

social terrain of caste and communal violence. Baxi focuses on the largely neglected history and use of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act of 1989, which names the rape of Dalit (formerly “Untouchables”) and tribal women as an atrocity. Baxi innovatively shows how rape trials produce a language that obscures and naturalizes the structural violence of caste and the everyday humiliation Dalit women face as a result of sexual violence. Finally, *Public Secrets of Law* takes on the question of the significance of sexual violence in the making of communal religious violence, a question that continues to define the experience of sexual violence in Gujarat and across India. Temporality is key to the legal making of the event of sexual violence, where legal recognition of communal rape and sectarian sexual violence are seen as temporary anomalies, exceptions to the norm, rather than everyday structures that define women’s lives in contemporary India.

From these examples, one gets a sense of the diverse areas of inquiry featured in Baxi’s investigation of rape trials—from biases that travel under the guise of science, to the legal obfuscation of structural violence, to courtroom scripts that dictate how women and children are constituted as legal subjects. Beyond questions of sexual violence and the law, Baxi’s ethnography explores the understudied nature of the workings of Indian courts. Indeed, the study offers so much rich material that it could easily be two separate monographs, opening up more questions than it can answer. *Public Secrets of Law* will be of value to scholars interested in the growing field of South Asian legal studies, comparative ethnographies of trial courts, the study of women and children as legal subjects, and scholarship on law and sexual violence. Baxi provides remarkable insight into the everyday working of misogynistic legal imaginations of women in the courtroom and the naturalization of patriarchy in the legal adjudication of sexual violence. More broadly, *Public Secrets of Law* offers unique and important perspectives on the working and failure of criminal law in India.

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Blinded by Sight: Seeing Race Through the Eyes of the Blind. By Osagie K. Obasogie. Stanford, CA: Stanford University Press, 2013. 288 pp. \$24.95, paper.

Reviewed by Renée Ann Cramer, Law, Politics and Society, Drake University

I first saw *The Blind Boys of Alabama* perform at the House of Blues in Chicago, and—a year later—in a public performance with Mavis Staples at the University of California, Los Angeles. Both times, watching the gospel and blues singers walk on stage—eight elderly black gentleman dressed in spiffy matching suits and dark wrap-around shades—approaching their places on the stage in single file, walking with a hand on each other's shoulders, I had a thought that slightly shamed me. "Do they," I wondered, "know that they are *Black*?" Of course, I knew these men did know their own racial identity, and that their racial identities had consequences for them. I knew that the school where they had met, as children, "Alabama Institute for the Blind," had originally been a segregated school, with the oldest members of the band attending Alabama's "Institute for the Negro Blind." Still I found myself, through much of their set, wondering about these men's experiences of and with race, as well as their experiences of and with blindness—and how those identities intersected. I did not articulate it well at all, but I wondered, "How do blind people experience race?" It turns out, 20 years later, that Professor Osagie K. Obasogie has written a text that provides an interesting and complex answer to that question.

Obasogie delves into the question of how blind people perceive race and racial difference using a comparative qualitative research design that consists of semi-structured interviews with 106 respondents who had been blind since birth and 25 sighted respondents. *Blinded by Sight* draws on more than 80 hours of interview data, with questions that focus, for both groups, on how individuals understand and experience race.

His findings regarding how sighted people understand race are rather unsurprising—"each sighted person who was interviewed defined race primarily by what they perceived to be obvious visual cues" (p. 54), and the visual salience of race was supported by "other types of collateral information" like national origin and ethnicity, and accent or use of language (pp. 55–56). Obasogie's sighted research subjects make clear that the "common sense" of race, as originally articulated by Ian Haney López (2003), indeed resides in the clear visual cues associated with it. His sighted research subjects also make clear that Whites experience "transparency" in racial construction, as Barbara Flagg (1993) has previously argued: Whites experience their race as "transparent" or nonexistent; "race is something that people of color have – not themselves" (p. 57).

Interestingly, blind respondents *also* expressed visual cues as the most salient markers of race. This requires amplification: blind respondents—who cannot see—and who from birth have been blind—still reflect upon race and understand race as a

visual distinction. Obasogie writes, “put simply, race is understood and experienced by blind people as it is by those who are sighted: visually” (p. 60), with secondary features of race also salient as significant ways of determining the racial identity of persons with whom they were interacting.

The first half of the book offers compelling data and analysis that unpack these research findings. The voices of his respondents come through clearly, and of particular interest is the section where Obasogie unpacks the quotes from those with intersectional identities: those members of the respondent population who are both Black, and blind. In this section Obasogie’s work begins to unpack the relationship between privilege, marginalization, race, and disability; though it would be too much to pursue in depth in this text, and I certainly hope he returns to it.

Obasogie’s empirical data “demonstrates that the capacity to understand race – *and to have a visual understanding of it* – does not depend upon the ability to see” (p. 71). This finding makes the book interesting and important, in and of itself. However, for me—both as a sociolegal scholar, as well as someone who teaches critical race theory, and Equal Protection jurisprudence—the deeper value of the text comes in the second portion of it. Here, Obasogie crafts chapters that interrogate the metaphor of colorblindness and trace how it has achieved jurisprudential prominence in American law, examine the notion of visibility and race in Equal Protection jurisprudence, and argue that normative exhortations to colorblindness and laudatory predictions of a post-Obama “post-racial America” have negative consequences for justice in the law.

With these chapters, Obasogie moves beyond the constructionist approach to race that he introduces in the first part of the book, to develop, as he argues, a *constitutive* account *both* of racial formation, and of the jurisprudence surrounding racial discrimination. The book offers a striking and powerful contribution to work within the Law and Society tradition, and Critical Race Theory (and Appendix A offers a terrific genealogy of both). It also takes a beautifully normative—justice-seeking view. Put simply, if blind people can *see* race, then, paradoxically perhaps, race is much more than what we can see. If race is more than what we can see, a jurisprudence that depends upon colorblindness (and thus implies that race is *only* what we can see), will never achieve justice.

A book on race in the United States with laudatory back matter quotes from Dorothy Roberts, Patricia J. Williams, and Howard Winant, comes to the reader with high expectations. I am delighted that Obasogie’s work meets—and exceeds—the expectations I had for it. In *Blinded by Sight*, he has given us not only rich empirical data regarding how blind and sighted people

understand the visual salience of race; he has also provided a grounded and deep critique of the common sense American understanding that “colorblindness” will lead to justice. Reading Obasogie, one becomes increasingly certain that a commitment to racial justice means that we *all*—sighted or not—must endeavor to *see* race.

References

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- Flagg, Barbara J. (1993) “Was Blind, But Now I See: White Race Consciousness and the Requirements of Discriminatory Intent,” 91 *Michigan Law Review*, 958.

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Civil Rights and the Making of the Modern American State. By Megan Ming Francis. New York: Cambridge University Press, 2014. 197 pp., \$27.99 paper.

Reviewed by Jeb Barnes, Department of Political Science, University of Southern California

Megan Ming Francis’ new book, *Civil Rights and the Making of the Modern American State*, tells the story of how the early anti-lynching crusade of the National Association for the Advancement of Colored People (NAACP) shaped the modern civil rights movement. The book is crisply written, well-documented, and powerfully argued. It should be read by anyone interested in the history of civil rights in the United States as well as American Political Development (APD), institutional choice, and social movements. The book represents a key contribution to a growing trend that seeks to understand the micro-foundations of the evolution of the American state and federal policy, which offers a decentered account of institutional development in American politics and underscores the role of groups in creating opportunities for change from the bottom-up.

At its core, Francis’ book is a fascinating political history that seeks to fill a gap in our understanding of the civil rights movement in the United States. Whereas most accounts begin with the