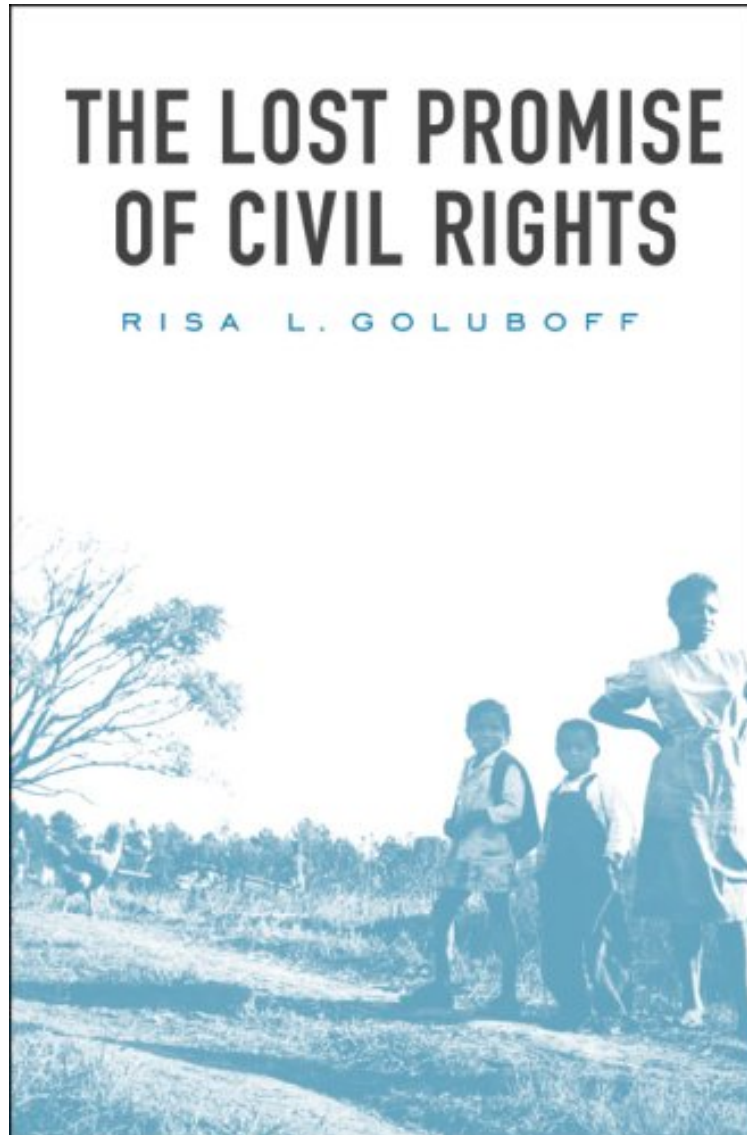


(Read free) The Lost Promise of Civil Rights

## The Lost Promise of Civil Rights

*Risa L. Goluboff*

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**Risa L. Goluboff : The Lost Promise of Civil Rights** before purchasing it in order to gage whether or not it would be worth my time, and all praised The Lost Promise of Civil Rights:

9 of 9 people found the following review helpful. Read it if you want to know what's possible under the lawBy JHIn recent years, I find myself repeatedly returning to the insights in Goluboff's book regarding the kinds of expansive substantive rights that are possible for working people under the U.S. Constitution. To believe that the Constitution affects our lives as an unchanging document is to ignore the real drama of the struggle over what freedom will mean.

Goluboff will not allow such antihistorical musings to take the place of the real history. 10 of 74 people found the following review helpful. An Anti-Constitutional, Radical View of Civil Rights By Rodolfo Prof. Goluboff wishes that the civil rights movement had been one prong of the effort to radically reshape the Constitution to support radical economic goals. Behind her historical analysis lies the Marxist idea that Jim Crow laws were essentially no more than a racist sub-category of the capitalist exploitation of workers. Prof. Goluboff would have liked the civil rights lawyers of the 30s, 40s, and 50s to demand affirmative constitutional economic rights - i.e., universal entitlements to housing, salary, and other tangible goods. And she believes that such "rights" stood a chance of being recognized, even though the whole country in the 40s and 50s was growing less sympathetic to the more radical parts of the labor movement of the 20s and 30s. In fact, Prof. Goluboff's viewpoint is similar to that of Pres. Obama, as he expressed it in 2001 in a radio interview: "...the Supreme Court never ventured into the issues of redistribution of wealth, and of more basic issues such as political and economic justice in society. To that extent, as radical as I think people try to characterize the Warren Court, it wasn't that radical. It didn't break free from the essential constraints that were placed by the Founding Fathers in the Constitution, at least as it's been interpreted, and the Warren Court interpreted in the same way, that generally the Constitution is a charter of negative liberties." Whatever the depth of Prof. Goluboff's research, she has used it to support a simplistic idea of the economic system, and to promote an unjustified distortion of the Constitution. There is nothing in the Constitution to support what she longs for, but, because she longs for it, she has found a way to make the Constitution require it. She aims at nothing less than the elimination of the Constitution as a constitution, to make its words infinitely malleable - to "break free from the essential constraints," as Pres. Obama candidly put it. But those "essential constraints" are indeed essential - as a bulwark against tyranny and a guarantee of liberty. Once the constraints are lifted, what is to prevent the abuse of power? Power once given is very difficult to take back, and the stated good intentions of the rulers never stop them ultimately from doing whatever they decide is necessary. Moreover, what Prof. Goluboff and her numerous, like-minded academic comrades fail to understand is that the cause of racial justice stands on its own. It is not exclusively the property of any political group, and it certainly has no place as a mere prop in a leftist morality play. It is, in fact, the cause of the entire nation, and has been from the start. As Frederick Douglass said, "The problem is whether the American people have loyalty enough, honor enough, patriotism enough, to live up to their own Constitution." The professor would do well to consider the chapters in Ralph Ellison's "Invisible Man" in which the protagonist joins a communist organization. The Brotherhood, as it is called, is only too ready to let him serve as a public face to the group. He soon discovers, however, that, in the eyes of the leadership, he is nothing more than a tool, a means to an end in their quest to gain power for themselves. Such would have been the fate of the members of the civil rights movement had it been subsumed, as Prof. Goluboff wishes had happened, within a movement of economic radicalism.

Listen to a short interview with Risa Goluboff Host: Chris Gondek | Producer: Heron Crane In this groundbreaking book, Risa L. Goluboff offers a provocative new account of the history of American civil rights law. The Supreme Court's decision in *Brown v. Board of Education* has long dominated that history. Since 1954, generations of judges, lawyers, and ordinary people have viewed civil rights as a project of breaking down formal legal barriers to integration, especially in the context of public education. Goluboff recovers a world before *Brown*, a world in which civil rights was legally, conceptually, and constitutionally up for grabs. Then, the petitions of black agricultural workers in the American South and industrial workers across the nation called for a civil rights law that would redress economic as well as legal inequalities. Lawyers in the new Civil Rights Section of the Department of Justice and in the NAACP took the workers' cases and viewed them as crucial to attacking Jim Crow. By the time NAACP lawyers set out on the path to *Brown*, however, they had eliminated workers' economic concerns from their litigation agenda. When the lawyers succeeded in *Brown*, they simultaneously marginalized the host of other harms--economic inequality chief among them--that afflicted the majority of African Americans during the mid-twentieth century. By uncovering the lost challenges workers and their lawyers launched against Jim Crow in the 1940s, Goluboff shows how *Brown* only partially fulfilled the promise of civil rights.

Goluboff's argument is clear and well-organized. Although she draws on a wide range of primary material and weaves together an impressive amount of scholarship from law, history, and political science, she wears her learning lightly and writes in a manner that is accessible to the non-specialist. Goluboff's book also provides an important counterweight to the common scholarly focus on judicial decision making...Goluboff has produced a truly excellent work of legal history that elegantly demonstrates how the basic terms of modern civil rights came to be established. (Keith J. Bybee Law Politics Book ) This is an extraordinary book, the most important reinterpretation of the legal history of the Civil Rights Movement in many years, and one of the best first books this reviewer has ever read...This meticulously researched, beautifully written book constitutes a landmark in legal history. (S. N. Katz Choice 2007-11-01) In her new and intellectually stimulating book...Risa Goluboff mines the legal pre-history of *Brown* and unearths a long-forgotten approach—specifically, civil rights claims based on class and economic opportunity. Asking us to put aside the reverence we have for the landmark decision, Goluboff argues something that, on the surface, sounds

heretical: that the full-frontal attack on Jim Crow that defined the civil rights era may not have been the best strategy for winning equality and justice...The questions raised by Goluboff are uncomfortable, but pressing: Was the NAACP's victory in Brown a pyrrhic one? And if so, what does that mean for the last half-century of civil rights achievements? (Mary Frances Berry Democracy Journal 2007-09-01)A scholar of history as well as law, Goluboff has done a significant service for all those concerned about racism's continuing viability. Her review of the civil rights history of the 1930s and 1940s un-earths the quasi-slave status of many black workers well into the Twentieth Century. (Derrick Bell Virginia Law 2008-06-01) The Lost Promise of Civil Rights is brilliant. It will revolutionize our understanding of civil rights, what they mean, and where they come from. The Lost Promise of Civil Rights will be widely read and debated, and it will place Goluboff at the front rank of twentieth-century American historians. (Sarah Barringer Gordon, University of Pennsylvania Law School)About the AuthorRisa L. Goluboff is Professor of Law, Professor of History, and Caddell Chapman Research Professor at the University of Virginia.