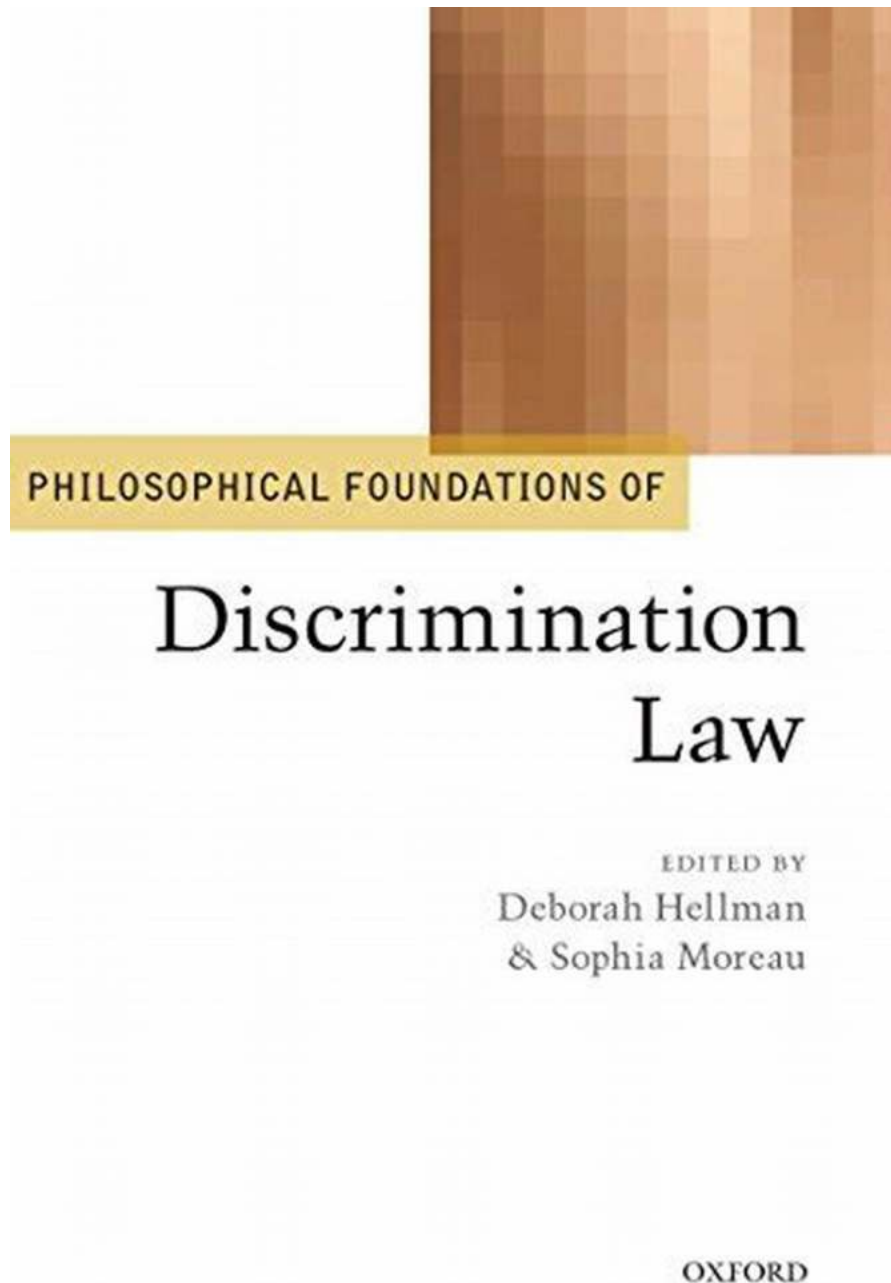


Unveiling the Philosophical Foundations of Discrimination Law

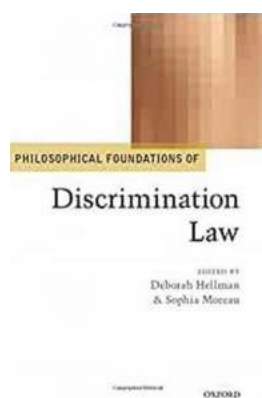


Discrimination has remained a persisting issue in human society for centuries. Society recognizes the importance of fostering equality and ensuring fairness. This recognition has given rise to the development of discrimination laws, which aim to protect individuals from various forms of unfair treatment based on their

attributes such as race, gender, religion, and more. However, behind the creation of these laws lie profound philosophical foundations that shape their formulation and interpretation.

Understanding Discrimination Law

Discrimination law refers to the set of legal principles and regulations that prohibit discrimination and provide remedies for those who experience unfair treatment. These laws encompass a wide array of areas, including employment, housing, education, public services, and public accommodations.



Philosophical Foundations of Discrimination Law (Philosophical Foundations of Law)

by Daniel Holloway (1st Edition, Kindle Edition)

★★★★☆ 4.4 out of 5

Language : English

File size : 1369 KB

Text-to-Speech : Enabled

Screen Reader : Supported

Enhanced typesetting : Enabled

Word Wise : Enabled

Print length : 304 pages

Lending : Enabled



The primary objective of discrimination law is to ensure equal treatment for all individuals, irrespective of their inherent characteristics. However, the philosophical underpinnings behind discrimination law expand far beyond the mere enforcement of equality. They delve into deeper ethical and moral considerations that form the basis for these laws.

The Ethical Perspectives

Multiple ethical frameworks influence the development of discrimination law. One prominent perspective is that of consequentialism, which holds that the morality of an action should be determined by its consequences. Discrimination often leads to negative consequences for the affected individuals and hinders the overall progress of society. Hence, consequentialist ethics strongly support the necessity of discrimination laws to mitigate these adverse effects.

Another ethical standpoint that plays a crucial role in discrimination law is deontological ethics. Deontologists argue that actions are inherently right or wrong, regardless of their outcomes. Based on this perspective, discrimination is considered morally wrong as it treats individuals unequally based on irrelevant characteristics. Discrimination laws aim to uphold fundamental human rights and adhere to deontological principles of fairness and justice.

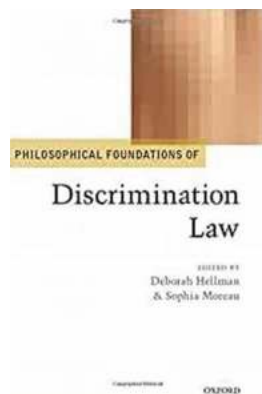
The Legal Perspectives

Philosophical foundations also extend to the legal aspects of discrimination law. Legal positivism, for instance, perceives law as a social construct imposed by human authority. According to this perspective, discrimination law is a product of legislative processes and societal norms. Although it may not necessarily reflect absolute moral truths, it plays a crucial role in maintaining social order and reducing the potential for societal conflicts.

Another legal perspective is that of natural law, which suggests that certain principles and rights are inherent in nature and exist independent of human conventions. Discrimination law upholds the innate dignity and equality of all individuals, aligning with the natural law theory. It affirms that individuals possess inherent rights that cannot be violated due to their personal attributes.

The philosophical foundations of discrimination law shape its purpose, application, and interpretation. Understanding these foundations helps us grasp the underlying principles that guide the development of such laws. From ethical perspectives rooted in consequentialism and deontology to legal viewpoints encompassing legal positivism and natural law, discrimination law emerges as a testament to society's commitment to equality, fairness, and justice.

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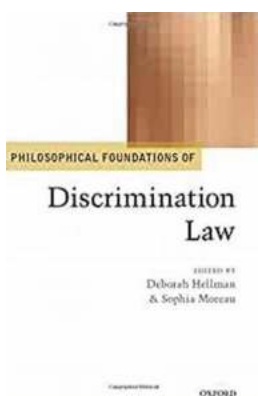


How do we understand and justify the particular partialities that discrimination law tries to protect against? Are different discrimination laws from around the world grounded in a single set of norms? And does discrimination law fail to treat people as individuals?

The philosophical study around discrimination law in the private and public sector is a relatively young field of inquiry. This is owing to the fact that anti-discrimination laws are relatively new. It is arguably only since the Second World

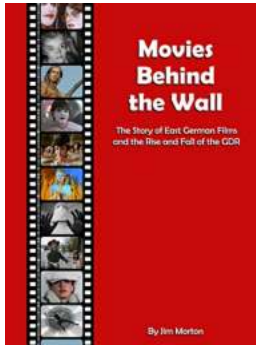
War that these rights have been adopted by countries in a broad sense, ensuring that all citizens have civil rights and the right to non-discrimination. Theory around discrimination law has until recently been threefold, doctrinal in its approach, questioning equality - why it matters and why should it influence legislatures in the design of policy - and thirdly focusing on the issue of affirmative action.

This volume takes a fresh look at the philosophy of discrimination law, identifying points of discussion in need of further study. It addresses how we are to understand and justify laws prohibiting discrimination. For instance, how discrimination might be best conceived - as a personal wrong or as an unfair distribution of resources. The volume then turns to a number of meta-theoretical questions, whether different discrimination laws are coherent and grounded in collectively held beliefs or are instead a collection of very different rules that have no underlying coherence. Lastly, the authors focus on issues in discrimination law that are currently the topic of considerable political debate. The questions raised here are urgent and necessary and it is the hope of the authors that other academics and philosophers may join in their discussions.



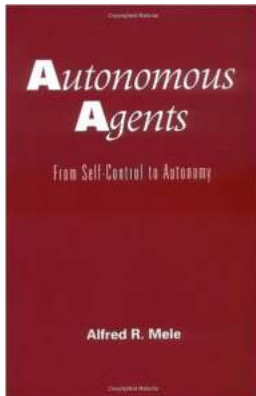
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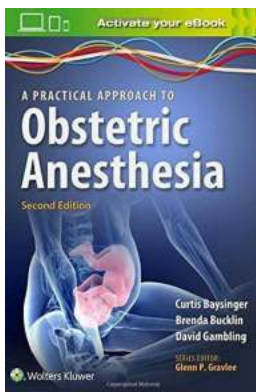
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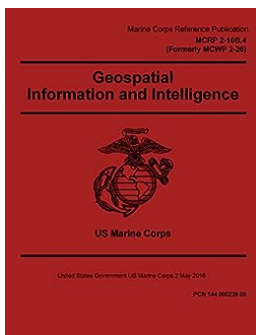
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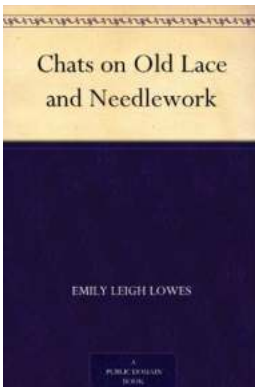
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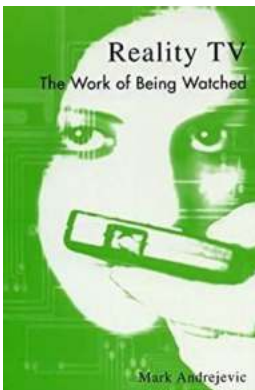
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