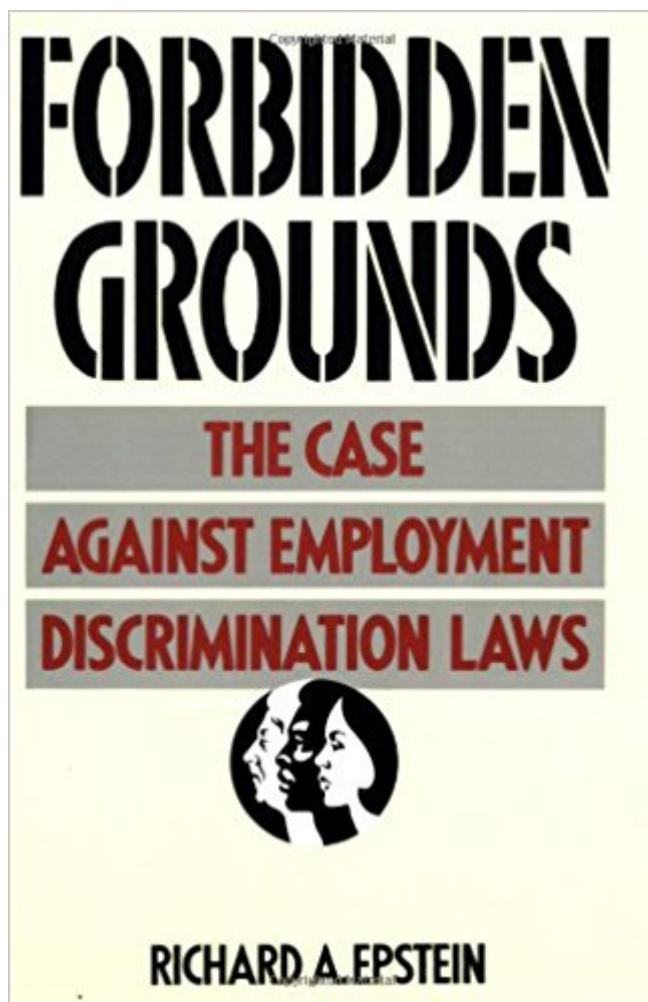


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Forbidden Grounds: The Case Against Employment Discrimination Laws



Synopsis

This timely and controversial book presents powerful theoretical and empirical arguments for the repeal of the anti-discrimination laws within the workplace. Richard Epstein demonstrates that these laws set one group against another, impose limits on freedom of choice, unleash bureaucratic excesses, mandate inefficient employment practices, and cause far more invidious discrimination than they prevent. Epstein urges a return to the now-rejected common law principles of individual autonomy that permit all persons to improve their position through trade, contract, and bargain, free of government constraint.

Book Information

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Customer Reviews

Epstein has convinced me...that the abuses of the anti-discrimination laws are so intimately connected with misconceptions in the laws themselves that any benefits from them will always be far outweighed by the harm they do. (Harry V. Jaffa Wall Street Journal)Forbidden Grounds covers not only laws on racial discrimination but also sex discrimination, age discrimination and disability discrimination. Never has the whole range of anti-discrimination laws been subjected to such a thorough and penetrating critique. No one who writes on this subject again can be taken seriously if he [or she] does not confront the analysis presented here by Epstein. (Thomas Sowell Forbes)

Richard A. Epstein is Laurence A. Tisch Professor of Law at New York University School of Law, Peter and Kirsten Bedford Senior Fellow at the Hoover Institution, and James Parker Hall Distinguished Service Professor Emeritus of Law and Senior Lecturer at the University of Chicago

Law School.

Mr. Epstein makes several fantastic points in this analysis of the efficiency and usefulness of civil rights laws. Specifically, his historical account of the misinterpretation of Title VII and his differentiation between racist hiring practices versus mandatory quota systems were solid points. However, I disagreed with him due to his relative indifference to the poor income distribution which could be caused by overt, legal discrimination. The "contract at will" approach that he espouses does not adequately address these issues, and I think historically we have seen that in situations where one race, sex etc is blatantly discriminated against, they do not fare quite as equally as Epstein predicts. While I disagree with the final premise, I am not saying that this is not an important book to read. Epstein is, as always, a fantastic writer and strong persuader. Worst comes to worst you will have a great time arguing with the pages.

Epstein, as usual, offers a cogent and persuasive argument for libertarian principles. His theory of "rational discrimination," lucidly explained in this book, has provoked responses--and at least some changes--in the writings of more mainstream commentators on the subject such as Posner and Donohue. Like many scholars, Epstein is just a bit too sold on his own philosophy; at times he seems genuinely unable to believe anyone would disagree with him. Despite this minor flaw, the book is great, it offers a well-written presentation of an unorthodox, yet rather convincing philosophy.

Richard Epstein has a gift for making the outrageous seem plausible. In this book, he argues that the law should permit private corporations to fire people because they're black or refuse to serve them because they're Jewish. To be fair, he has no objection to "quotas" or "reverse discrimination" either, as long as these are instruments of private actors. In short, Epstein would repeal the Civil Rights Act, at least as it applies to the private sector. If you accept the libertarian premises that state redistribution is theft and that private contracting should always be respected, Epstein's arguments do follow. I would say that that just shows how flawed libertarianism is. Society has an undoubted interest in combating private discrimination and the resulting inequalities. Still, whatever you think of his conclusions, Epstein contributes to clarifying the debate.

Epstein offers a rigorous and persuasive case. Prepare to have your closed mind pried open.

I felt the text was quite simply written with a viewpoint that while semi-legitimate, was very one sided. I received the impression that it was my fault for the problems facing the subject.

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