

In This Issue

“Riding in the same cars, stopping at the same inns, sitting in the same theatres, no more involve a social question or social equality, than speaking the same language, reading the same books, hearing the same music, travelling on the same highway, eating the same food, breathing the same air, warming by the same sun, shivering in the same cold, defending the same flag, loving the same country, or living in the same world.” For Frederick Douglass, addressing a “Civil Rights Mass-Meeting” in Washington, DC, in 1883, this basic sense of equality was why in the United States of America, “public rights should be recognized, without the slightest discrimination on account of race or color.”¹ Douglass’ use of the term “public rights” might seem odd to contemporary readers, but in fact he was laying claim to a transformational constitutionalism that had emerged in the era of slave emancipation. This constitutionalism is at the heart of Rebecca J. Scott’s article, “Discerning a Dignitary Offense: The Concept of Equal ‘Public Rights’ during Reconstruction,” which is the foundation of this special issue of *Law and History Review*.

Rebecca J. Scott is Charles Gibson Distinguished University Professor of History and Professor of Law at the University of Michigan. She is also past President of the American Society for Legal History. Her article uncovers the historical roots of a dignity-based theory of equal rights that emerged in New Orleans during the Civil War and Reconstruction. For over a decade, she argues, the concept of public rights framed equality in the Louisiana Constitution, until it was rolled back by white supremacists’ legal and physical assaults.

Scott’s article is a major historiographical intervention into several overlapping literatures in American and Atlantic legal history concerning emancipation, Reconstruction, the Fourteenth Amendment of the United

1. Frederick Douglass, *Proceedings of the Civil Rights Mass-Meeting Held at Lincoln Hall, October 23, 1883* (Washington, DC: C.P. Farrell, 1883), 49.

States Constitution, and civil rights. Thus we are proud to offer a series of nuanced responses to Scott's article: Miranda Spieler on the lineages of post-Revolutionary France, Joseph Singer on important American contexts, Laura F. Edwards on legal pluralism, Thavolia Glymph on the repercussions of public rights throughout the South, and Christopher Schmidt on the twentieth-century legacies. Amy Chazkel provides a more detailed overview of Scott's article and these responses in her introductory essay.

Readers interested in this discussion should keep an eye out for further reactions and dialogue in subsequent issues of *The Docket*, which continues to publish features, book reviews and other content at lawandhistoryreview.org. Our second *Docket* issue of 2020 featured an expanded discussion of the forum on age of consent laws that appeared in *Law and History Review* 38.1. Readers interested in contributing to *The Docket* will find contact information on the website.

It is with regret that the American Society for Legal History recently announced the cancellation of in-person proceedings for the 2020 Annual Meeting, which originally planned to meet November 11–14 in Chicago, Illinois. However, Program Committee Chairs Ari Bryen and Kristen Collins urge members and *Law and History Review* readers to keep an eye out for an exciting slate of online conference programming. Further developments and all of the American Society for Legal History's announcements can be viewed on the Society's website, <https://aslh.net> or its twitter account, @ASLHtweets. All of this and more is also available on the journal's twitter account, @history_law.