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RADAR

Regulating AntiDiscrimination
and AntiRacism

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The Dark Side of the Moon: When Discrimination Is Hidden behind the Respect for Cultural Identity

Elisa Contu & Giacomo Capuzzo

Language and the Law

- Two parallel tools aimed at pursuing social interests
- They work according to a similar (male) paradigm



"Go ahead, speak some legal lingo. I want to try out this translation app."

Gender Equality and Male Paradigm



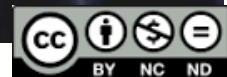
Limits of the Law

- Abstractions
- General constructions hide social diversity
- Prescriptivism: Law imposes an interpretation on which social commitments tell what you can do or not do

Equality

- It can take different interpretations:
 - Protectionist
 - Sameness
 - Compensatory
- Equality as an instrument of social control

Western Perspective: Veil as a Practice of Oppression and Subordination?



CASE OF LEYLA SAHİN v. TURKEY

(Application no. 44774/98)

European Court of Human Rights

11 November 2005

- rights and freedoms of others
- necessity of ensuring public policies
- “protect the individual not only against arbitrary interference by the State, but from external pressure from extremist movements”.

CASE OF S.A.S. v. FRANCE

(Application no. 43835/11)

European Court of Human Rights

10 November 2005

- “ (...) protect women against a practice which was imposed on them or would be detrimental to them”
- “[the ban] seeks to guarantee the conditions of “living together””

French Council of State Suspended Burkini Ban





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