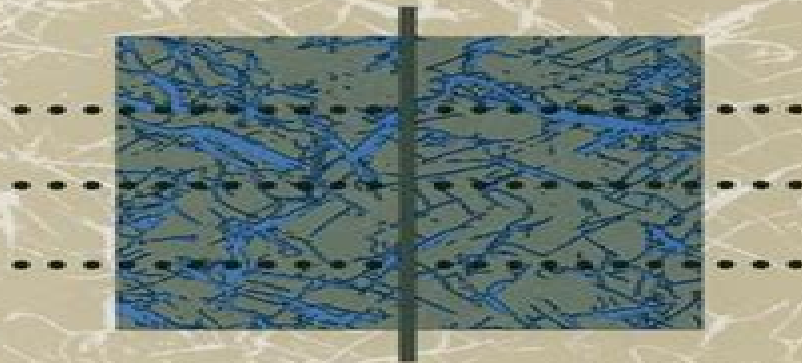


The Color-Blind Constitution



Andrew Kull

The Color Blind Constitution

Ian Afflerbach



The Color Blind Constitution:

The Color-Blind Constitution Andrew Kull, 2009-07 From 1840 to 1960 the profoundest claim of Americans who fought the institution of segregation was that the government had no business sorting citizens by the color of their skin During these years the moral and political attractiveness of the antidiscrimination principle made it the ultimate legal objective of the American civil rights movement Yet in the contemporary debate over the politics and constitutional law of race the vital theme of antidiscrimination has been largely suppressed Thus a strong line of argument laying down one theoretical basis for the constitutional protection of civil rights has been lost Andrew Kull provides us with the previously unwritten history of the color blind idea From the arguments of Wendell Phillips and the Garrisonian abolitionists through the framing of the Fourteenth Amendment and Justice Harlan's famous dissent in *Plessy* civil rights advocates have consistently attempted to locate the antidiscrimination principle in the Constitution The real alternative embraced by the Supreme Court in 1896 was a constitutional guarantee of reasonable classification The government it said had the power to classify persons by race so long as it acted reasonably the judiciary would decide what was reasonable In our own time in *Brown v Board of Education* and the decisions that followed the Court nearly avowed the rule of color blindness that civil rights lawyers continued to assert instead it veered off for political and tactical reasons deciding racial cases without stating constitutional principle The impoverishment of the antidiscrimination theme in the Court's decision prefigured the affirmative action shift in the civil rights agenda The social upheaval of the 1960s put the color blind Constitution out of reach for a quartercentury or more but for the hard choices still to be made in racial policy the colorblind tradition of civil rights retains both historical and practical significance

The Color-blind Constitution Andrew Kull, 1989 **Brown V. Board of Education at Fifty** Clarke

Rountree, 2004-01-01 The story of *Brown v Board of Education* is a half century old now and has been retold many times by historians legal scholars sociologists and others This collection of persuasive scholarly essays examines for the first time the role rhetorical theory played in the development of educational segregation Contributors consider the NAACP's development of a series of graduate school cases to challenge *Plessy* analyze the *Brown* decision itself assess the state response to *Brown* and critique the two Supreme Court decisions implementing the *Brown* decision By illustrating how rhetorical strategies created sustained challenged and ultimately reversed educational segregation in the United States this work demonstrates the real value of the rhetorical perspective and provides encouragement to those who wish to help further develop this emerging field of judicial rhetoric

Critical Race Theory Kimberlé Crenshaw, Neil Gotanda, Gary Peller, Kendall

Thomas, 1995 In the past few years a new generation of progressive intellectuals has dramatically transformed how law race and racial power are understood and discussed in America Questioning the old assumptions of both liberals and conservatives with respect to the goals and the means of traditional civil rights reform critical race theorists have presented new paradigms for understanding racial injustice and new ways of seeing the links between race gender sexual orientation

and class This reader edited by the principal founders and leading theoreticians of the critical race theory movement gathers together for the first time the movement's most important essays Back cover "Colorblind" Racism Leslie G. Carr, 1997-08-19 Many of the vestiges of the Civil Rights movement including initiatives such as affirmative action are increasingly under attack by those who assert that the Constitution is explicitly color blind In this argument the government is not legally permitted to take race into account in a color conscious manner More than 30 years have passed since the landmark Civil Rights Acts became the law of the land Yet one of three African American men between the ages of 18 and 27 is in the hands of the criminal justice system churches are burning in the South and right wing militia groups are flourishing In this provocative and timely book Leslie G Carr suggests that the Constitution can be read as racist and that the concept of color blindness is in fact the latest in a series of racist ideologies that have been part of the American fabric Color Blind Racism provides a thorough historical grounding in racist ideologies in the United States and will be of great interest to anyone teaching or studying race relations public policy urban studies and race and politics Critical Race Theory Richard Delgado, Jean Stefancic, 2000 This tightly edited volume contains the finest highly accessible articles in the fast growing legal genre of critical race theory a field which is changing the way this nation looks at race challenging orthodoxy questioning the premises of liberalism and debating sacred wisdoms Including treatments of two new exciting topics Critical Race Feminism and Critical White Studies this volume is truly on the cutting edge Questions for discussion and reading suggestions after each part make this volume essential for those interested in law the multiculturalism movement political science and critical thought In this wide ranging second edition Richard Delgado and Jean Stefancic bring together the finest most illustrative and highly accessible articles in the fast growing legal genre of Critical Race Theory In challenging orthodoxy questioning the premises of liberalism and debating sacred wisdoms Critical Race Theory scholars writing over the past few years have indelibly changed the way America looks at race This edition contains treatment of all the topics covered in the first edition along with provocative and probing questions for discussion and detailed suggestions for additional reading all of which set this fine volume apart from the field In addition this edition contains five new substantive units crime critical race practice intergroup tensions and alliances gay lesbian issues and transcending the black white binary paradigm of race In each of these areas groundbreaking scholarship by the movement's founding figures as well as the brightest new stars provides immediate entry to current trends and developments in critical civil rights thought Author note Richard Delgado Jean Lindsley Professor of Law at the University of Colorado at Boulder is one of the founding members of the Conference on Critical Race Theory Winner of the Association of American Law Schools 1995 Clyde Ferguson Award for outstanding law professor of color he is the author of over 100 articles in the law review literature on civil rights and of several books including Failed Revolutions Words that Wound and The Rodrigo Chronicles Jean Stefancic Research Associate in Law at the University of Colorado is the author of leading articles and books on Critical Race Theory Latino a scholarship and social

change including No Mercy How Conservative Think Tanks and Foundations Changed America s Social Agenda Temple

Official Reports of the Supreme Court United States. Supreme Court,2007 **Making Liberalism New** Ian

Afflerbach,2021-11-02 This book maps the rise of a modern liberal culture in the United States from the 1930s to the 1960s It shows how modern fiction writers responded to central concerns in liberal political thought such as corporate ownership reproductive rights colorblind law and presidential character **Race and Liberty in America** Jonathan Bean,2025-02-04

In this long awaited updated edition of *Race* How classical liberals led the fights against slavery and racism against seemingly insurmountable odds and long before such positions became popular What classical liberals defense of a natural right to migration implies for today s immigration controversies How capitalism undermines racism by penalizing those who act on their taste for discrimination Why America s obtuse preoccupation with left versus right politics overshadows solutions to racial division How we can improve race relations in the United States today And much much more From the Declaration of Independence the antislavery movement post Civil War reconstruction the Progressive Era the Great Depression and World War II the civil rights era George Floyd and Black Lives Matter all the way up to the present day each chapter in this new and improved updated edition illuminates how specific time periods in American history grappled with the demands of equality Citing such influential Americans as Thomas Jefferson Louis Marshall Frederick Douglass Booker T Washington and Zora Neale Hurston plus those missing from other books and heretofore lost to history Bean shows how classical liberal thought on race relations has helped shape both law and public opinion and how it will need to do so again if America as we know it is to prosper and thrive If you re ready to trade the tired and failed left versus right politics for timeless principles that actually work and uplift societies read *Race Liberty in America* **The Browning of America and the Evasion of Social Justice** Ronald R. Sundstrom,2008-10-09 Considers the effects of the browning of America on philosophical debates over race racism and social justice [The Enigma of Clarence Thomas](#) Corey Robin,2019-09-24 The Enigma of Clarence Thomas is a groundbreaking revisionist take on the Supreme Court justice everyone knows about but no one knows One of the marvels of Robin s razor sharp book is how carefully he marshals his evidence It isn t every day that reading about ideas can be both so gratifying and unsettling The New York Times Most people can tell you two things about Clarence Thomas Anita Hill accused him of sexual harassment and he almost never speaks from the bench Here are some things they don t know Thomas is a black nationalist In college he memorized the speeches of Malcolm X He believes white people are incurably racist In the first examination of its kind Corey Robin one of the foremost analysts of the right The Reactionary Mind delves deeply into both Thomas s biography and his jurisprudence masterfully reading his Supreme Court opinions against the backdrop of his autobiographical and political writings and speeches The hidden source of Thomas s conservative views Robin shows is a profound skepticism that racism can be overcome Thomas is convinced that any government action on behalf of African Americans will be tainted by racism the most African Americans can hope for is that white people will get

out of their way There s a reason Robin concludes why liberals often complain that Thomas doesn t speak but seldom pay attention when he does Were they to listen they d hear a racial pessimism that often sounds similar to their own Cutting across the ideological spectrum this unacknowledged consensus about the impossibility of progress is key to understanding today s political stalemate

Is Racial Equality Unconstitutional? Mark Golub,2018-02-02 For some the idea of a color blind constitution signals a commonsense ideal of equality and a new post racial American era For others it supplies a narrow constitutional vision which serves to disqualify many of the tools needed to combat persistent racial inequality in the United States Rather than taking a position either for or against color blindness Mark Golub takes issue with the blindness consciousness dichotomy itself This book demonstrates how color blind constitutionalism conceals its own race conscious political commitments in defense of existing racial hierarchy and renders the pursuit of racial justice as a constitutionally impermissible goal

For Discrimination Randall Kennedy,2015-06-09 The definitive reckoning with Affirmative Action one of America s most explosively contentious and divisive issues from one of our most important and perceptive writers on race and the law The Washington Post A clear eyed take on America s battle over affirmative action and diversity Kennedy goes straight at the issue with fearlessness and a certain cheekiness Los Angeles Times Compelling Powerful Wall Street Journal What precisely is affirmative action and why is it fiercely championed by some and just as fiercely denounced by others Does it signify a boon or a stigma Or is it simply reverse discrimination What are its benefits and costs to American society What are the exact indicia determining who should or should not be accorded affirmative action When should affirmative action end if it must Randall Kennedy gives us a concise and deeply personal overview of the policy refusing to shy away from the myriad complexities of an issue that continues to bedevil American race relations

Landmark Briefs and Arguments of the Supreme Court of the United States United States. Supreme Court,2004

Sexual Borderlands Kathleen Kennedy,Sharon Rena Ullman,2003

What Lincoln Believed Michael Lind,2007-12-18 Countless books have been written about Abraham Lincoln yet few historians and biographers have taken Lincoln seriously as a thinker or attempted to place him in the context of major intellectual traditions In this refreshing brilliantly argued portrait Michael Lind examines the ideas and beliefs that guided Lincoln as a statesman and shaped the United States in its time of great crisis In a century in which revolutions against monarchy and dictatorship in Europe and Latin America had failed Lincoln believed that liberal democracy must be defended for the good of the world During an age in which many argued that only whites were capable of republican government Lincoln insisted on the universality of human rights and the potential for democracy everywhere Yet he also held many of the prejudices of his time his opposition to slavery was rooted in his allegiance to the ideals of the American Revolution not support for racial equality Challenging popular myths and capturing Lincoln s strengths and flaws Lind offers fascinating and revelatory insights that deepen our understanding of this great and complicated man

A Different Vision Thomas D Boston,2002-01-04 A Different Vision African American Economic Thought brings together for the

first time the ideas philosophies and interpretations of North America s leading African American economists Presented in two volumes Volume 1 includes An in depth discussion of the economics of race and gender Assessments of the contribution and influence of major African American economists and economic philosophies An examination of racism within the economics profession An interdisciplinary approach which is largely free of technical jargon The volumes draw the inescapable conclusion that racial inequality has had an immense impact in every sphere of African American life

The Dark Past William M. Wiecek, 2024 The Dark Past offers a historical overview and interpretive guide to all the major cases decided by US Supreme Court that have affected the freedom and rights of Black Americans since 1800 It lends coherence to what could otherwise be a disjointed chronicle of cases and connects the events of the past to the current era of racial inequality

Law's Stories Peter Brooks, Paul Gewirtz, 1996-01-01 The law is full of stories ranging from the competing narratives presented at trials to the Olympian historical narratives set forth in Supreme Court opinions How those stories are told and listened to makes a crucial difference to those whose lives are reworked in legal storytelling The public at large has increasingly been drawn to law as an area where vivid human stories are played out with distinctively high stakes And scholars in several fields have recently come to recognize that law s stories need to be studied critically This notable volume inspired by a symposium held at Yale Law School brings together an exceptional group of well known figures in law and literary studies to take a probing look at how and why stories are told in the law and how they are constructed and made effective Why is it that some stories confessions victim impact statements can be excluded from decisionmakers hearing How do judges claim the authority by which they impose certain stories on reality Law s Stories opens new perspectives on the law as narrative exchange performance explanation It provides a compelling encounter of law and literature seen as two wary but necessary interlocutors Contributors J M Balkin Peter Brooks Harlon L Dalton Alan M Dershowitz Daniel A Farber Robert A Ferguson Paul Gewirtz John Hollander Anthony Kronman Pierre N Leval Sanford Levinson Catharine MacKinnon Janet Malcolm Martha Minow David N Rosen Elaine Scarry Louis Michael Seidman Suzanna Sherry Reva B Siegel Robert Weisberg

The Living Lincoln Thomas A. Horrocks, Harold Holzer, Frank J. Williams, 2011-05-13 The Living Lincoln gives new voice to several aspects of Abraham Lincoln s career as seen through the lens of recent scholarship in essays that show how the sixteenth president s appeal continues to endure and expand Featuring eleven essays from major historians the book offers thoughtful provocative and highly original examinations of Lincoln s role as commander in chief his use of the press to shape public opinion his position as a politician and party leader and the changing interpretations of his legacy as a result of cultural and social changes over the century and a half since his death In an opening section focusing largely on Lincoln s formative years insightful explorations into his early self education and the era before his presidency come from editors Frank J Williams and Harold Holzer respectively Readers will also glimpse a Lincoln rarely discerned in books calculating politician revealed in Matthew Pinsker s illuminating essay and shrewd military strategist as demonstrated

by Craig L Symonds Stimulating discussions from Edna Greene Medford John Stauffer and Michael Vorenberg tell of Lincoln's friendship with Frederick Douglass his gradualism on abolition and his evolving thoughts on race and the Constitution to round out part two Part three features reflections on his martyrdom and memory including a counterfactual history from Gerald J Prokopowicz that imagines a hypothetical second term for the president emphasizing the differences between Lincoln and his successor Andrew Johnson Barry Schwartz's contribution presents original research that yields fresh insight into Lincoln's evolving legacy in the South while Richard Wightman Fox dissects Lincoln's 1865 visit to Richmond and Orville Vernon Burton surveys and analyzes recent Lincoln scholarship This thought provoking new anthology introduced at a major bicentennial symposium at Harvard University offers a wide range of ideas and interpretations by some of the best known and most widely respected historians of our time The Living Lincoln is essential reading for those seeking a better understanding of this nation's greatest president and how his actions resonate today

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