

The Other Pandemic

by Justice Michael B. Hyman

These words of the Greek poet Hesiod in Works and Days seem to refer to the new reality in which we find ourselves:

"With ills the land is rife, with ills the sea;
Diseases haunt our frail humanity,
Through noon, through night, on casual wing they glide,
Silent..." (Elton TR.)

Rarely does a single event emerge with enough momentum to "haunt our frail humanity." COVID-19 transcends geography, age, health, lifestyle, education, and social status. And, as Hesiod reminds us, diseases carry a grim specter.

Truly earthshaking, COVID-19 has achieved what no war, genocide, natural disaster, or famine has ever been able to effect—to prompt humanity to realize how fractured it is, how dismembered, how polarized, how disorganized, how fragile, how limited as a species.

Advances in technology, communication, and travel have diminished time and distance, but, as we now know, they have helped a highly infectious virus spread hundreds and then thousands of miles, taking a terrible toll. Not just the United States was woefully unprepared and ill-equipped. So, too, the world.

We all inhabit one world and only one world; yet, as individuals and as a society, Americans mostly hold tight to separating themselves from those who differ from them. We have yet to accept Dr. Martin Luther King's prophetic message that "we are caught in an inescapable network of mutuality."

Technology cannot untangle what separates humans from each other. Humanity has never been able to conquer its inability to unite; to accept the stranger; to embrace each other as equals; to appreciate differences like race, ethnicity, nationality, religion, sexuality, culture, economic wellbeing, and so on.

This fear, derision, and loathing of "the other," this pandemic of prejudice, has dwelled in the world for millennia, even though it, too, has caused death, suffering, decreased quality of life, and economic losses. It, too, "haunt[s] our frail humanity." It, too, challenges society. And, it, too, has fastened itself on COVID-19.

Few of us in the legal profession work on the front lines, directly involved in containing and ending COVID-19. Rather, our profession has been busy adapting and adjusting to current demands and preparing for what lies ahead.

Our profession can, however, take on the role of first responders to find cures for what I have called the pandemic of prejudice. By training and disposition, lawyers are perfectly suited to find ways to dismantle systemic barriers, to promote inclusivity (*continued on next page*)

and diversity, to combat overt or explicit bias, to advocate for a legal system accessible to all, and to illuminate the nature of unconscious bias and address its root causes.

We need to start locally. Chicago, sadly, has a reputation as a city divided in terms of education, economic, health, and legal outcomes. The pandemic of prejudice cannot be ignored as contributing to these disparities.

Hesiod spoke of disease gliding in silence on casual wings. Silence, like inaction, allows the pandemic of prejudice to thrive. Let our profession step forward and go to battle on the other pandemic which threatens us all.

Otherwise, "frail humanity" will not survive.

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