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978-1-107-01835-8 - Beyond Race, Sex, and Sexual Orientation: Legal Equality Without Identity

Sonu Bedi

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BEYOND RACE, SEX, AND SEXUAL ORIENTATION

The conventional interpretation of legal equality or equality under the law singles out certain groups or classes for constitutional protection: women, racial minorities, and gays and lesbians. The United States Supreme Court calls these groups “suspect classes.” Laws that discriminate against them are generally unconstitutional. Although this is a familiar account of equal protection jurisprudence, this book argues that this approach suffers from hitherto unnoticed normative and political problems. The book elucidates a competing, extant interpretation of equal protection jurisprudence that avoids these problems. The interpretation is not concerned with suspect classes but rather with the kinds of reasons that are already inadmissible as a matter of constitutional law. This alternative approach treats the equal protection clause like any other limit on governmental power, thus allowing the Court to invalidate equality-infringing laws and policies by focusing on their justification rather than the identity group they discriminate against.

Sonu Bedi is an Associate Professor of Government at Dartmouth College. He is the author of *Rejecting Rights* (2009) and coeditor of *Political Contingency* (2007).

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To my friends

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