Book Notes: Science for Segregation: Race, Law, and the Case Against Brown v Board of Education, by John P. Jackson, Jr.

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Diane Waldman in “A Case for Corrective Criticism” uses *A Civil Action* as a case study to criticize the filmmakers’ decision to ‘eliminate aspects of actual events and the partial reality that ensues. Criticizing the way the film was marketed, she examines the actual response to the film, especially the companies portrayed negatively within it.

In the final essay, “‘Everyone Went Wild Over It’, Eric Smoodin sifts through the mountains of fan mail that Frank Capra received for *Mr. Smith Goes to Washington* to gauge reaction to the film. He argues that the film had a significant pedagogical impact on the audience, teaching a generation of Americans about law, democracy, and government.

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By Audrey Ngo-Lee

*Science for Segregation* is a chronicle of the racist scientific and philosophical thinking that eventually propelled a group of racial scientists to assert that *Brown v. Board of Education* was wrongly decided and to lobby for it to be overturned. These segregationist scientists propagated a defensive conspiracy theory that accused “equalitarian” scientists who occupied senior positions in academic departments at major educational institutions of suppressing “the truth” about racial science. The racial scientists argued that if scientific evidence proved that blacks were inferior to whites, there was incontrovertible proof in favour of maintaining segregation in the South.

Jackson discusses how the objectivity of law and of science were at issue in *Brown*. The segregation scientists relied upon what they believed to be scientific facts to argue that segregation of whites and blacks in the South was both necessary and desirable. Science, they argued, was a politically neutral, investigative field. They criticized the U.S. Supreme Court for relying upon social science evidence produced by partisan equalitarians to find that segregation was harmful, and for dismissing the scientific evidence they had put forth on less than completely impartial grounds.

In chapter 2, Jackson delves into the roots of the conspiracy theory that pitted the minority racial anthropologists against the so-called “leftist
anthropologists.” In chapters 3 and 4, he profiles influential personalities from a group of conspiracy theorists called the Northern League, and other significant players in the fight to keep the South segregated, and summarizes the scientific research they used to support their positions. Chapters 5 and 6 explain how prominent representatives from each group joined to form the International Society for the Advancement of Ethnology and Eugenics, and how this society masterminded an unsuccessful legal challenge to *Brown*. Chapter 7 outlines the mainstream scientific community’s intellectual struggle—to define the true role of science in society and with its own claims of objectivity—that came to light in response to the racial scientists.

In the final chapter, Jackson proposes that while the *Civil Rights Act* of 1964 put an end to open opposition to desegregation, the conspiracy theory, though underground, remains intact and operative today.

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**RHETORIC AND THE RULE OF LAW: A THEORY OF LEGAL REASONING.** BY NEIL MACCORMICK. OXFORD: OXFORD UNIVERSITY PRESS, 2005. Pp. xvi + 287. Index, table of cases. $120.00 hardcover.

**BY ANDREW SUNTER**

In *Rhetoric and the Rule of Law*, Neil MacCormick reflects on a central issue in the debate on the nature of legal reasoning: that is, what is it to say that a legal argument or decision is good or bad or right or wrong? Within this broad inquiry, MacCormick explores several narrower topics, including the tension between the rule of law and the arguable character of law; the role of rhetoric in legal argumentation; the place of syllogistic reasoning in the legal discourse; and whether judges can ever be said to make mistakes of law when they act within their legal jurisdiction.

MacCormick's inquiry is divided into thirteen short chapters. Each chapter operates as an independent essay, which addresses a distinct aspect of the nature of legal reasoning. In fact, almost every chapter of his book is a reformulated version of work previously published over the course of his academic career. This should not dissuade potential readers, however, since the essays build upon each other in a sustained and coherent fashion. One of the strengths of this book is that it can be approached both as a single work and as a collection of independent shorter works. One potential shortcoming is the absence of a concluding chapter that could tie the elements of the book together in a neater fashion.