



CATEGORIES AND DISCRIMINATION IN LAW

F. SCHAUER 20/AUG/2014 UAH

WORKSHOP ON “PROFILES, PROBABILITIES AND STEREOTYPES” 11 YEARS LATER

Stereotyping may be conceived of as the process through which we ascribe a property or a trait to an individual on the mere basis that he belongs to a group. Very often the ascription takes the form of a generalization; we ascribe the property B to all members of the group G in virtue of the fact that, as long as they share the property A, they belong to the same group G. Within the legal domain, judges are often required to prevent or contrast the discriminatory effects of stereotypes. In particular, stereotypes are seen as incompatible with some requirements from equality. However, it has not been easy to identify when a stereotype is legally relevant and to establish the scope of the criticism against them. These difficulties seem to stem from the fact that some stereotypes are useful (or even inevitable). Moreover, there is continuity between categorizing and stereotyping. Both of them play a significant cognitive function in our lives. We need a criterion in order to distinguish between acceptable or unacceptable stereotypes.

In his 2003's book, “Profiles, Probabilities and Stereotypes”, Harvard UP, Cambridge, Mass., professor Schauer deals with these and other related issues. We would like to invite some scholars in order to discuss with Professor Schauer his proposal of understanding stereotyping as a form of generalization, the link between generalizations and profiles, and how all this categories have an impact on the ideal of equality.

The workshop will take place in one session of 3 hours. We plan to invite four participants. Each of them will have 20-30 minutes to present a brief point regarding Professor Schauer's book and a discussion will follow. The Workshop is directed to scholars with an interest in the issue of stereotypes and categorization in law, so we plan to have a public of 10-15 people.