



CENTER FOR THE STUDY OF LAW AND SOCIETY
BERKELEY LAW

CSLS SPEAKER SERIES

Cosponsored with the
Thelton E. Henderson Center for Social Justice
Monday, January 27, 2020

DYLAN PENNINGROTH

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“Race and Contract Law”

This paper analyzes the legal and practical materiality of race in Contract law by assessing the role that African Americans played in its making. The paper begins to recover a significant but mostly invisible stratum of cases involving African Americans threading through case law, state codes, law journals, treatises, and teaching casebooks during what was, arguably, the formative era of American contract law, roughly between 1880 and 1950. It then describes how African Americans dealt with contract law in their everyday lives. The paper then seeks to explain why so much of this case law and this history of everyday use is buried—to analyze when, and why, legal professionals highlighted or suppressed the fact that litigants were black—and it speculates about what those choices have meant for law students and professors. It concludes with some normative recommendations about the structure and implicit assumptions of the law school curriculum.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME 12:45 – 2:00pm. Coffee and water provided. Bag lunches welcome.
INFO <https://www.law.berkeley.edu/research/CSLS/>
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