

EXPLORING **DISCRIMINATION**

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Sex, Disability, and Genetic Information

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For Mamaw

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For the Lord sees not as people see. People look at the outward appearance, but the Lord looks at the heart.

— 1 Samuel 16:7

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A NOTE FROM THE AUTHOR

This book explores the sociological underpinnings and legal regulation of diversity and discrimination in the United States, primarily through the lens of my areas of scholarly interest and practical expertise: sex discrimination, disability discrimination, and discrimination on the basis of genetic information. Given the lack of uniformity among state and local laws, the book principally focuses on protections provided by federal law. Likewise, it focuses generally on the civil system and specifically on employment and education, because those are my areas of practical experience, teaching, and scholarship.

The goal of this book is to educate, not advocate. Consequently, it strives to achieve a balanced, neutral tone inclusive of different, even competing, perspectives.

The book is by no means exhaustive; nor does it aim to be. Indeed, in writing a book of this nature, difficult choices are unavoidable. No book of reasonable length can be all-inclusive. Complete inclusion would require no less than a series of tomes continuously drafted and updated throughout one's lifetime. Given the constantly evolving nature of the law, particularly in this area, some "rules" seem to change almost as quickly as they can be discerned and distilled.

Indeed, it was this rapid and dramatic legal evolution that dissuaded me from devoting entire, *separate* chapters to topics like sexual orientation, gender identity, national origin discrimination, and religious liberty. Even as I write this note, seminal cases on those topics are pending before federal courts, rendering a chapter about these topics outdated almost as soon as it has been penned. Likewise, the pervasive history of race discrimination in America, evolving discussion about racial equity, and the inherent complexities of this important issue cautioned against an attempt to distill an exploration of race and color discrimination into a single chapter. Rather, I shall leave the discussion of these kinds of issues for scholars in those fields to more properly address.

In stark contrast, it was the scarcity of settled law in areas like marital status or political affiliation discrimination that prompted me to limit their discussion. To the extent legal protection of these lesser known but important aspects of identity exists, it has primarily been relegated to state and local statutes, which vary widely, and the non-uniform case law that they produce. Furthermore, the final manuscript was submitted in October 2020, so the book may not reflect changes to the law occurring after that date.

In sum, the book aims to provide the reader with a “little” information about a “lot” of different things, rather than taking an exhaustive, deep dive into *every* single facet of discrimination. This difficult decision was made necessary by numerous considerations, only some of which are described above. To be sure, the organizational choice does not aim to otherize any aspects of identity or to suggest that certain kinds of discrimination take precedence over others. To the contrary, discrimination, prejudice, and hate have no place in a civilized society. But to move forward, we must accept that we are all guilty of discrimination in one form or another, and we must all come together to defeat it.

FOREWORD

This alone is what I wish for you: knowledge.

— Rita Dove, *Demeter's Prayer for Hades*

America is undergoing an intense cultural evolution. Recently, race, sex, and other relations have been incredibly strained, and communities, both urban and rural, have experienced social turbulence, which at times, has erupted into violence. These issues are surfacing at campuses across America. But what underlying factors account for these recurring eruptions of prejudice, discrimination, violence, and hate? And perhaps more importantly, what, if anything, can we, as educators, do to prevent prejudice, promote empathy and understanding, and empower our students to compassionately and thoughtfully navigate these turbulent times?

Grappling with these difficult but important questions inspired me to write *Exploring Discrimination: Sex, Disability, and Genetic Information*. My hope is that the book will encourage educators to teach inclusive courses about diversity and discrimination at their respective institutions, and that these courses will provide opportunities for compassionate engagement and meaningful dialogue among people from different backgrounds. Although one book is certainly not an all-inclusive solution, it is a step in the right direction. After all, relations between different groups—whether they differ by sex, disability, genetics, race, religion, political affiliation, socioeconomic status, or otherwise—may continue to deteriorate unless we, as educators, provide more opportunities for meaningful, open, and honest dialogue about these issues and facilitate compassionate engagement with people who differ from us. Such exposure can sometimes foster empathy and understanding. My hope is that this new resource will be a tool to open minds and hearts, encouraging the next generation of student-citizens to embrace and celebrate diversity rather than fear and denigrate difference.

