come king after fighting the Patricians for greater protections and rights for the Plebes. From then on, it was clear that political power would have to defend itself through killing. That power was fully implemented under the Dictatorship of Lucius Cornelius Sulla in 88 B.C.E., who decided to settle the dispute between the Plebes and the Patricians once and for all by “proscribing” enemies of the public, and marking them for death. While a tyrannical act in itself, the true problem was the government’s cognizance of life and death, and the new concept of capital crimes. Ultimately, Romans of the republic (p. 140) “were not yet able to create a murder law because they did not yet have a sense of government as a state, as an entity that could somehow be harmed by the act of one citizen killing another.” It was not a state but an empire that would ultimately end this peculiar feature of Roman history.

Gaughan’s book is carefully researched, well-argued, and a pleasure to read, and it introduces a novel theory of what made the ancient world’s greatest and freest republic work. It is hard to say how much the Romans themselves would have accepted her conclusion, though: she tends to impose certain modern (and postmodern) assumptions onto the Romans, which they themselves would not have understood. She looks to the republican regime as an arrangement of power, and admits (p. 2) that her work echoes Max Weber, for instance, “who saw control of violence as the defining element of the modern state.” The Romans would have been abundantly familiar with power, of course, but they would have been quicker to describe their regime as an embodiment of a natural law, and a correspondence between the end of the city and the end of man. Still, her book exposes a surprising and much-overlooked aspect of Roman law—and in this, she offers valuable insights on our own modern development of free government.

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The standard narrative of civil rights history in the United States has an elegant, quintessentially American structure to it. It begins
with one foot-sore middle-aged seamstress, Rosa Parks, “standing up by sitting down” to Jim Crow in 1955. It ends with hundreds of thousands on foot for the March on Washington in 1963. A single act of defiance becomes a mass protest; a mass protest becomes a revolution.

But any student of history knows that this narrative is artificial. American civil rights history begins much earlier. If its birth date cannot be placed at abolition, at least one can hear a quickening amidst the wreckage of Reconstruction and growing strength through Jim Crow and the 1960s, and ends . . . well, one may ask when it ever ends.

Glenda Elizabeth Gilmore, the Peter V. and C. Vann Woodward Professor of History at Yale University, has produced an ambitious, meticulously researched, occasionally uneven contribution to a literature dedicated to re-examination of this standard narrative—to rediscover the history of civil rights before Brown v. Board of Education, before Rosa Parks, before Martin Luther King, Jr.

Gilmore assigns herself a formidable task: to survey the political landscape of early 20th-century civil rights activity in the South and to give it some thematic coherence. As a first cut, she employs sensible, if serviceable, chronological limits. The book begins roughly after the end of World War I, as African-American troops, accustomed to the comparative racial equality of Europe, realize that there is a better life than Jim Crow. It ends knocking on the doors of Brown and the Montgomery Bus Boycott. The thesis is that it was the radicals—the Communists, the trade-unionists, the artists, and left-wing bookstore patrons—that buoyed the dream of a racially egalitarian society and did so both from within the belly of Jim Crow and from without.

Gilmore divides her book into three parts—“Incursions,” “Resistance,” and “Rebellion”—but the story of the lives of lesser-known civil rights figures serve as her most salient organizing principle. There is (p. 32) Lovett Fort-Whiteman, the eccentric, itinerant Texan and “first American-born black Communist.” Fort-Whiteman strives to create a Communist base among blacks in the South, then leads an interracial band of expatriates, including Langston Hughes, in a doomed attempt to film a movie in Moscow depicting the life of the American “Negro,” and dies (p. 154) unmourned in “the final, perfect equality” of a Russian gulag. Then
there is the cautious liberal Franklin Porter Graham. Graham is stirred by the death of a young mother and labor unionist, ascends the academic ladder at the University of North Carolina despite his liberal leanings, and eventually becomes its president just when judicial desegregation of higher education is becoming a reality. He is appointed United States Senator, but his political career is cut short by the shameless race-baiting of a young political consultant named Jesse Helms.

Feminist, lawyer, and Episcopal priest Pauli Murray dominates the last third of the book. Murray, descendent of a slave and the scion of North Carolina's white ruling elite, is denied a spot in the University of North Carolina's graduate program due to her race. Gilmore depicts Murray's activities during the first half of the 20th century as types for the civil rights activities of the latter half and beyond. Murray conducts a sit-in at a Washington restaurant, refuses to move to the back of the bus, organizes a march in New York to protest the execution of a black sharecropper, graduates first in her class at Howard Law School but is turned away from the masters program in law at Harvard due to her gender, and struggles with her sexuality decades before the term lesbian was much spoken, much less understood or accepted.

Gilmore sets these individuals in a framework in which the fight against Jim Crow partakes of a global struggle against Fascism. Some of Gilmore's arguments on this score are insightful and persuasive. She effectively deploys numerous examples of civil rights activists comparing the racial policies of Nazi Germany with Jim Crow. She explains how Southern conservatives blurred the distinctions between Communism, Fascism, and a push for racial equality into an undifferentiated totalitarianism in order to maintain the race-caste system in the South. She explores how the 1939 German-Soviet Non-aggression Pact demoralized Southern radicals, leading to a movement that had to turn more and more inward, rather than outward, for guidance.

But some of her arguments are strained or lack sufficient exposition: Gilmore argues that segregationists attempted to "export" American-style Jim Crow to other nations as a political philosophy, but the evidence for this point is schematic and impressionistic. Gilmore, like many of her historical subjects, never quite comes to grips with the reality that Communist tyranny was often just as de-
structive as Fascist tyranny. Finally, for those unschooled in the minu- titiae of early 20th-century Communist politics, there is a frustrat- ing “inside baseball” quality to the book. Incomprehensible intra-party squabbles and an excess of organizational acronyms (CPUSA, CLP, CPA, CIC) distract from the power and accessibility of her insights.

Nevertheless, for those who persevere, the book is a lesson in context. Racial equality was once a radical notion, an alien notion, a notion easily caricatured as the delusion of Communists and bo- hemians. Those moderate middle-class forces that eventually be- came the engine for the civil rights movement—the NAACP, the SCLC, and the white liberal establishment—had to be sparked into action. As Gilmore dramatically suggests (p. 8), without the ignition of the radicals, the “middle-class black men in ties” may well have remained idle, dissipating the momentum for change in gradualism, compromise, and self-interest. Without the radical spark, our civil rights inheritance could have been delayed for another generation.

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Ethan Greenberg’s new history of the *Dred Scott* case is a book of real virtues and real shortcomings. Venturing into a well-worn area, he embraces (p. 6) the long established—though recently challenged—characterization of *Dred Scott* as “the very worst de- cision in the long history of the U.S. Supreme Court.” He then sets himself the question, “Why was this great case so badly decided?” His answer is the familiar one, that Chief Justice Roger Taney and the other Justices in the majority were driven by a pro-slavery po- litical agenda that led them to disregard “honest legal reasoning” whenever it got in the way of their political goals. In rehashing this standard claim, Greenberg does sometimes exhibit a fairness to the majority Justices that one does not always find in the literature. Thus, he characterizes the Justices’ “political” motivation not simply as a desire to defend slavery but also as a desire to preserve the