

Review Essay and Comments

Reconstructing Reconstruction

The following essays all participate in the struggle to reconcile interpretations of Reconstruction history with present day legal concerns. In his review of Eric Foner's Reconstruction, Professor Randall Kennedy critiques this important new work in light of different strains in historical and legal scholarship. The next two pieces concentrate upon issues raised by Patterson v. McLean, argued before the Supreme Court this term. Barry Sullivan scrutinizes the array of historical materials put into the spotlight by McLean and explains what their significance should be for the current Court. Professor Robert J. Kaczorowski interprets the legislative intent behind the original Civil Rights Act through reference to Reconstruction Era conceptions of federalism, sovereign immunity, and the power to issue injunctions.

