

PREJUDICIAL APPEARANCES  
THE LOGIC OF AMERICAN  
ANTIDISCRIMINATION LAW



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# Prejudicial Appearances The Logic Of American Antidiscrimination Law

**Geoffrey Brahm Levey**



## **Prejudicial Appearances The Logic Of American Antidiscrimination Law:**

*Prejudicial Appearances* Robert C. Post, K. Anthony Appiah, Judith Butler, Thomas C. Grey, Reva B. Siegel, 2001-10-19 A dialogue among five eminent scholars in law and philosophy about laws based on appearance **Prejudicial Appearances** Robert Post, 2000 *Prejudicial Appearances* Robert Post, 2002 **When Is Discrimination Wrong?** Deborah Hellman, 2008-05-30 A law requires black bus passengers to sit in the back of the bus The U S Food and Drug Administration approves a drug for use by black heart failure patients A state refuses to license drivers under age 16 A company avoids hiring women between the ages of 20 and 40 We routinely draw distinctions among people on the basis of characteristics that they possess or lack While some distinctions are benign many are morally troubling In this boldly conceived book Deborah Hellman develops a much needed general theory of discrimination She demonstrates that many familiar ideas about when discrimination is wrong when it is motivated by prejudice grounded in stereotypes or simply departs from merit based decision making won't adequately explain our widely shared intuitions Hellman argues that in the end distinguishing among people on the basis of traits is wrong when it demeans any of the people affected She deftly explores the question of how we determine what is in fact demeaning Claims of wrongful discrimination are among the most common moral claims asserted in public and private life Yet the roots of these claims are often left unanalyzed When Is Discrimination Wrong explores what it means to treat people as equals and thus takes up a central problem of democracy Intersectional Discrimination Shreya Atrey, 2019 This book examines the concept of intersectional discrimination and why it has been difficult for jurisdictions around the world to redress it in discrimination law Intersectionality was coined by Kimberle Crenshaw in 1989 Thirty years since its conception the term has become a buzzword in sociology anthropology feminist studies psychology literature and politics But it remains marginal in the discourse of discrimination law where it was first conceived Traversing its long and rich history of development the book explains what intersectionality is as a theory and as a category of discrimination It then explains what it takes for discrimination law to be reimagined from the perspective of intersectionality in reference to comparative laws in the US UK South Africa Canada India and the jurisprudence of the European Courts CJEU and ECtHR and international human rights treaty bodies Free Speech in the Digital Age Susan J. Brison, Katharine Gelber, 2019-02-27 This collection of thirteen new essays is the first to examine from a range of disciplinary perspectives how the new technologies and global reach of the Internet are changing the theory and practice of free speech The rapid expansion of online communication as well as the changing roles of government and private organizations in monitoring and regulating the digital world give rise to new questions including How do philosophical defenses of the right to freedom of expression developed in the age of the town square and the printing press apply in the digital age Should search engines be covered by free speech principles How should international conflicts over online speech regulations be resolved Is there a right to be forgotten that is at odds with the right to free speech How has the Internet facilitated new speech based harms such as cyber

stalking twitter trolling and revenge porn and how should these harms be addressed The contributors to this groundbreaking volume include philosophers legal theorists political scientists communications scholars public policy makers and activists

Michael Jackson Christopher R. Smit, 2017-07-05 Throughout his 40 year career Michael Jackson intrigued and captivated public imagination through musical ingenuity sexual and racial spectacle savvy publicity stunts odd behaviours and a seemingly apolitical yet always political offering of popular art A consistent player on the public stage from the age of eight his consciousness was no doubt shaped by his countless public appearances both designed and serendipitous The artefacts he left behind music interviews books written by and about him and commercial products including dolls buttons posters and photographs videos movies will all become data in our cultural conversation about who Michael Jackson was who he wanted to be who we made him to be and why Michael Jackson Grasping the Spectacle includes essays that aim to understand Jackson from multiple perspectives critical cultural theory musicology art history media studies cultural anthropology sociology philosophy religious studies literary theory gender studies performance studies disability studies film studies and African American studies Intended for classroom use as well as research and general interest this book expands our understanding both of this fascinating figure himself and of gender sexuality celebrity and popular culture *Mapping the Legal Boundaries of Belonging* Rene Provost, 2014-11-04 For several decades culture played a central role in challenging the liberal tradition More recently however religion has re emerged as one of the central challenges facing Western liberal societies conception of multiculturalism Mapping the Legal Boundaries of Belonging explores the complex relationship between religion and multiculturalism and the role of the state and law in the creation of boundaries The intersection between religion nationalism and other vectors of difference in Canada and Israel offer an ideal laboratory in which to examine multiculturalism in particular and the governance of diversity in general The contributors to this volume investigate concepts of religious difference and diversity and the ways in which these two states and legal systems understand and respond to them As a consequence of a purportedly secular human rights perspective they show state laws may appear to define religious identity in a way that contradicts the definition found within a particular religion Both state and religion make the same mistake if they take a court decision that emphasizes individual belief and practice as effecting a direct modification of a religious norm the court lacks the power to change the authoritative internal definition of who belongs to a particular faith Similarly in the pursuit of a particular model of social diversity the state may adopt policies that imply a particular private public distinction foreign to some religious traditions Employment Equity in Canada Carol Agócs, 2014-01-01 In the mid 1980s the Abella Commission on Equality in Employment and the federal Employment Equity Act made Canada a policy leader in addressing systemic discrimination in the workplace More than twenty five years later Employment Equity in Canada assembles a distinguished group of experts to examine the state of employment equity in Canada today Examining the evidence of nearly thirty years the contributors both scholars and practitioners of employment

policy evaluate the history and influence of the Abella Report the impact of Canada's employment equity legislation on equality in the workplace and the future of substantive equality in an environment where the Canadian government is increasingly hostile to intervention in the workplace They compare Canada's legal and policy choices to those of the United States and to the UN Convention on the Rights of Persons with Disabilities and examine ways in which the concept of employment equity might be expanded to embrace other vulnerable communities Their observations will be essential reading for those seeking to understand the past present and future of Canadian employment and equity policy **Is Racial**

**Equality Unconstitutional?** Mark Golub, 2018 For some the idea of a color blind constitution signals a commonsense ideal of equality and a new post racial American era For others it supplies a narrow constitutional vision which serves to disqualify many of the tools needed to combat persistent racial inequality in the United States Rather than taking a position either for or against color blindness Mark Golub takes issue with the blindness consciousness dichotomy itself This book demonstrates how color blind constitutionalism conceals its own race conscious political commitments in defense of existing racial hierarchy and renders the pursuit of racial justice as a constitutionally impermissible goal **Research Handbook on**

**Multiculturalism** Geoffrey Brahm Levey, 2025-03-12 This Research Handbook presents a comprehensive assessment of multiculturalism in political theory and practice from an international perspective Geoffrey Brahm Levey brings together 30 leading experts from around the world to assess the current state of the field charting lines of inquiry for further research

**Michael Jackson and the Quandary of a Black Identity** Sherrow O. Pinder, 2021-08-01 In Michael Jackson and the Quandary of a Black Identity Sherrow O. Pinder explores the ways in which the late singer's racial identification process problematizes conceptualizations of race and the presentation of blackness that reduces blacks to a bodily mark Pinder is particularly interested in how Michael Jackson simultaneously performs his racial identity and posits it against strict binary racial definitions neither black nor white While Jackson's self fashioning deconstructs and challenges the corporeal notions of natural bodies and fixed identities negative readings of the King of Pop fuel epithets such as weird or freak subjecting him to a form of antagonism that denies the black body its self determination Thus for Jackson racial identification becomes a deeply ambivalent process which leads to the fragmentation of his identity into plural identities Pinder shows how Jackson as a racialized subject is discursively confined to a third space a liminal space of ambivalence *Bush v. Gore* Bruce

Ackerman, 2008-10-01 *divdiv* The Supreme Court's intervention in the 2000 election will shape American law and democracy long after George W. Bush has left the White House This vitally important book brings together a broad range of preeminent legal scholars who address the larger questions raised by the Supreme Court's actions Did the Court's decision violate the rule of law Did it inaugurate an era of super politicized jurisprudence How should *Bush v. Gore* change the terms of debate over the next round of Supreme Court appointments The contributors Bruce Ackerman Jack Balkin Guido Calabresi Steven Calabresi Owen Fiss Charles Fried Robert Post Margaret Jane Radin Jeffrey Rosen Jed Rubenfeld Cass Sunstein Laurence

Tribe and Mark Tushnet represent a broad political spectrum Their reactions to the case are varied and surprising filled with sparkling argument and spirited debate This is a must read book for thoughtful Americans everywhere DIV DIV

**Charity Law and the Liberal State** Matthew Harding, 2014-10-09 Charity Law and the Liberal State considers questions relating to state action and public discourse that are raised by the law of charity Informed by liberal philosophical commitments and of interest to both charity lawyers and political philosophers it addresses themes and topics such as the justifiability of the state's non neutral promotion of charitable purposes the role of altruism in charity law charity law the tax system and the demands of distributive justice the proper treatment of religious and political purposes in charity law and the appropriate response of the liberal state to discrimination in the pursuit of charitable purposes

**Legal Feminism** Ann Scales, 2006-05-19 The living experience of practice imparts a special vitality to Legal Feminism as does the personal voice Offers readers a kind of you are there viewpoint that law students hunger for and that any legal audience appreciates Elizabeth Rapaport Dickason Professor of Law University of New Mexico A significant and unique contribution to the field of jurisprudence Links feminist jurisprudence to the central debates and approaches of the jurisprudential field in general and shows how it can serve as a general set of jurisprudential principles that transcend what are usually thought to be its gendered boundaries Lucinda M Finley University of Buffalo Law School State University of New York In the late 1970s feminist scholars and activists joined together to build a movement aimed at bringing feminist theory and experiences to the practice and teaching of American law Three decades later the feminist jurisprudence movement has taken root with courts and legislatures addressing matters of sex and gender inequality and law schools employing feminist and post feminist theory in the classroom The time is ripe to reflect on the past present and future directions of feminist jurisprudence and there is no better person to do this than Ann Scales Written by a founding contributor to feminist jurisprudence Legal Feminism situates that movement within the larger context of Western law and philosophy focusing first on common problem areas of legal theory and decision making and then explaining how feminist jurisprudence can analyze and address these issues in new ways Throughout Scales draws on legal disputes to show how feminist theory works in the courtroom and other real life arenas Part personal memoir part primer and part treatise Legal Feminism is a de jargonized lively account of how feminist jurisprudence can solve traditional legal conflicts and why it matters to anyone committed to building an equitable and progressive society

**Making Liberalism New** Ian Afflerbach, 2021-11-02 This book maps the rise of a modern liberal culture in the United States from the 1930s to the 1960s It shows how modern fiction writers responded to central concerns in liberal political thought such as corporate ownership reproductive rights colorblind law and presidential character

**Race and State** Karen Fricker, Ronit Lentin, 2009-01-14 Speaking about racism in the western political climate of the first decade of the twenty first century is more difficult than ever before There is a feeling in post colonial and post immigration societies that the blatant overt racism of the past is no longer as pressing Admitting racism elicits discomfort because common wisdom tells us that racism opposes

everything that we believe in as citizens of democratic civilised modern states Yet state racism appears to be here to stay and in many ways is more acceptable than ever before Immigration detention centres the deportation of failed asylum seekers and illegal immigrants racial profiling and the rolling back of liberties won by the civil rights movement are all examples of how state racism impacts on our daily lives Race and State contributes to breaking the taboo of discussing the links between race and state The papers collected in this book highlight the interconnections between race and state from historical theoretical or contemporary sociological perspectives Part I of the book looks at theoretical issues in conceptualising the race state relationship Part II examines racism in its most pernicious contemporary manifestation the racialisation of terror Part III on the racial state s of Ireland is an important addition to the debate examining Ireland as a test case for demonstrating and interpreting the relationship between race and state

**Is Multiculturalism Dead?** Christian Joppke, 2017-01-06  
Multiculturalism is controversial in the liberal state and has frequently been declared dead even in countries that have never had a policy under that name This authoritative book reviews the different meanings multiculturalism has acquired across theories countries and domains to evaluate the extent of its demise and the ways in which it lives on Christian Joppke intriguingly argues that beyond the ebb and flow of policy liberal constitutionalism itself bears out a multiculturalism of the individual that is not only alive but necessary in a liberal society Through a provocative comparison of gay rights in the United States and the accommodation of Islam in Europe he shows that liberal constitutionalism constrains majority power requiring the state to be neutral about peoples values and ethical commitment It cannot but give rise to multiple ways of life or cultures as people are endowed with the freedom to embrace them Accordingly impulses toward multiculturalism persist despite its political crisis but with a new accent on the individual rather than group as the unit of integration Tightly argued and clearly written this book provides a judicious assessment of multiculturalism in the West and will be of interest to a broad readership across the social sciences and legal studies

*Dressing for the Culture Wars* Betty Luther Hillman, 2015-10  
Style of dress has always been a way for Americans to signify their politics but perhaps never so overtly as in the 1960s and 1970s Whether participating in presidential campaigns or Vietnam protests hair and dress provided a powerful cultural tool for social activists to display their politics to the world and became both the cause and a symbol of the rift in American culture Some Americans saw stylistic freedom as part of their larger political protests integral to the ideals of self expression sexual freedom and equal rights for women and minorities Others saw changes in style as the erosion of tradition and a threat to the established social and gender norms at the heart of family and nation Through the lens of fashion and style *Dressing for the Culture Wars* guides us through the competing political and social movements of the 1960s and 1970s Although long hair on men pants and miniskirts on women and other hippie styles of self fashioning could indeed be controversial Betty Luther Hillman illustrates how self presentation influenced the culture and politics of the era and carried connotations similarly linked to the broader political challenges of the time Luther Hillman s new line of inquiry

demonstrates how fashion was both a reaction to and was influenced by the political climate and its implications for changing norms of gender race and sexuality

**A Theory of Discrimination Law** Tarunabh Khaitan, 2015-05-21

Marrying legal doctrine from five pioneering and conversant jurisdictions with contemporary political philosophy this book provides a general theory of discrimination law Part I gives a theoretically rigorous account of the identity and scope of discrimination law what makes a legal norm a norm of discrimination law What is the architecture of discrimination law Unlike the approach popular with most textbooks the discussion eschews list based discussions of protected grounds instead organising the doctrine in a clear thematic structure This definitional preamble sets the agenda for the next two parts Part II draws upon the identity and structure of discrimination law to consider what the point of this area of law is Attention to legal doctrine rules out many answers that ideologically entrenched writers have offered to this question The real point of discrimination law this Part argues is to remove abiding pervasive and substantial relative group disadvantage This objective is best defended on liberal rather than egalitarian grounds Having considered its overall purpose Part III gives a theoretical account of the duties imposed by discrimination law A common definition of the antidiscrimination duty accommodates tools as diverse as direct and indirect discrimination harassment and reasonable accommodation These different tools are shown to share a common normative concern and a single analytical structure Uniquely in the literature this Part also defends the imposition of these duties only to certain duty bearers in specified contexts Finally the conditions under which affirmative action is justified are explained



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