholar at the School of Law at the University of Alabama.

Susan Sturm is the George M. Jaffin Professor of Law and Social Responsibility and the founding director of the Center for Institutional and Social Change at Columbia University.

Fredrick E. Vars is Associate Professor of Law at the University of Alabama.

Cambridge University Press

978-1-107-03929-2 - Civil Rights in American Law, History, and Politics

Edited by Austin Sarat

Frontmatter

[More information](#)

Acknowledgments

This volume is the product of a symposium held at the University of Alabama School of Law on March 29, 2013. I want to thank the colleagues, students, and staff who helped make it such a successful event. I am grateful for the financial support of the University of Alabama Law School Foundation. A special word of thanks to former Dean Ken Randall for his unstinting support, for sharing the vision of legal scholarship reflected in these pages, and for making me feel so at home at the law school.

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.